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REPORTS

FROM

COMMISSIONERS, INSPECTORS,

AND OTHERS:

FIFTY-ONE VOLUMES.

—(27.)—

CARE AND CONTROL OF THE FEEBLE-MINDED (ROYAL COMMISSION)—*continued.*

Session

29 *January* 1908 —— 21 *December* 1908.

VOL. XXXVII.

1908.

REPORTS

FROM

COMMISSIONERS, INSPECTORS

AND OTHERS

RELATIVE TO

VOL. XXXVII.

REPORTS

FROM

COMMISSIONERS, INSPECTORS,

AND OTHERS:

1908.

FIFTY-ONE VOLUMES:—CONTENTS OF THE

TWENTY-SEVENTH VOLUME.

N.B.—*THE* Figures *at the* beginning of the line, *correspond with the* N° *at the foot of each* Report; *and the* Figures *at the* end of the line, *refer to the* Paging *of the Volumes arranged for The House of Commons.*

CARE AND CONTROL OF THE FEEBLE-MINDED (ROYAL COMMISSION):

[Cd. 4217.] Minutes of Evidence relating to Scotland and Ireland on the original reference taken before the Royal Commission on the Care and Control of the Feeble-Minded; with Appendices and Indexes. Vol. III. p. 1

[Cd. 4218.] Minutes of Evidence relating to England and Wales under the extended reference, dated 2nd November 1906, taken before the Royal Commission on the Care and Control of the Feeble-Minded; with Appendices and Indexes. Vol. IV. 455

ROYAL COMMISSION ON THE CARE AND CONTROL OF THE FEEBLE-MINDED.

MINUTES OF EVIDENCE

(RELATING TO SCOTLAND AND IRELAND ON THE ORIGINAL REFERENCE)

TAKEN BEFORE THE

ROYAL COMMISSION

ON THE

CARE and CONTROL of the FEEBLE-MINDED

WITH APPENDICES AND INDEXES.

VOLUME III.

QUESTIONS 20,789 TO 25,072.

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1908.

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Royal Warrant.

EDWARD R. and I.

Edward the Seventh, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, to—

Our right trusty and entirely beloved Cousin Thomas Henry, Marquess of Bath, Chairman; and

Our trusty and well-beloved:—

William Patrick Byrne, Esquire, Companion of Our Most Honourable Order of the Bath, Principal Clerk in the Office of Our Secretary of State for the Home Department;

Charles Edward Henry Hobhouse, Esquire;

Frederick Needham, Esquire, Doctor of Medicine, one of the Commissioners in Lunacy;

Henry David Greene, Esquire, one of Our Counsel learned in the Law;

Charles Edward Heley Chadwyck-Healey, Esquire, one of Our Counsel learned in the Law;

Harold Nelson Burden, Clerk, Manager of Brentry and other Certified Inebriate Reformatories;

Willoughby Hyett Dickinson, Esquire, Chairman of the National Association for promoting the welfare of the Feeble-Minded;

Charles Stewart Loch, Esquire, Secretary to the Council of the London Charity Organization Society; and

Ellen Frances Pinsent. Greeting!

Whereas We have deemed it expedient that a Commission should forthwith issue to consider the existing methods of dealing with idiots and epileptics, and with imbecile, feeble-minded, or defective persons not certified under the Lunacy Laws; and in view of the hardship or danger resulting to such persons and the community from insufficient provision for their care, training, and control, to report as to the amendments in the law or other measures which should be adopted in the matter, due regard being had to the expense involved in any such proposals and to the best means of securing economy therein;

Now know ye, that We, reposing great trust and confidence in your knowledge and ability, have authorized and appointed, and do by these presents authorize and appoint, you, the said Thomas Henry, Marquess of Bath; William Patrick Byrne; Charles Edward Henry Hobhouse:

103—III. 1,750—Wt. T.L. 290. 7/08. Wy. & S. 3072*r*.

Frederick Needham; Henry David Greene; Charles Edward Heley Chadwyck-Healey; Harold Nelson Burden; Willoughby Hyett Dickinson; Charles Stewart Loch; and Ellen Frances Pinsent to be Our Commissioners for the purposes of the said inquiry.

And for the better effecting the purposes of this Our Commission, We do by these presents give and grant unto you, or any three or more of you, full power to call before you such persons as you shall judge likely to afford you any information upon the subject of this Our Commission; and also to call for, have access to, and examine all such books, documents, registers and records as may afford you the fullest information on the subject, and to inquire of and concerning the premises by all other lawful ways and means whatsoever.

And We do by these presents authorize and empower you, or any of you, to visit and personally inspect such places as you may deem it expedient so to inspect for the more effectual carrying out of the purposes aforesaid.

And We do by these presents will and ordain that this Our Commission shall continue in full force and virtue, and that you Our said Commissioners, or any three or more of you, may from time to time proceed in the execution thereof, and of every matter and thing therein contained, although the same be not continued from time to time by adjournment.

And We do further ordain that you, or any three or more of you, have liberty to report your proceedings under this Our Commission from time to time if you shall judge it expedient so to do.

And Our further will and pleasure is that you do, with as little delay as possible, report to Us under your hands and seals, or under the hands and seals of any three or more of you, your opinion upon the matters herein submitted for your consideration.

Given at Our Court at *St. James's*, the ninth day of *September*, one thousand nine hundred and four, in the fourth year of Our Reign.

By His Majesty's Command,

A. Akers-Douglas.

Royal Warrant.

EDWARD R. and I.

Horatio Bryan Donkin, Esquire, M.D.,

To be a member of the Royal Commission to consider the existing methods of dealing with idiots and epileptics, and with imbecile, feeble-minded, or defective persons.

Edward the Seventh, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, To our Trusty and Well-beloved Horatio Bryan Donkin, Esquire, Doctor of Medicine, one of the Commissioners under the provisions of the Prisons Act, 1877. Greeting!

Whereas by Warrant under our Royal Sign Manual bearing date the Ninth day of September One Thousand Nine Hundred and Four, We were pleased to appoint Commissioners to consider the existing methods of dealing with idiots and epileptics, and with imbecile, feeble-minded or defective persons.

Now Know ye, that We, reposing great trust and confidence in your knowledge and ability, have authorized and appointed, and do by these presents authorize and appoint you the said Horatio Bryan Donkin, to be One of Our Commissioners for the purpose aforesaid, in addition to and together with the Commissioners whom We have already appointed.

Given at Our Court at *Balmoral* the Seventh day of *October*, one thousand nine hundred and four, in the Fourth Year of Our Reign.

By His Majesty's Command,

A. Akers-Douglas.

Royal Warrant.

Edward the Seventh, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, to Our right trusty and right well-beloved Cousin Jacob, Earl of Radnor. Greeting!

Whereas the Office of Chairman of the Royal Commission on the Care and Control of the Feeble-Minded is now vacant by the resignation of our right trusty and entirely beloved cousin, Thomas Henry, Marquess of Bath.

Now know ye, that We, reposing great trust and confidence in your real discretion and ability, have authorized and appointed, and do by these presents authorize and appoint you, the said Jacob, Earl of Radnor, to be Chairman of the said Commission in the room of the said Thomas Henry, Marquess of Bath, resigned.

Given at Our Court at *St. James's*, the twenty-fifth day of *February*, nineteen hundred and five, in the fifth year of Our Reign.

By His Majesty's Command,

A. Akers-Douglas.

Royal Warrant.

EDWARD R. and I.

James Craufurd Dunlop, Esq., M.D., F.R.C.P. (Edin.), to be a Member of the Royal Commission on the Care and Control of the Feeble-Minded.

Edward the Seventh, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, to Our trusty and well-beloved James Craufurd Dunlop, Esquire, Doctor of Medicine, Fellow of the Royal College of Physicians (Edinburgh), Superintendent of Statistics in the Office of the Registrar General for Scotland, Inspector under the Inebriates Acts, Assistant to the Medical Adviser to the Prison Commissioners for Scotland. Greeting!

Whereas by Warrants under Our Royal Sign Manual bearing date respectively the Ninth Day of September and the Seventh Day of October, 1904, and the Twenty-fifth Day of February, 1905, We were pleased to appoint Commissioners to consider the existing methods of dealing with idiots and epileptics and with imbecile feeble-minded or defective persons.

Now know ye, that We, reposing great trust and confidence in your knowledge and ability, have authorized and appointed, and do by these presents authorize and appoint you, the said James Craufurd Dunlop, to be one of our Commissioners for the purpose aforesaid in addition to and together with the Commissioners whom we have already appointed.

Given at Our Court at *St. James's,* the sixth day of *March,* nineteen hundred and five, in the fifth year of Our Reign.

By His Majesty's Command,

A. Akers-Douglas.

ROYAL COMMISSION ON THE CARE AND CONTROL OF THE FEEBLE-MINDED.

LIST OF WITNESSES ARRANGED ALPHABETICALLY.

Name.	Description.	Date.	Question.	Page.
Allan, Robert S. - -	Chairman of the Glasgow School Board.	Fifty-First Day: 13th June, 1906.	25036	268
Barclay, R. B., I.S.O. - -	General Superintendent of Poor Houses, Local Government Board, Edinburgh.	Forty-Ninth Day: 11th June, 1906.	23428	163
Bourke, Edmund - -	General Inspector of the Local Government Board for Ireland.	Forty-Sixth Day: 9th March, 1906.	22319	90
Brown, Richard - - -	Chartered Accountant, Edinburgh.	Forty-Fifth Day: 2nd March, 1906.	21397	41
Bruce, W., M.D., LL.D. -	Member of the General Medical Council for Scotland.	Fiftieth Day: 12th June, 1206.	24090	198
Carswell, John, L.R.C.P.E., F.F.P.S.G., J.P.	Certifying Physician in Lunacy to the Glasgow Parish Council; Physician to the Mental Department, Eastern District Hospital, Glasgow; Lecturer on Mental Diseases, Anderson's College Medical School, Glasgow; Examining Medical Officer to the Classes for Mentally Defective Children, Glasgow School Board; Late Chairman of the Inebriates Committee, Glasgow Corporation; Member of the Glasgow Juvenile Delinquency Board.	Forty-Fifth Day: 2nd March, 1906.	21858	61
Clarkson, R.D., M.B., C.M., B.Sc.	Medical Officer of the Scottish National Institution for the Education of Imbecile Children at Larbert, Stirlingshire.	Forty-Fifth Day: 2nd March, 1906.	21987	70
Clouston, T. S., M.D., F.R.C.P.E., F.R.S.E.	Physician Superintendent of the Royal Edinburgh Asylum for thirty-two years, and Medical Superintendent at Carlisle Asylum for ten years previously; lecturer on Mental Diseases at Edinburgh University.	Fiftieth Day: 12th June, 1906.	24157	200
Cluckie, N. Gordon, M.B., C.M.	Representing the County Council of Argyll.	Forty-Ninth Day: 11th June, 1906.	23902	190
Colles, John Mayne, LL.D.	Registrar in Lunacy (Ireland) -	Forty-Sixth Day: 9th March, 1906.	22246	86
Courtenay, E. Maziere, M.B.	Inspector of Lunatics and Lunatic Asylums in Ireland.	Forty-Seventh Day: 16th March, 1906.	22641	109
Crombie, David - - -	Secretary and Inspector, Prison Commission, Scotland.	Fifty-First Day: 13th June, 1906.	24851	252
Cunningham, John, M.B., C.M., J.P.	Medical Officer to the Girgenti Home for Inebriates.	Fiftieth Day: 12th June, 1906.	24548	226

Name.	Description.	Date.	Question.	Page.
Donald, J. Quin, L.R.C.P., L.R.C.S. (Edin.)	Medical Superintendent of the Invernith Lodge Retreat, Colinsburgh, Fife.	Fiftieth Day: 12th June, 1906.	24516	224
Dowdall, R. G., M.D., D.P.H.	Resident Medical Officer of Mountjoy Prison, Dublin.	Forty-Eighth Day: 5th May, 1906.	23087	137
Fagan, John, F.R.C.S. - -	Inspector of Reformatory and Industrial Schools, Ireland.	Forty-Eighth Day: 5th May, 1906.	23139	139
Fyfe, Thomas Alexander -	One of the Sheriffs–Substitute of Lanarkshire.	Fifty-First Day: 13th June, 1906.	24658	234
Gardner, J. W. - - -	Consulting Architect, Lunacy Office, Dublin.	Forty-Eighth Day: 5th May, 1906.	23209	152
Gulland, John William, M.P.	Member of Parliament for Dumfries Burghs, and a Member of the Edinburgh Town Council, and from 1900 to 1906 a Member of the Edinburgh School Board.	Forty-Ninth Day: 11th June, 1906.	23778	185
Guthrie, W., LL.D. - -	Sheriff of Lanarkshire. - -	Fifty-First Day: 13th June, 1906.	24590	231
Henderson, Alexander -	Governor of Barn Hill Poor House, Glasgow.	Forty-Ninth Day: 11th June, 1906.	23552	168
Ireland, William W., M.D.	For some years Medical Superintendent of the Larbert Institution and for eighteen years private owner of a place for the care of imbeciles of the wealthier class.	Fiftieth Day: 12th June, 1906.	23990	193
McNaughtan, John, M.D. -	Medical Superintendent Criminal Lunatic Asylum, Superintendent State Inebriate Reformatory, and Medical Officer H.M. Prison, Perth.	Fifty-First Day: 13th Jude, 1906.	24962	265
Mackenzie, W. Leslie, M.A., M.D., D.P.H., M.R.C.P.E., F.R.S.E.	Medical Member of the Local Government Board for Scotland.	Forty-Ninth Day: 11th June, 1906.	23272	153
Macpherson, Charles, M.D.	Deputy Commissioner in Lunacy for Scotland, Edinburgh.	Forty-Fifth Day: 2nd March, 1906.	21499	45
Macpherson, John, M.D. -	Commissioner in Lunacy, Edinburgh.	Forty-Fourth Day: 23rd February, 1906.	21197	29
Matheson, Robert E., LL.D.	Registrar-General for Ireland -	Forty-Eighth Day: 5th May, 1906.	22853	121
Monteagle, Lily, Miss -	Head Teacher of Bridgeton Special School, Glasgow, for Physically and Mentally Defective Children.	Fifty-First Day: 13th June, 1906.	24924	263
Motion, James Russell - -	Inspector of Poor, &c., to the Parish of Glasgow; Clerk and Treasurer to the Lunacy District Board.	Forty-Fifth Day: 2nd March, 1906.	21645	51
Nixon, Sir Christopher, M.D., LL.D.	Ex-President, Royal College of Physicians of Ireland; Senior Physician, Mater Misericordæ Hospital; Professor of Medicine, Catholic University; Member of the General Medical Council; and Consulting and Visiting Physician to the Central Criminal Asylum, Dundrum.	Forty-Seventh Day: 16th March, 1906.	22555	101

Name.	Description.	Date.	Question.	Page.
Norman, Conolly, F.R.C.P.I.	Resident Medical Superintendent, Richmond District Lunatic Asylum, Dublin.	Forty-Seventh Day: 16th March, 1906.	22763	117
O'Farrell, Sir George Plunkett, M.A., M.D.	Inspector of Lunatics and Lunatic Asylums in Ireland.	Forty-Sixth Day: 9th March, 1906.	22080	75
Rainsford, Frederick E., M.D., L.R.C.P.	Resident Medical Superintendent, Stewart Institution for Imbeciles, Palmerstown, County Dublin; formerly Assistant Medical Officer, Bristol City Asylum.	Forty-Sixth Day: 9th March, 1906.	22448	95
Russell, Sir James Alexander, LL.D., F.R.C.P.E., D.L., J.P.	Formerly Member of the Town Council of Edinburgh; Bailie; Member of the District Board of Lunacy; Lord Provost, 1891 to 1894.	Forty-Ninth Day: 11th June, 1906.	23650	179
Spence, T. W. L. - -	Secretary to the General Board of Lunacy for Scotland.	Forty-Fourth Day: 23rd February, 1906.	20789	8
Sutherland, J. F., M.D., F.R.S.E., F.S.S.	Deputy Commissioner for Lunacy in Scotland for eleven and a half years.	Fifty-First Day: 13th June, 1906.	24755	238
Thomson, John, M.D., F.R.C.P.E.	One of the Physicians to the Royal Hospital for Sick Children, Edinburgh; formerly Physician for Diseases of Children to the New Town Dispensary, Edinburgh.	Fiftieth Day: 12th June, 1906.	24381	209
Urquhart, A.R., M.D., F.R.C.P.E.	Physician to James Murray's Royal Asylum, Perth.	Fiftieth Day: 12th June, 1906.	24434	212
Woodhouse, Stewart, M.D., F.R.C.P.I.	Medical Member of the General Prisons Board, Ireland.	Forty-Eighth Day: 5th May, 1906.	22998	131

ROYAL COMMISSION ON THE CARE AND CONTROL OF THE FEEBLE MINDED

LIST OF WITNESSES IN ORDER OF EXAMINATION

Date.	Name.	Description.	Question.	Page.
Forty-fourth Day: 23rd February, 1906.	T. W. L. Spence - -	Secretary to the General Board of Lunacy for Scotland.	20789	8
	John Macpherson, M.D.	Commissioner in Lunacy, Edinburgh.	21197	29
Forty-fifth Day: 2nd March, 1906.	Richard Brown - -	Chartered Accountant, Edinburgh	21397	41
	Charles Macpherson, M.D.	Deputy Commissioner in Lunacy for Scotland, Edinburgh.	21499	45
	James Russell Motion -	Inspector of Poor, etc., to the Parish of Glasgow; Clerk and Treasurer to the Lunacy District Board.	21645	51
	John Carswell, L.R.C.P.E., F.F.P.S.G., J.P.	Certifying Physician in Lunacy to the Glasgow Parish Council; Physician to the Mental Department, Eastern District Hospital, Glasgow; Lecturer on Mental Diseases, Anderson's College Medical School, Glasgow; Examining Medical Officer to the Classes for Mentally Defective Children, Glasgow School Board; Late Chairman of the Inebriates Committee, Glasgow Corporation; Member of the Glasgow Juvenile Delinquency Board.	21858	61
	R. D. Clarkson, M.B., C.M., B.Sc.	Medical Officer of the Scottish National Institution for the Education of Imbecile Children at Larbert, Stirlingshire.	21987	70
Forty-sixth Day: 9th March, 1906.	Sir George Plunkett O'Farrell, M.A., M.D.	Inspector of Lunatics and Lunatic Asylums in Ireland.	22080	75
	John Mayne Colles, LL.D.	Registrar in Lunacy (Ireland).	22246	86
	Edmund Bourke - -	General Inspector of the Local Government for Ireland.	22319	90
	Frederick E. Rainsford, M.D., L.R.C.P.	Resident Medical Superintendent Stewart Institution for Imbeciles, Palmerstown, County Dublin; Formerly Assistant Medical Officer Bristol City Asylum.	22448	95
Forty-seventh Day: 16th March, 1906.	Sir Christopher Nixon, M.D., LL.D.	Ex-President Royal College of Physicians of Ireland; Senior Physician, Mater Misericordæ Hospital; Professor of Medicine, Catholic University; Member of the General Medical Council; and Consulting and Visiting Physician to the Central Criminal Lunatic Asylum, Dundrum.	22555	101

Date.	Name.	Description.	Question.	Page.
Forty-seventh Day: 16th March, 1906.	E. Maziere Courtenay, M.B.	Inspector of Lunatics and Lunatic Asylums in Ireland.	22641	109
	Conolly Norman, F.R.C.P.I.	Resident Medical Superintendent, Richmond District Lunatic Asylum, Dublin.	22763	117
Forty-eighth Day: 5th May, 1906.	Robert E. Matheson, LL.D.	Registrar-General for Ireland.	22853	121
	Stewart Woodhouse, M.D., F.R.C.P.I.	Medical Member of the General Prisons Board, Ireland.	22998	131
	R. G. Dowdall, M.D., D.P.H.	Resident Medical Officer of Mountjoy Prison, Dublin.	23087	137
	John Fagan, F.R.C.S. -	Inspector of Reformatory and Industrial Schools, Ireland.	23139	139
	J. W. Gardner - -	Consulting Architect, Lunacy Office, Dublin.	23209	152
Forty-ninth Day: 11th June, 1906.	W. Leslie Mackenzie, M.A., M.D., D.P.H., M.R.C.P.E., F.R.S.E.	Medical Member of the Local Government Board for Scotland.	23272	153
	R. B. Barclay, I.S.O.	General Superintendent of Poor Houses, Local Government Board, Edinburgh.	23428	163
	Alexander Henderson -	Governor of Barn Hill Poor House, Glasgow.	23552	168
	Sir James Alexander Russell, LL.D., F.R.C.P.E., D.L., J.P.	Formerly Member of the Town Council of Edinburgh; Bailie; Member of the District Board of Lunacy; Lord Provost 1891 to 1894.	23650	179
	John William Gulland, M.P.	Member of Parliament for Dumfries Burghs; and a Member of the Edinburgh Town Council; and from 1900 to 1906 a Member of the Edinburgh School Board.	23778	185
	N. Gordon Cluckie, M.B., C.M.	Representing the County Council of Argyll.	23902	190
Fiftieth Day: 12th June, 1906.	William W. Ireland, M.D.	For some years Medical Superintendent of the Larbert Institution; and for eighteen years private owner of a place for the care of imbeciles of the wealthier class.	23990	193
	W. Bruce, M.D., LL.D. -	Member of the General Medical Council for Scotland.	24090	198
	T. S. Clouston, M.D., F.R.C.P.E., F.R.S.E.	Physician-Superintendent of the Royal Edinburgh Asylum for thirty-two years, and Medical Superintendent at Carlisle Asylum for ten years previously; Lecturer on Mental Diseases at Edinburgh University.	24157	200
	John Thomson, M.D., F.R.C.P.E.	One of the Physicians to the Royal Hospital for Sick Children, Edinburgh, formerly Physician for Diseases of Children to the New Town Dispensary, Edinburgh.	24381	209

Date.	Name.	Description.	Question.	Page.
Fiftieth Day: 12th June, 1906.	A. R. Urquhart, M.D., F.R.C.P.E.	Physician to James Murray's Royal Asylum, Perth.	24434	212
	J. Quin Donald, L.R.C.P. L.R.C.S. (Edin.)	Medical Superintendent of the Invernith Lodge Retreat, Colinsburgh, Fife.	24516	224
	John Cunningham, M.B., C.M., J.P.	Medical Officer to the Girgenti Home for Inebriates.	24548	226
Fifty-first Day: 13th June, 1906.	W. Guthrie, LL.D. - -	Sheriff of Lanarkshire - - -	24590	231
	Thomas Alexander Fyfe	One of the Sheriffs-Substitute of Lanarkshire.	24658	234
	J. F. Sutherland, M.D., F.R.S.E., F.S.S.	Deputy Commissioner for Lunacy in Scotland for eleven and a half years.	24755	238
	David Crombie - -	Secretary and Inspector, Prison Commission, Scotland.	24851	252
	Miss Lily Monteagle -	Head Teacher of Bridgeton Special School, Glasgow, for Physically and Mentally Defective Children.	24924	263
	John McNaughtan, M.D.	Medical Superintendent Criminal Lunatic Asylum, Superintendent State Inebriate Reformatory; and Medical Officer, H.M. Prison, Perth.	24962	265
	Robert S. Allan - -	Chairman of the Glasgow School Board.	25036	268

MINUTES OF EVIDENCE

RELATING TO SCOTLAND AND IRELAND ON THE ORIGINAL REFERENCE

TAKEN BEFORE

THE ROYAL COMMISSION

ON THE

Care and Control of the Feeble-Minded,

AT ROYAL COMMISSIONS HOUSE, OLD PALACE YARD, WESTMINSTER, S.W.

FORTY-FOURTH DAY.

Friday, 23rd February, 1906.

PRESENT

The Right Hon. The EARL OF RADNOR (*in the Chair*).

W. P. BYRNE, Esq., C.B.
C. E. H. HOBHOUSE, Esq., M.P.
F. NEEDHAM, Esq., M.D.
H. D. GREENE, Esq., K.C.
C. E. H. CHADWYCK-HEALEY, Esq., C.B., K.C.

The Rev. H. N. BURDEN.
W. H. DICKINSON, Esq., M.P.
H. B. DONKIN, Esq., M.D.
J. C. DUNLOP, Esq., M.D.

HARTLEY B. N. MOTHERSOLE, Esq., M.A., LL.M. (*Secretary*).
E. A. H. JAY, Esq., M.A., LL.B. (*Assistant Secretary*).

(For the first part of this day's evidence see end of Volume II.)

Owing to a Printer's error the evidence of Dr. Maudsley and Dr. Thomson, which had already been printed at the end of Volume II., was reprinted in this Volume. It is not necessary that it should appear in both Volumes, and it has, therefore, been taken out of this Volume, which has necessitated the removal of pages 2 to 7.

Hartley B. N. Mothersole,

Secretary.

T. W. L. Spence, Esq., called ; and Examined.

(Copies of Blank Forms and Specimen Books, Regulations and Instructions to Inspectors of Poor, in use by the General Board of Lunacy for Scotland in relation to the Care of the Insane in Private Dwellings, together with Copies of General Reports on three Specially Licensed Houses (one from each of the three Groups visited by the Royal Commissioners) and of the Case Records of the Patients who were seen in each of those houses, and brief notes of the main facts in regard to every patient seen in each of the three localities visited by various Members of the Commission, were subsequently sent in by Mr. Spence, and will be found in the Appendix Papers on pages 283–328c post.).

T. W. L. Spence, Esq.
23 Feb. 1906.

20789. (*Chairman*). Would you be so kind as to tell us how long you have been connected with the Lunacy Board in Scotland ?—I have been connected with it practically all my life, and for the last seventeen years I have been secretary.

20790. You have been so kind as to give us a statement of your evidence; may we put that on our notes ?—Certainly.

Statement of the Evidence on the Lunacy System in Scotland, proposed to be given by T. W. L. Spence, Esq., Secretary to the General Board of Lunacy for Scotland.

Lunacy Acts.

The principal statutory enactments for the regulation of the care and treatment of lunatics and for the provision, maintenance, and regulation of lunatic asylums in Scotland are the following :—

20 & 21 Vic., c. 71. The Lunacy Act of 1857.
The Lunacy Amendment Act of 1862.
25 & 26 Vic., c. 54. The Lunacy Amendment Act of 1866.
29 & 30 Vic., c. 51. The Criminal and Dangerous Lunatics Act of 1871.
The Prisons Act of 1877 (Sections 61 and 62 only).
The Lunacy Districts Act of 1887.

The special provisions of the Army and Navy Acts, dealing with Lunatic Soldiers and Sailors in England, apply also, *mutatis mutandis*, to Scotland.

Definitions.

"Lunatic" means "a person certified by two medical persons to be a lunatic, an insane person, an idiot, or a person of unsound mind."

"Pauper Lunatic" means "any lunatic towards the cost of whose maintenance any allowance is given or made by any Parochial Board. [Parish Council.]

The following definitions of "Sheriff," "Procurator Fiscal," and "Inspector of Poor," will enable those unacquainted with Scottish administrative terms to understand the status and duties of these officials :—

"Sheriff,' shall include 'Sheriffs-substitute.'"

S. 1, 25 & 26 Vic., c. 54.

(*a*) Sheriffs are the highest judicial officers of counties, and are, with two exceptions, not resident in the counties in which their jurisdiction lies. Their functions are now to a considerable extent limited *in practice* to acting as Judges of Appeal from the judgments of the Sheriffs-Substitute. Sheriffs-Substitute are resident paid Judges who hold regular Courts, and who occupy a position corresponding more or less to that of a County Court Judge in England. The jurisdiction of Sheriffs and Sheriffs-Substitute is, however, unlimited as regards pecuniary amount, and, in fact, they have practically jurisdiction in all cases except divorce cases. They have also extensive criminal jurisdiction, but cannot give a longer sentence than two years' imprisonment. The Sheriff may appoint Honorary Sheriffs-Substitute, not necessarily or usually lawyers, who in certain matters, including the granting of Lunacy Orders, may act for the Sheriff-Substitute during his temporary absence.

(*b*) A Procurator-Fiscal is a Crown Official of legal qualification, resident in the district in which he acts, who investigates cases of suspected crime, and in grave matters reports to Crown Counsel for instructions. He acts in criminal cases as Public Prosecutor.

(*c*) An Inspector of Poor is the principal executive officer of a Parish Council, whose servant he is, and to whose directions he is primarily subject, though he has certain independent statutory duties for the due performance of which he is personally responsible. He can only be dismissed by the Local Government Board. He performs the functions of "Relieving Officer" in England, and acts as Clerk to the Parish Council when no separate appointment of a Clerk has been made.

Poorhouses in Scotland correspond to workhouses in England.

General Board of Lunacy.

The General Board of Commissioners in Lunacy for Scotland established under these Acts consists of the following members :—

A Chairman, who is unpaid.
Two legal Commissioners, who are unpaid.
Two medical Commissioners, who are paid.

The unpaid members attend all ordinary Board meetings and also meetings held locally for investigation into serious occurrences and for conferences with local bodies in Edinburgh or elsewhere on matters of local importance. They visit with the medical Commissioners property proposed to be acquired by Districts Boards as sites for asylums, take part in the examination and approval of plans and estimates, and deal with all legal questions which come before the Board.

The medical Commissioners in addition to taking part in the duties above indicated, have the special duty of visiting twice a year and reporting to the Board on all establishments for the insane, and on the care and condition of the patients in them. Such half-yearly visitation is carried out by one medical Commissioner, the other being meanwhile in daily attendance at the office of the Board.

There are in addition two medical Deputy-Commissioners not members of the Board, whose duties consist mainly in visiting and reporting on all persons of unsound mind under private care who come for any reason under the notice or jurisdiction of the Board.

District Boards of Lunacy.

Scotland is divided into lunacy districts consisting of groups of counties or single counties or parts of counties. When, as is the case in the principal towns, a lunacy district consists of a single parish, the parish council (a popularly elected body, consisting in large parishes of not more than thirty-one members) may be, and in practice is, constituted the district board of lunacy, and in that capacity performs functions entirely separate, and in many respects of a different nature, from those performed by the same body under the Poor Law. In the case of all other lunacy districts, not consisting of single parishes, the district lunacy board is elected by the county council or county councils of the county or group of counties comprising the district, and by the magistrates of burghs within such county or counties, the number of members being fixed by the general Board and being apportioned by them among the electing bodies as nearly as may be in accordance with the valuation of each county or burgh. The number of members of such boards varies from five to twenty-three, according to the size and circumstances of the district.

The duties of district boards of lunacy are confined to the purchase of sites and the erection or acquisition, maintenance and management of district asylums; or, when the erection of a district asylum is not necessary, to contracting with existing asylums for the reception and maintenance of the pauper lunatics of the district. They have no concern with Royal asylums or parochial asylums within the district (further than that they may contract with such), nor with lunatic wards in poorhouses, or pauper lunatics in private dwellings, whether belonging to parishes forming part of the district or otherwise. A county council need not necessarily elect a member of its own body to serve on a district lunacy board.

S. 53, 20 & 21 Vic., c. 71.
S. 58, 20 & 21 Vic., c. 71.
S. 8, 25 & 26 Vic., c. 54.

They have power to borrow money for the erection, enlargement, and maintenance of asylums upon security of assessments levied under the Act for that purpose, which assessments are apportioned by the general Board upon heritable property in counties and burghs within the district.

District boards must furnish the General Board, upon a form prescribed, with abstract accounts showing the details of receipts and payments, and must transmit a full statement showing the sum paid for principal and interest of sums borrowed, and the state of their accounts as regards indebtedness.

S. 74, 20 & 21 Vic., c. 71.
S. 67, 20 & 21 Vic., c. 71.

Asylums.

The word "asylum" is not defined in the Scottish statutes, but the terms "Public Asylum," "District Asylum," and "Private Asylum" are defined. The term "Parochial Asylum" used in Section 8 of the Amending Act of 1862 is not defined, but is applied to establishments which are "asylums" in the full sense of the word.

(*a*) *Royal or Chartered Asylums* are the only asylums in Scotland regarded as falling within the definition of "Public Asylum," which is—"All such hospitals, madhouses, or asylums as are or shall be established for the custody of lunatics by Act of Parliament or Royal Charter, or under any Deed or Mortification by which the maker thereof has directed the appropriation of funds to the establishing and maintaining any lunatic asylum or hospital, or any establishment administering funds for charitable purposes, without any view to any pecuniary gain or profit arising to the establishment or to the estate or funds of the trust or charity, and also all hospitals, madhouses, or asylums, other than district asylums, into which lunatics committed by Order and Certificate, as hereinafter provided, cannot be refused access or reception without special cause shown."

The Royal Asylums in Scotland correspond to Hospitals under the English Lunacy Acts. They receive wealthy patients at high rates of board, and also administer charitable funds for the support of poor private patients either wholly or partially, or in giving suitable patients the benefit of association with a higher social class than their own means would enable them to obtain. Of the seven asylums of the kind, three receive private patients only, while four receive also pauper patients under contracts with the District Boards of Lunacy, or in the case of the Crichton Royal Institution, under a special provision of the Lunacy Act of 1857 (Section 60).

S. 9, 20 & 21 Vic., c. 71.

The Board have no power to make rules and regulations for the good order and management of Royal Asylums, except in relation to books and minutes and returns and entries therefrom. Nor have the Board any power with regard to the plans of such asylums, or of alterations or additions to them, though the Commissioners are frequently consulted by the Directors when new plans are proposed.

They have, however, the same power in the case of Royal Asylums as in the case of District and Private Asylums with respect to visitation, inspection, and reporting, and to inquiring into all particulars in relation to the keeping and management of such asylums and the care of the lunatics in them.

S. 17, 20 & 21 Vic., c. 71.

(*b*) *District Asylums* are asylums erected or acquired and managed by District Boards of Lunacy.

S. 51-2, 20 & 21 Vic., c. 71.

Sites, plans, specifications, and estimates for such asylums, and for all subsequent additions and alterations, must receive the sanction of the Board, no other sanction being necessary.

S. 9, 20 & 21 Vic., c. 71.

The Board are empowered to draw up rules and regulations for the good order and management of District Asylums, which require the approval of the Secretary for Scotland before being acted on.

District Asylums, when they have spare accommodation, may, with the sanction of the Board, receive private patients. Such patients are to have "the same accommodation in all respects as pauper lunatics." Their removal must be called for if the accommodation occupied by them is required for pauper lunatics.

(*c*) *Private Asylums* correspond to what are called Licensed Houses in England. They were at one time numerous, but are now reduced to three, two of which are very small. They receive private patients of the richer class only.

They are licensed by the Board, who have power to make rules and regulations for their good order and management as in the case of District Asylums.

(*d*) *Parochial Asylums* are asylums erected and managed by Parish Councils. They are licensed by the Board, and are, in fact, Lunatic Wards of Poorhouses of a special class, having come into existence under Section 1 of a Lunacy Amendment Act passed in 1858, which was intended to make provision for lunatics pending the erection of District Asylums. This Act expired in five years, but the licences to such wards granted under it were continued under the power given to the Board by Section 3 of the Amending Act of 1862. They are referred to as "Parochial Asylums" in Section 8 of 25 & 26 Vic. c. 54. They receive patients labouring under all forms and degrees of insanity, and patients are admitted to them on the order of the Sheriff and under the same procedure as is followed in the case of other asylums. Regulations for their good order and management are made by the Board as for district asylums, the purposes of which they fully serve to the parishes to which they belong. There are now only three such asylums in Scotland, and the Board have no power under the statute to license any new establishment upon that footing.

S. 1, 21 & 22 Vic., c. 89.

S. 3, 25 & 26 Vic., c. 54.

Authority for Admission to Asylums.

Order of the Sheriff—Ordinary Lunatics.

Lunatics are admitted to asylums on the Order of a Sheriff couched on a statutory form alike for private and pauper patients which is granted on a petition, a statement of particulars, and two medical certificates describing the patient as a lunatic by one or other of the statutory terms defining "lunatic."

S. 14, 25 & 26 Vic., c. 54.

The form of petition is not prescribed by the Act, but there is a form, printed on the schedule containing the forms necessary for a patient's reception, which is adhered to in practice.

There is no statutory restriction upon the person who may be the petitioner in the case of a private patient, the sheriff satisfying himself that the applicant is a proper person to act in any case where such may seem doubtful. In the case of pauper patients, the petitioner is the inspector of poor.

A statement, containing particulars regarding the patient on a form prescribed by the Act, must be signed by the petitioner.

The medical certificates, which need not be on separate sheets of paper, differentiate between (1) Facts indicating insanity observed by the certifier himself; and (2) Facts indicating insanity observed by others; and no valid certificate can be founded only on facts communicated to the certifier by others.

S. 35, 20 & 21 Vic., c. 71.

Heavy penalties may be inflicted on a medical man who grants a certificate of lunacy without seeing the patient, and also for the wilful and false granting of such certificates.

S. 38, 20 & 21 Vic., c. 71.

The sheriff does not himself see the patient, though there is no limit upon his discretion in the matter of granting such orders. He merely judges as to whether the facts submitted are reasonably sufficient to show that the person for whom the order is sought is insane.

The superintendent of the asylum to which a patient is sent must, after two days, and before the expiration of fourteen days after a patient's reception, transmit to the Board a report on his mental and bodily state, together with a copy of the papers on which he has been received.

S. 37, 20 & 21 Vic., c. 71.

Sheriffs' orders, if patients are not discharged, remain valid for three years, when their force must be renewed by a special certificate, which must be given annually afterwards.

S. 7, 29 & 30 Vic., c. 51.

Order of the Sheriff—Dangerous Lunatics.

A person who has come into the hands of the police through behaving insanely in public, but who has not committed any offence, and has not been offensive to public decency, is usually handed over to an inspector of poor or to relatives, to be cared for as his case requires. If he has committed an offence inferring danger to others, or is found in a state threatening danger to others or to be offensive to public decency, he is liable to be proceeded against as a dangerous lunatic under Section 15 of the Amendment Act of 1862. Such proceedings may be taken by the procurator-fiscal or inspector of poor or other person, but the usual applicant to the sheriff in such case is the procurator-fiscal. The sheriff holds a preliminary inquiry, and if the circumstances warrant, commits the person to a place of safe custody (almost always an asylum) and arranges for notice being given to all concerned, and inserted in a local newspaper, that an enquiry into the condition of the lunatic will be held on an early day. At this stage of the proceedings,

S. 15, 25 & 26 Vic., c. 54.

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unless the offence charged is of a grave character, the inspector of poor usually undertakes to provide for the patient being sent to an asylum, in which case further procedure under Section 15 is abandoned, and the order applicable to ordinary cases is given under Section 14 of the same Act, the only requirement being that the inspector of poor shall give ten days' notice to the procurator-fiscal before removing the patient if he has not recovered. If the case is of a grave nature the full proceedings under Section 15 may be gone on with, and a formal warrant is then given for the committal of the person, if found insane, to an asylum named, and for his detention therein "until cured or until caution shall be found for his safe custody," in which latter case the sheriff, if satisfied with proposed arrangements for the lunatic's safe custody, may authorise his delivery to the person finding security. But the procedure now followed for obtaining the liberation of unrecovered persons so committed is that laid down by Section 19 of the Amendment Act of 1866, namely, by authority of the sheriff on certificates of two medical persons, approved of by the procurator-fiscal, that the lunatic may be safely discharged.

S. 19, 29 & 30 Vic., c. 51.

S. 87, 88, 89 of 20 & 21 Vic., c. 71, S. 19–24 of 25 and 26 Vic., c. 54 and Criminal and Dangerous Lunatics (Scotland) Act, 1871.

Criminal Lunatics.

The Court of Session, the Secretary for Scotland, or the Sheriff may in certain cases order the confinement of criminal lunatics in asylums, and may in certain circumstances order them to be replaced in prison.

Lunatic Soldiers and Sailors.

Army Act, 1881. Army Annual Acts, 1891, 1894. Navy Enlistment Act, 1884.

A lunatic soldier or sailor who is dangerous may be sent to the asylum for the parish to which he is chargeable under an Order of a Secretary of State.

Disqualifications.

S. 71, 20 & 21 Vic., c. 71. S. 4, 29 & 30 Vic., c. 51.

Medical Officers of asylums or their medical assistants may grant certificates of emergency and certificates of lunacy for commitment of pauper lunatics to the asylum under their charge, but in the case of private patients such officers can grant a certificate of emergency only. Certain further disqualifications attach to persons pecuniarily interested in an asylum, or closely related to persons so interested.

Voluntary Boarders.

S. 15, 29 & 30 Vic., c. 54.

A person who is desirous of submitting himself to treatment, but whose mental condition is not such as to render it legal to grant certificates of insanity in his case, may be admitted to any asylum as a voluntary boarder with the previous assent in writing of one of the Commissioners. A simple request for admission signed by the applicant, but in no prescribed form, is sufficient. Such a boarder cannot be detained for more than three days after giving notice of his intention to leave. If he is unfit to be discharged, his detention after expiry of the three days' notice requires the usual Order of the Sheriff, which cannot be granted on medical certificates by any medical person connected with the asylum.

AUTHORITY FOR DISCHARGE OF PATIENTS FROM ASYLUMS.

Persons in asylums, who have in the opinion of the Medical Officer recovered their sanity, are in the position of persons who are not lunatics, and they must accordingly be discharged on the authority of the Superintendent. There is however, no distinct provision in the Scottish Lunacy Acts with regard to the discharge of recovered patients, as Section 17 of the Amendment Act of 1862 deals rather with the case of patients who, though "so far recovered," are still more or less insane. But the Order of the Sheriff committing insane persons to asylums as dangerous lunatics under Section 15 of the Amendment Act of 1862 states that they are to be detained only "until cured," or, if still insane, not to be discharged until certain prescribed formalities have been gone through.

S. 17, 25 & 26 Vic., c. 54.

S. 15, 25 & 26 Vic., c. 54.

The ordinary authority for the discharge of an unrecovered private patient is the person at whose instance he is detained, or, in the absence of such person, his nearest known relative. This is not specially provided for in the Act, but may be inferred from the terms of certain provisions for their discharge other than at the instance of such persons, and for their transfer to other asylums.

S. 92, 20 & 21 Vic., c. 71. S. 16–17, 25 & 26 Vic., c. 54.

If the discharge is desired of a private patient not detained as a dangerous lunatic, but who is in the opinion of the Superintendent dangerous, the Superintendent must communicate the fact to the Procurator-Fiscal; but if the Procurator-Fiscal does not see cause to proceed against the patient as a dangerous lunatic, he must be discharged, if otherwise entitled to discharge.

S. 12, 29 & 30 Vic., c. 51.

The usual authority for the discharge of a pauper patient is a minute of the Parish Council of the parish chargeable with his maintenance.* If the Medical Superintendent regards him for any reason as unfit to be discharged he may appeal to the Board, who after investigation may either authorise continued detention or order discharge.

S.S. 9, 11, 29 & 30 Vic., c. 51.

When an inspector of poor or person at whose instance a lunatic is detained delays or refuses to remove him, after due notice and the transmission of a medical certificate that the patient may be liberated without risk, the Superintendent may report the facts to the Board, who, if satisfied after inquiry that the patient may safely be liberated, may order his discharge.

S. 17, 25 & 26 Vic., c. 54.

A lunatic, not being a person detained as a dangerous lunatic, may be discharged from an asylum by order of the Sheriff or of the Board, on certificates by two medical men, approved of by the Sheriff or the Board, that he has recovered or has so far recovered that he may be liberated without risk. Any person may initiate procedure under this Section, but the Board would not consent to its being carried out at the public expense in the case of patients who are known to the Commissioners to be beyond doubt unfit for liberation.

S. 92, 20 & 21 Vic., c. 71.

An unrecovered patient may be :—

(*a*) Transferred from one asylum to another with the sanction of the Board, obtained by application on a prescribed form with one medical certificate. Persons detained as "dangerous lunatics" may also be transferred in the same manner without alteration of the conditions under which they are detained.

S. 16, 25 & 26 Vic., c. 54.

(*b*) Liberated on leave for 28 days, or for three months when under care of an asylum officer or attendant.

S. 6, 29 & 30 Vic., c. 51.

(*c*) Liberated on statutory probation with the sanction of the Board for a period which the Board do not allow to exceed one year.

S. 16, 25 & 2 Vic., c. 54.

In the two last cases the Sheriff's Order expires at the close of the period of absence, if the patient is not before that time brought back to the asylum.

A pauper may be removed from Scotland to England or Ireland by order of a Sheriff or two Justices of the Peace under a Provision of the Poor Law which requires that such pauper shall be seen. This provision applies to all paupers, and when a pauper who is a lunatic is to be removed, his presence in Court is required in his capacity as a pauper, the Poor Law making no exception on the ground of lunacy.

There are several other ways (detailed fully in the Board's *Forty-seventh Annual Report*, p. xv.), in which under exceptional circumstances, an unrecovered lunatic may be discharged.

LUNATIC WARDS OF POORHOUSES.

Licences.

S. 4, 25 & 26 Vic., c 54.

Lunatic Wards of Poorhouses are licensed by the Board for the reception of pauper lunatics, to be admitted only with their sanction, under Section 4 of the Lunacy Amendment Act of 1862, which provides that "It shall be lawful for the Board to sanction the reception of pauper lunatics into the lunatic wards of poorhouses without the Order of the Sheriff, according to forms and subject to regulations approved of by the Board, and at any time to withdraw such sanction."

Such licences are given for the reception only of pauper lunatics who are not dangerous and do not require curative treatment in accordance with "Rules and Conditions" on which such wards are licensed, drawn up by the Board and approved of by the Secretary for Scotland. These conditions require that the accommodation for lunatics must be entirely separate and distinct from that occupied by ordinary paupers, and that separate grounds must be provided. They further deal with the medical supervision of such wards, the attendance required, the dietary of the inmates, and generally with all that concerns the good order and management of the establishment. The licence may be withdrawn if the requirements of the Board are not attended to. The wards are under the management of the Poorhouse Committee, and the governor of the poorhouse is in the position of superintendent. The Board do not require a resident medical officer unless the number for which the wards are licensed exceeds one hundred, which is the case at

*Mr. Spence subsequently (13th March, 1908) wrote that this refers solely to the discharge of *unrecovered* pauper patients.

present only in two instances. The Board require that sufficient land be attached to the wards to secure healthy outdoor occupation. They require the same statutory and other forms of registers and books to be kept in such wards, and notices of entries in them to be transmitted to the Board, as in the case of other establishments for the insane.

Admission.

Patients are admitted to lunatic wards of poorhouses upon papers in a prescribed form, consisting of an application by the inspector of poor, a statement by the inspector of poor of facts similar to those given in the case of patients admitted to asylums, a statement by the medical officer of the parish, or establishment from which the patient has been removed, giving such particulars with regard to the patient's mental and bodily state, conduct, and habits, as throw light upon the question of his fitness for such wards, and a medical certificate which must certify that the patient is "of unsound mind," and, further, that he "is not dangerous, is incapable of deriving benefit from treatment in an asylum, has no habits or infirmities which render care difficult, and is in a sufficiently good state of bodily health to be removed to the lunatic wards" named in the application.

If the Board are satisfied with the facts stated in the papers laid before them, sanction to the patient's reception is appended upon a simple form.

If the patient, when removal to such wards is proposed, is not an already certified lunatic, a second medical certificate is required. The great majority of the patients received into such wards are, however, removed to them from asylums, or from private houses where they have been residing as certified patients under sanction of the Board.

Discharge.

Pauper lunatics in such wards are discharged with the same formalities and in accordance with the same statutory provisions as are applicable to asylums.

INSTITUTIONS FOR THE CARE AND TRAINING OF IMBECILE CHILDREN.

S. 7, 25 & 26, Vic., c. 54.

Institutions for imbecile children are licensed by the Board under the following section of the Lunacy Amendment Act of 1862:—"It shall be lawful for the Board to grant licences to any charitable institution established for the care and training of imbecile children, and supported in whole or in part by private subscription, without exacting any licence fee therefor, and such licence may be in the name of the superintendent of such institution for the time being."

There are two such institutions licensed by the Board in Scotland:—

(1) "The Scottish National Institution for the Education of Imbecile Children," at Larbert, Stirlingshire, licensed for 270 children.

(2) "The Baldovan Asylum for the Treatment of Imbecile Children," at Baldovan, near Dundee, licensed for 160 children.

These institutions were founded and are maintained from private endowments, legacies, and subscriptions.

The former of these institutions is overcrowded at present, and the latter, though recently rebuilt and largely extended, is almost full.

Licences are given by the Board to these institutions under such conditions as they may lay down, and in the case of the institution at Larbert such conditions, dealing with the duties of officers, accommodation, and management, have been fully formulated.

The Board have fixed eighteen as the limit of age beyond which a child cannot be retained. There is no limit with regard to age at reception, and children have been admitted at the age of two years. The mental condition of the children ranges from bright, teachable imbecility, to complete idiocy.

The children received are classified into:—

(1) Children paid for by relatives or others at rates varying with the accommodation and food provided; (2) children elected by subscribers to the funds of the institution, and supported wholly or partially from such subscriptions; (3) pauper children paid for by the parishes which send them.

In the case of every child admitted the Board require a statement to be filled up by the person applying for the child's admission, giving the usual particulars as to the child's parentage, previous history, bodily condition, habits, etc. In the case only of pauper children the Board require in addition an application for their sanction accompanied by two medical certificates that the child is "of unsound mind," and "is capable of deriving benefit from training and treatment in the institution." It is followed by a formal sanction to admission, if no reason exists to the contrary.

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Each institution is under the charge of a Board of Directors, a resident superintendent (who is at present in both cases non-medical), and a non-resident medical officer, who attends daily.

Parish councils sending children to be trained in such institutions are entitled to make claims on their account on the Grant in Aid of the Cost of Maintenance of Pauper Lunatics. This is a highly important provision, because parish councils are under no obligation to send imbecile children to such schools, and if the Grant were not given, they would probably prefer to dispose of them in some other manner not involving loss of the Grant.

The average number of children resident in 1904 in the two institutions was 416, of whom 267 were males and 149 females; of these, 175 (114 males and 61 females) were private and elected pupils, and 241 (153 males and 88 females) were paupers. The average number of admissions during the past five years has been 93, the average annual number of discharges 53, and the average annual number of deaths 37, of whom 11 were private and elected pupils and 26 paupers, giving a death-rate, on the average number resident, of 6·3 per cent. among the former class, and 10·8 per cent. among the latter.

PRIVATE DWELLINGS.

S. 5, 25 & 26 Vic., c. 54.

Not more than one insane person can be legally received into a private dwelling unless its occupier holds a special licence from the Board for the reception of a large number, which, however, cannot exceed four patients. Application for such licences is on prescribed forms differing somewhat to suit circumstances when private or when pauper patients are to be received. The term "licensed houses" used in the Act has given rise to the impression that such houses are in some sense "asylums," or at least "establishments" for the insane. The licence of the Board in these cases is, however, practically not more than a written permission to receive a specified number of patients (never at first exceeding two) after the Board have had assurance that the proposed guardian is a suitable person to have care of the insane, and that the accommodation of the house is sufficient. Among conditions as to forms, etc., on which such licences are given, the Board require that the reception of every boarder, not being a lunatic, shall be notified as in the case of a lunatic. Otherwise these houses differ in no respect from other private dwellings in which only one patient is boarded. In the case of every patient the sanction of the Board to reception must be separately obtained. The forms of application for such sanction are the same, whether the patient is to be boarded singly or in a house with others.

Private Patients.

S. 14, 29 & 30 Vic., c. 51.

Insane persons may be kept for gain, that is, as boarders, in private dwellings singly, under an Order of the Sheriff, in accordance with the forms and procedure required in the case of ordinary committal to asylums, or they may be kept in such houses, without an Order of the Sheriff, singly or to a number not exceeding four, with the sanction of the Board given on a form of application which the Board prescribe. Petition to the Sheriff in such cases has fallen into disuse, application to the Board being simpler and less expensive, and the sanction of the Board being in any case necessary to the continued residence of insane persons kept for profit under private care.

The occupier of a private dwelling cannot keep a lunatic, though not kept for gain, beyond the period of one year, if compulsory confinement or restraint or coercion is required, unless with the Order of the Sheriff or sanction of the Board; and if it comes to the knowledge of the Board that any insane person in a private dwelling, though not kept for gain, has been subjected to compulsory confinement to the house or to restraint or coercion of any kind, at any time beyond a year after the commencement of the malady, or has been subjected to harsh and cruel treatment, the Board may apply to the Sheriff, under a procedure similar to that followed in

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the case of dangerous lunatics, and the Sheriff, if satisfied on the points alleged, may issue an Order for the transmission of the lunatic to an asylum, and for his detention there until such time as the Board shall sanction his discharge.

Schedule G, S. 41, 20 & 21 Vic., c. 71, and S. 13, 29 & 30 Vic., c. 51.

Persons suffering from incipient or temporary mental disorder may be kept in private dwellings for gain without any authority, provided a medical certificate is granted as follows:—That the patient "is affected [nature of disease] but that the malady is not confirmed, and that I consider it expedient, with a view to his recovery, that he should be placed [specify house in which patient is to be kept] for a temporary residence of [specify a time not exceeding six months]." The Act imposes no restriction upon the number who may be so received, nor does any notification require to be made to the Board when such certificates are granted.

Pauper Patients.

S. 95, 20 & 21 Vic., c. 71.

Section 95 of the Lunacy Act of 1857 contains a provision to the effect that all pauper lunatics must be removed to the asylum serving the Lunacy District to which they belong, *unless the Board shall sanction their disposal otherwise.* It is the provision briefly summarised in the words italicised which brought the Board into official relations with all pauper lunatics wherever placed, and which enabled them to permit such pauper lunatics as could properly be provided for in private dwellings to be so disposed of.

S. 5, 25 & 26 Vic., c. 54. S. 13, 29 & 30 Vic., c. 51.

Pauper patients are kept with the sanction of the Board in private dwellings, either with relatives or unrelated persons, and either singly or in numbers not exceeding four.

S. 9, 29 & 30 Vic., c. 51.

They may either be removed from establishments for the insane to private care, or may be left under such care on becoming chargeable, without having been in an asylum or other establishment. In the former case no medical certificate is required beyond a statement by the principal medical officer of the establishment on a prescribed form, to enable the Board to judge of the patient's fitness for such a mode of care. In the latter case (the patient not being already certified), two medical certificates and other particulars on prescribed forms must be presented with the application.

The Board may at any time withdraw their sanction to the residence of a pauper lunatic in a private dwelling and order removal to an asylum or other establishment, or to another house and guardian.

The form of the medical certificates is as regards the certification of lunacy somewhat similar to that prescribed by the Act in the case of patients received into asylums, but they must state in addition that the patient "does not require, either for his own welfare or the public safety, to be placed in an asylum, and is a proper person to be detained under care and treatment in a private dwelling," and further, that "the circumstances in which the patient will be placed are suitable and sufficient for his proper care and treatment."

Pauper lunatics in private dwellings are visited at least once a year by a Commissioner or Deputy Commissioner. The visit is repeated when occasion calls for it, and in the case of many aggregations of patients boarded in villages, at least two visits a year are regularly paid. The inspector of poor must visit half-yearly, and a local medical officer quarterly, and these local visits must be recorded in a Visiting Book kept in the patient's house. The reports of the Deputy Commissioners are entered on a Case Record kept for each patient at the office of the Board, on which is recorded all such reports with minutes in reference to them, a summary of the leading facts of the patient's history, and a *précis* of all correspondence regarding his case. The past history of each patient can thus be at once fully traced.

PATIENTS WHOSE ESTATES ARE UNDER THE MANAGEMENT OF THE COURT.

S. 17, 29 & 30 Vic., c. 51.

The Accountant of Court returns to the Board the names, places of residence, and amount of estate of all lunatics having judicial factors, that is, all mentally disabled persons to whom a curator *bonis*, tutor-at-law, or tutor-dative has been appointed by a Court of Law. At 1st January, 190[illegible], there were 1,017 persons so reported, of whom 653 were resident in asylums in Scotland, 305 in private dwellings in Scotland, and fifty-nine beyond the jurisdiction of the Board, being either in asylums or under private care in England, Ireland, the Colonies or in foreign countries. A curator *bonis* is appointed either by the Court of Session, or in cases where the annual income does not exceed £100 per annum, by the Sheriff Court.

The Visiting Commissioners are furnished with the names of all such persons and a statement of their means, which is revised from time to time. Special reports are made on those in asylums from time to time, when circumstances call for such, and all those under private care are visited once a year or oftener, unless for special reasons visitation may be undesirable. The Board keep a Case Record for each curatory patient, on which is entered reports, minutes, and a *précis* of correspondence regarding the Ward and his estate.

Some of those so returned to the Board are persons in the position of being kept for gain, and therefore fall under the provisions applicable to private patients so kept, but many of them are not certified under the Lunacy Acts, either because they are resident in their own houses or are otherwise not kept for gain, and are therefore, in the matter of lunacy alone, not under the jurisdiction of the Board, though, as curatory patients, visited or subject to visitation by the Commissioners; or because, though they might otherwise have fallen under the Board's jurisdiction, they are able to take care of themselves, or are suffering from mental disability in forms so slight as not to call for, or justify, formal certification under the Lunacy Acts.

If the care of a lunatic having a judicial factor is deemed by the Board to be unsatisfactory they may apply to the Court of Session to take steps for his improved care and treatment. S. 17, 29 & 30 Vic., c. 51.

When the property of any lunatic is not duly protected the Board may report to the Lord Advocate, who may apply to the Court for the appointment of a Judicial Factor (curator *bonis*). S. 81, 20 & 21 Vic., c. 71.

When the property of a lunatic under a Judical Factor is not applied to his due maintenance the Board may report to the Lord Advocate, who may apply to the Court of Session to investigate the matter and take such measures as may be necessary. S. 82, 20 & 21 Vic., c. 71.

COMPULSORY POWERS OF THE BOARD.

In addition to the duties and powers of the Board described or alluded to in previous sections of this statement, it is necessary to mention certain others which are exercised either through application to other authorities, or through imposition of penalties, or through withholding licence or sanction, or by independent or direct action.

The main provisions of this kind are the following:—

(a) *Powers Enforced by Application to and Consent of Judicial Authorities.*

(1) In case of any obstruction arising in the execution of the Act, or refusal or neglect of County Councils or Magistrates of Burghs to do what is required of them under the Act, the Board may apply by Summary Petition to the Court of Session. S. 72, 20 & 21 Vic., c. 71.

(2) If a District Lunacy Board do not take steps to provide adequate accommodation the Board may, with the authority of the Secretary for Scotland, apply to the Court of Session, who may appoint a person at whose sight all powers and duties of the District Board may be performed at the expense of the District Board. S. 9, 25 & 26 Vic., c. 54.

(3) If any asylum or house is certified by two medical persons to be unsuitable for the confinement of any lunatic, any of the Commissioners may apply to the Sheriff for an Order to remove him to some other asylum or house. S. 91, 20 & 21 Vic., c. 71.

(4) If an Order or medical certificate on which a patient is received is found to be incorrect or defective and there is failure to amend it within twenty-one days, the Board may report such failure to the Sheriff, who, if satisfied that the Order or medical certificates are incorrect or defective, may recall the Order. S. 5, 29 & 30 Vic., c. 51.

(b) *Powers Enforced by Suing for Penalties.*

(1) The Board may make rules and regulations in regard to books or minutes to be kept in all asylums or houses, and may enforce them by a penalty, for each infringement or violation, not exceeding £10. S. 9, 20 & 21 Vic., c. 71. S. 20, 29 & 30 Vic., c. 51.

(2) The Board may with concurrence of the Lord Advocate compel witnesses to appear and give evidence under a penalty of £30. S. 11, 20 & 21 Vic., c. 71.

S. 39, 20 & 21 Vic., c. 71. (3) The Board can compel the licensing of asylums or houses kept for lunatics, and enforce observance of the law with regard to Orders of reception, by a provision which prevents the sending of lunatics to unlicensed houses, or the sending of them to or keeping them in any asylum or house without an Order, where an Order is by the Act required, under a penalty not exceeding £100, or imprisonment for a time not exceeding twelve months.

S. 48, 20 & 21 Vic., c. 71. (4) The Board may order the admission of a friend or relative or others to a patient confined in any house or asylum, and enforce their Order under a penalty of £20.

S. 101, 20 & 21 Vic., c. 71. (5) Any person wilfully making any false statement or return or report, or a false representation upon any plan or writing, or who shall refuse to give information required of him by the Act, or shall conceal or refuse to divulge any matter or thing as to which inquiry under the Act shall be made, shall be guilty of an offence and be liable to a penalty not exceeding £100 or imprisonment for a period not exceeding twelve months.

S. 112, 20, & 21 Vic., c. 71. (6) An inspector of poor is liable in a penalty of £10 for failure to report cases of pauper lunacy occurring within the parish, as required by the Act.

S. 10, 29 & 30 Vic., c. 51. (7) The Board can compel inspectors of poor to give particulars of the removal of pauper lunatics from asylums under a penalty of £10; and can, under a like penalty, compel the replacement in asylums of pauper lunatics so removed.

S. 13, 29 & 30 Vic., c. 51. (8) The Board can compel a person who keeps any lunatic permanently for gain to obtain their sanction or the Sheriff's Order under a penalty of £20.

S. 13, 29 & 30 Vic., c. 51. (9) Any medical person making a false entry of a medical visit under the Board's regulations to a patient resident in a private dwelling under an Order of the Sheriff, or sanction of the Board, or who makes such entry without having visited the patient within seven days of making it, is liable in a penalty of £10.

(c) *Powers Enforced by withholding or withdrawing Licence or Sanction.*

S. 9, 20 & 21 Vic., c. 71. S. 3–4, 25 & 26 Vic., c. 54. (1) The Board may make rules and regulations for the good order and management of private, district, and parochial asylums, and lunatic wards of poorhouses, and may "enforce such rules and regulations by forfeiture of licence."

(The Board also make rules and regulations for district asylums, but, as they are not licensed, this means of enforcement is not available in the case of such asylums.)

S. 52, 20 & 21 Vic., c. 71. (2) The approval of the Board must be obtained to the plan, specification, estimate, and site, of a district asylum, and they may enforce their views by withholding approval as to these particulars.

S. 73, 20 & 21 Vic., c. 71. (3) The Board enforce their views as to the rate of maintenance for pauper lunatics in district asylums by withholding their approbation to a rate which they consider improper.

S. 80, 20 & 21 Vic., c. 71. S. 8, 25 & 26 Vic., c. 54. (4) Agreements or arrangements for the reception of pauper lunatics into asylums as boarders can only be made with the sanction of the Board, and private patients can only be received into district asylums with their sanction. The Board can, by withholding sanction, prevent the reception of pauper lunatics from alien districts into district asylums, or the reception into such asylums of lunatics not paupers, and they may withdraw sanction and require the removal of such patients.

(d) *Powers of Direct or Independent Action.*

S. 42, 20 & 21 Vic., c. 71. S. 18, 29 & 30 Vic., c. 51. (1) The Board may transfer a lunatic from a house where he is being improperly treated to another house or to an asylum at the cost of the lunatic's estate or of the party or parish liable for his maintenance.

S. 92, 20 & 21 Vic., c. 71. (2) The Board, on being satisfied by the certificate of two medical persons whom they may think fit to consult, of the recovery or sanity of any person confined as a lunatic, may order his liberation.

S. 18, 25 & 26 Vic., c. 54. (3) If a Parish Council neglect to make provision for a pauper lunatic within twenty-one days after being called upon to do so, the Board may themselves take the necessary measures, and may recover expenses from the Parish Council

Grant in Aid of the Cost of Maintenance of Pauper Lunatics.

In addition to the powers of the Board under the Lunacy Acts mentioned above, they possess, in their power of giving or withholding the Pauper Lunatic Grant, an exceedingly effective means of enforcing their views, especially in the case of patients under private care, where reforms thought by the Board necessary might have been resisted or inadequately carried out. This grant applies to all pauper lunatics wherever provided for, all such being under the control of the Board. The amount and method of distribution of the grant are described in a document separately furnished to the Commission at their request.

General Effect of Compulsory Provisions.

The general effect of the compulsory provisions enumerated above is that the greatest power of enforcing views as to care and treatment is given to the Board over those lunatics who are provided for in private asylums, in lunatic wards of poorhouses, and in private dwellings, that is, about 5,000 lunatics of the 17,000 on the Board's register.

Over the 12,000 lunatics provided for in Royal and district asylums the power of the Board to enforce their views as to accommodation, care, and treatment is comparatively limited, as the power of making rules and regulations, even if it were not confined to district asylums, could not be drawn so as to cover all cases that might arise. The recommendations of the Board are, as a rule, willingly and promptly met; but although the accommodation in such asylums might in the opinion of the Board be inadequate, the food of inferior quality, the water supply insufficient, or the drainage system in need of overhaul, if a District Lunacy Board or a Board of Directors thought otherwise, the Board would have no immediate means of causing acceptance of their views beyond the weight of their opinion, advice, and comments, supported by the power of making their reports public. This latter is a power of great efficacy, and in most cases is sufficient, though in the matter of prevention of overcrowding of asylums the Board have sought to have their control put upon a more definite footing.

The Board seldom, even in cases where they possess compulsory power, require to resort to it, and they never do so until efforts have been made to attain their object otherwise. But the existence of compulsory powers are of great value, as the knowledge that such powers exist exerts a powerful influence both in securing observance of statutory requirements and in enabling the Board to effect at once what otherwise might have been effected with difficulty.

CONTRAST BETWEEN THE LUNACY LAW OF ENGLAND AND OF SCOTLAND.

There is no room in such a statement as this to draw more than a brief and general comparison between the Lunacy Acts of England and of Scotland, even if I were competent to do so. The Scottish Act of 1857 was in its general outlines modelled upon the English Act of 1845, though it is in essential respects quite different, and the English Act of 1890–91 in some of its provisions adopted the "principle of the Scottish procedure with somewhat fuller elaboration of details." The aims of both Acts are in many respects the same, but the powers given to the central controlling body appear to be far from co-extensive, and the procedure for attaining these aims differs in important respects. The following seem to be the more outstanding of the contrasts between the two systems of lunacy administration:—

The Scottish Board has full oversight and control not only of all private patients who come under the provisions of the law but of all pauper lunatics without exception, however they may be provided for. Their powers of control over lunatic wards of poorhouses and private dwellings in which pauper lunatics are maintained, and their information with regard to each individual patient so provided for, are even more complete than in the case of those provided for in asylums.

In the case of the English Board the power over the management and accommodation of lunatics in workhouses seems comparatively small, while over pauper lunatics in private dwellings they appear to have no means of effectively exercising any control or of being accurately informed as to how such patients are being cared for and treated.

In England the visiting committee of an asylum may arrange for the removal of pauper patients to workhouses or to the care of their friends, and such patients remain on the books of the asylum.

The District Board in Scotland has no such power. That power is vested in the parish council responsible for

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been in institutions. Without such a staff the complete the patient's maintenance, and can only be exercised (if the patient is fit for discharge) subject to the sanction of the Board to the manner in which he is to be provided for, if he remains a pauper, or, if not, subject to the parish council being satisfied that he will be satisfactorily cared for by the relatives who undertake to maintain him. If he remains chargeable he may be sent either to the lunatic wards of a poorhouse or to private care, with related or unrelated guardians, always subject to the sanction of the Board and to their inspection. This provision could not be carried out without such adequate arrangements as exist in Scotland for the patient's subsequent local and governmental inspection and control. The patient on discharge (after, it may be, but not necessarily, a period of probation not exceeding one year) is entirely free from the asylum. He passes under the management of the parish council and can only be replaced in the asylum on a Sheriff's Order obtained in the usual way. The discharge to private care of pauper lunatics in licensed wards of poorhouses is precisely on the footing described as regards discharge and removal to the care of related or unrelated guardians, or of relatives who satisfy parish councils that they can provide for them properly without parochial aid. In the last-named case the patient passes both beyond the jurisdiction of the parish council and of the Board.

The provisions for Orders of reception are very much more complicated in the English law than in the Scottish, the committing authorities being in England various, and a distinction being made between private and pauper patients. Apparently the justice committing a pauper patient has power to determine whether he shall be sent to a workhouse.

In Scotland the one sole authority for commitment to asylums is the Sheriff. He is a well-known high legal authority, and there is no doubt that a patient's knowledge that he has been confined on the Order of a Sheriff has a weight which tends to pacify him by giving him assurance upon the point of the legality of the steps taken for his care. At the same time, the Sheriff's function is rather administrative than judicial. He sees that there is no ground to object to the petitioner, that the prescribed forms have been complied with, and that the two medical certificates are in terms such as afford reasonable evidence that the subject of the petition is insane. If he is not satisfied on these points the Order is refused. There is nothing to prevent him having the patient brought before him if for any reason he should think fit; but he does not do so, and would not be likely to do so for the purpose of determining the patient's lunacy, as that would put him in the false position of acting as a medical examiner. If the patient thinks himself wronged on admission, he has the remedy of at once petitioning the Board or the Sheriff to take steps for his release. No distinction is made between private and pauper patients as regards forms of admission to asylums. If a patient is not sent to an asylum, the sole judge of the manner of his disposal otherwise is the Board, who may sanction or not sanction some other way of providing for him.

In Scotland the Board exercises absolute power with regard to the licensing of all private asylums and the withdrawing of their licence.

In England this power seems to be possessed by the Commissioners only in the case of Metropolitan Licensed Houses.

The Board in Scotland grant licences to wards in poorhouses set apart for lunatics and withdraw such licenses under the same conditions as in the case of private asylums. No insane person can be received into such wards without their sanction.

In England such wards or corresponding institutions are not licensed by the Commissioners, and they do not appear to have power to regulate the class of patient sent to them.

In England plans for the erection or extension of asylums agreed upon by a Visiting Committee, must have the approval of the local authority and also the approval of a Secretary of State. The function of the Commissioners in Lunacy is thus apparently limited to reporting on the plans and estimates to the Secretary of State, who also decides differences between local authorities as to whether any plan, estimate, &c.. should be approved.

In Scotland the Board is the supreme and only authority in connection with the plans of district asylums. The plans are prepared at the instance of district boards, but the power of the Board to accept or reject makes it necessary that any scheme of asylum erection or extension should first be laid before them, and the local architect is merely called in eventually to carry out arrangements already fully considered and agreed upon as desirable. In a matter which so intimately concerns the medical treatment and means of classification, the importance of the Board's power in this matter cannot be overestimated. To this power alone, exercised in the light of the Commissioners' extensive experience, has been due most of the improvements in asylum design which have been carried out in Scotland.

In England agreements of local authorities to unite for lunacy purposes is made by the authorities concerned, with the ultimate approval of the Secretary of State, the Commissioners in Lunacy having apparently no voice in the matter.

In Scotland the power of combining, altering, and varying Lunacy Districts is committed to the Board on a local application being made to them, and they have power to make all necessary regulations consequent on such changes, though the exercise of such powers has ultimately to receive the sanction of the Secretary for Scotland.

In England contracts between local bodies for the reception, care, and treatment of lunatics are carried out by such bodies with consent of a Secretary of State, the Commissioners in Lunacy having apparently no statutory control in the matter.

In Scotland all such contracts must be made with the sanction of the General Board of Lunacy.

In certain other matters, such as the power of keeping persons for a limited time under private care, for medical treatment of incipient mental disorder, and the arrangements for reception into asylums of voluntary boarders, the English law introduces complications or restrictions which do not exist in the Scottish Acts on these subjects. Experience has shown that these restrictions are not necessary in Scotland where their adoption would be regarded as being likely to deprive these provisions to a great extent of their usefulness.

An important difference affecting lunacy administration between the law and practice in England and Scotland, lies in the fact that it has been established in Scotland by decisions of the Court of Session that parochial relief granted to an insane wife or child on account of lunacy does not pauperise the husband or father; whereas in England it is understood that relief granted on account of lunacy pauperises the applicant. The decisions of the Court of Session on the subject deal with cases in asylums, and rest upon the consideration that the cost of providing for an insane member of a family is beyond the means of a working man, and that the isolation of an insane wife or child is compulsorily effected rather in the interest of the community than of the husband or father. But the rule applies in practice also to cases in which the Board have agreed to dispense with the patient's removal to an asylum and have sanctioned instead some other arrangement for his or her proper care and treatment.

It is recognised that the Scottish Acts are in many respects defective. *There has been no Consolidation Act and no Amendment Act since 1866 of any administrative importance beyond an Act passed in 1891 to restore powers of altering Lunacy Districts which were accidentally lost on the passing of the Prisons Act of 1887. The general scope of the Scottish Acts cannot therefore be easily apprehended without an intimate knowledge of their working. Their defects are, however, rather defects of detail than of principle. The English Acts have in many respects the advantage, such, for instance, as in the power of making regulations for hospitals (in Scotland Royal Asylums) and of restricting the numbers received into such institutions, in the power of providing accommodation for private patients in county asylums, and in the provisions for granting pensions to the officers and attendants in such asylums.

It is also clear that many of the matters which seem least satisfactory in the English Acts are due to the limited control of the English Board, and especially to the absence of a staff for the inspection of pauper patients who pass out of care in institutions, or who have never

*Mr. Spence subsequently sent in a statement of certain points in regard to which the General Board of Lunacy in Scotland thought that amendment of the Lunacy Acts (Scotland) would be desirable, and this is printed in the Appendix Papers p. 328c *post*.

supervision of the insane in England is impossible, and this grave defect in the arrangements for supervising the insane poor occurs in the case of those lunatics who, above all others, require Governmental supervision.

Imbeciles.

Though the term "imbecile" is excluded from the definition of "lunatic," a large proportion of lunatics at all ages on the register of the Board are congenital imbeciles, that is persons showing congenital mental defect to a much less degree than that to which the term "idiot" could be properly applied.

These imbeciles under the inspection and control of the Board as "lunatics" may be found in any of the establishments for the insane and in large numbers under private care.

There are in Scotland only two training schools for imbecile children namely those at Larbert and Baldovan. There is a separate building for children at the Glasgow District Asylum, Woodilee, but that forms part of the asylum and the children in it (who are supposed to be incapable of deriving benefit from training in a training school for imbecile children) are certified as lunatics and received under the usual Sheriff's Order. There is no limit as to the age to which they may be kept in this portion of the asylum, and the superintendent is of course free at his discretion to remove them to any other part of it.

In addition to what is being done by the two licensed training schools, work of a similar character is being performed by the education authorities at Glasgow, and possibly elsewhere, though in the schools for defective children the inmates are not boarders but day pupils. The mental condition of these children seems to differ little, if at all, from those at Larbert. The children seen were not likely ever to become self-supporting, and most, if not all, of them could have easily been certified as suitable for Larbert institution, though, in so far as they may have been the children of respectable parents, their removal to an institution such as Larbert would have been no gain to them but in all likelihood a loss.

The great majority of children who are not self-supporting and who belong to the poor classes come in later life on the register of the Board. During the five years 1900–1904, there were discharged from the institutions at Larbert and Baldovan 109 privately supported children (56 males and 53 females) and 147 pauper children (97 males and 50 females). The manner of disposal of these children has been analysed with the following result:—

Private Pupils.

Of fifty-six males discharged.	*Of fifty-three females discharged.*
Forty-nine went home.	Fifty-two went home.
Two were boarded with the Board's sanction under private care.	One was removed to asylum.
Three were removed to asylums.	
One went to England (Whitehaven Union Workhouse).	
One was removed to another institution (to Baldovan from Larbert).	

Pauper Pupils.

Of ninety-seven males discharged.	*Of fifty females discharged.*
Thirty-four were removed from the poor roll and went home.	Fifteen were removed from the poor roll and went home.
Twenty were provided for with Board's sanction in private dwellings.	Eleven were provided for with the Board's sanction under private care.
Thirty-eight were removed to asylums or lunatic wards of poorhouses.	Twenty were removed to asylums or lunatic wards of poorhouses.
Three were transferred to another institution (to Baldovan from Larbert).	One was placed in the ordinary wards of a poorhouse.
One was placed in the ordinary wards of a poorhouse.	Two remained in institution as servants.
One remained in the institution as a help.	One was provided for as a domestic servant to a person approved of by the parish council.

It will be seen from this statement that of the ninety-seven male pauper children discharged thirty-four passed for the time being out of official cognisance, while sixty-three were definitely disposed in ways which left them permanently under local or official control. Of the fifty female pauper children discharged, fifteen went home and cannot further be traced meantime, while thirty-five were provided for by removal to asylum or to supervised private care, or were otherwise disposed of in some definite and approved manner. Many of the thirty-four males and fifteen females who were taken home will probably eventually from some cause or other reappear on the register of the Board. But so long as they show themselves fit for home life, are under the guardianship and control of respectable relatives, and are not a source of annoyance to the public, there would not be the slightest excuse for interference with them on the part of the State.

The Census Schedule for 1901 added the words "feeble-minded" to "imbecile" used in former Census Schedules. This addition, though it can have produced no results of any value as regards the number of the class which is not at present regarded as certifiable, is nevertheless of value in giving an improved indication of the number of persons of the class officially known as "lunatics." It may, I think, be confidently taken that no persons, young or old, have been entered in these returns as "imbecile or feeble-minded" who are not in a mental state which could readily be certified as a state of lunacy; and there is strong evidence that the addition of "feeble-minded" has led to the return of many such persons who would otherwise have been returned as sane. It is therefore hoped that no change will be made in future in the words now standing in the Schedule as the terms "lunatic" and "imbecile, feeble-minded" all serve a purpose in obtaining a nearer approximation to the total number of persons in the country who are officially known as "lunatics." It should, however, be recognised that the figures returned under "lunatic" and "imbecile, feeble-minded" produce no results which are of any

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value as a classification, or which would be otherwise than misleading if they were taken as showing the relative numbers of these classes of the insane. The total result arrived at is no doubt a very imperfect result, but it is the best we are likely to obtain, and for this reason I am strongly of opinion that the wording of the present Census Schedule as describing mental state should not again be altered. I should, however, add that the words "from childhood" used in the Schedule are, as regards the mentally defective, quite valueless and even misleading, and it would be an improvement on the Schedule if their applicability were confined to the deaf and blind.

In the 44th Report of the General Board of Lunacy, an effort was made to ascertain from the Census Returns the number of congenital imbeciles in Scotland under twenty years of age with the following results. It was in the first place found that parents will not as a rule recognise—or at all events return—children as mentally defective who are under the age of about ten years. The returns under that age are consequently to a large extent blank, though the imbeciles under ten years of age must of course have been very numerous. The results therefore include mainly those aged from ten to under twenty. The number of persons between these ages in asylums suffering from acquired insanity was ascertained and deducted, and it was found that the remaining number of congenital imbeciles under twenty years of age belonging to Scotland, included in the Census Returns, was 2,012. Of these 619 were on the Board's register as resident either in institutions or under private care, leaving a balance of 1,393 not known to the Board. These are under the home care of relatives, either of the wealthy class or of persons who though poor are sufficiently well off not to require public aid in maintaining their imbecile children. Both the Board and the parish officials have many ways of knowing when such children are not properly cared for, and nothing has occurred in the experience of the Board to show that their condition in Scotland is as a rule such as to call for interference by the State. But it should be kept in view that I am speaking only of such as are obviously and beyond doubt imbeciles who could without difficulty be certified as of unsound mind if occasion arose for their being so certified. There are unquestionably many weak-minded or abnormally—constituted persons, young and old, who would never appear as imbeciles or feeble-minded in the Census Returns. The difficulty is that the less mentally defective such persons are the greater becomes the difficulty of dealing with them under the existing lunacy or other laws, and the greater becomes the likelihood of their being a danger to the community.

No alteration of the lunacy law would be advisable which would have the effect of admitting to asylums, without the usual certification of insanity, persons whose previous conduct may have given proof of their being defective mentally or morally, but who could not be certified as lunatics under the present law; or which would have the effect of retaining such persons in asylums after they are regarded by the medical superintendent as recovered. Though insanity cannot be defined, its meaning and practice is at present fairly well understood both by medical superintendents of asylums and by general practitioners. To legislate so as to disturb that understanding would create general confusion of thought and would go far to destroy the foundation upon which the fabric of lunacy legislation may be said to rest, which is, that a person cannot be admitted to an asylum unless certified to be insane, and cannot be detained in an asylum after recovery has in the opinion of the medical superintendent or principal medical officer of the asylum, taken place. Such legislation would be an injury to the interests of those who are admittedly lunatics in the popular sense; and it would, I believe, fail in its object, because whatever scientific theories may be held, and rightly held, with regard to the irresponsibility and mental or moral deficiencies of certain persons not certifiable as lunatics, legislation which should attempt to deal with such persons as lunatics would not have public opinion with it, and in public opinion, I include the opinion of the ordinary medical practitioner.

It will hardly be suggested that all mentally and morally defective persons coming within the purview of the Commission could be relegated to asylums. The widening of the lunacy law would, therefore, only secure provision for some of the persons whose isolation is regarded as desirable; but the breaking up or serious disturbance of the existing lunacy law would be too great a price to pay for a partial and more or less experimental measure of the kind. Some other method of isolation would still be necessary for some persons; while the difficulty of consistently determining which of these defective persons were suitable for asylums and which for some other mode of isolation would be found insuperable in practice.

20791. (*Dr. Dunlop.*) I gather from your statement that your great conclusion is, one authority for all lunacy?—One authority.

20792. In Scotland at the present moment there is no administrative difference between congenital lunacy and acquired lunacy, and it is most undesirable to have it?—Quite undesirable.

20793. There is also no difference made between the different grades as regards authority; as soon as they require care and treatment they come under the one Board?—They come under the one Board.

20794. What do you think would be the result of a division into two authorities, would it not be apt to lead to cases falling between two stools?—Undoubtedly it would. The advantage of the present system is that if a patient is not sent to an asylum, the Board can specify where he is to be sent, and no second authority interferes with it.

20795. We have been told a good deal in the matter of certification. Can you tell us a little about the interpretation of what certification is in Scotland? Is it a medical procedure or a legal procedure?—It is a medical procedure.

20796. The Sheriff's warrant is not part of the medical certificate, is it?—No.

20797. The Sheriff has a free hand to criticise it, has he not?—Quite.

20798. Is it the case that he does not necessarily read and consider the details of the certificate?—I suppose he reads the certificate; we have no knowledge of what happens but I believe he rarely finds anything wrong. If there were absolutely no statement in the certificate that implied lunacy at all, I have no doubt he would require such a statement to be made.

20799. Is it the ordinary custom that the Sheriff has to be satisfied that the case has the two medical certificates?—If he sees two medical certificates which upon a reasonable construction appear to be certificates of insanity, he grants an Order without further inquiry.

20800. Are you aware that in England a justice has to consider the facts observed at the time of examination and decide the validity of the certificate by that?—That is not the case in Scotland.

20801. Such a limitation of the power of certification would be most undesirable?—Most undesirable.

20802. In dealing with a lunatic patient, or a defective patient—because we cannot talk about the one when dealing with Scotland without talking about the other—there are two things necessary or unnecessary in some cases, one is the certificate and the other is the detention order?—Yes.

20803. It would be simpler to take them up separately. Can you tell us in what instances a double medical certificate is required?—A double medical certificate is in all ordinary cases required for the certification of lunatics for committal to an asylum.

20804. But it is not required in all cases is it—voluntary inmates may go to asylums?—Voluntary inmates may, but they are not lunatics.

20805. Criminal lunatics?—Criminal lunatics may.

20806. There are no certificates there?—There are no certificates there, but they are not under our Board quite in the same sense as the others.

20807. Imbeciles in training schools when they belong to the monied class and are paying their way?—There is no certificate at all.

20808. There has never been any difficulty in regard to that?—No; the institutions are licensed, the children are all seen, and we register all their names, and a list is given to the Commissioner who visits and he sees them all.

20809. The institutions are licensed and inspected?—Yes.

20810. And that thoroughly well meets the situation ?—Thoroughly.

20811. There is no occasion to certify a child ?—No.

20812. There is no more necessity for certifying for powers of detention in an imbecile school than there is in the case of a boy at Eton or Harrow ?—No.

20813. Another class of institution where there is no certificate required is the observation ward ?—That is not under our Board.

20814. It is approved by your Board, is it not ?—It is quite a recent thing. The rules are not yet issued by the Local Government Board, but it has been arranged that the Lunacy Commissioners are to visit them; they have the right to visit them when they choose, uch wards being part of a poorhouse. It has been arranged that the Commissioners shall definitely visit these wards at least twice a year.

20815. In your Board's opinion, and in your personal opinion, the observation wards are most desirable institutions and there is no reason for certification ?—No, none. Certification would spoil the object of the ward altogether, which is to avoid certification.

20816. In fact, a large number of lunatics can be thoroughly well dealt with without a medical certificate at all ?—Quite well.

20817. Those who are going into an asylum have to be put into an asylum as an ordinary case ?—Yes.

20818. Is there any difference made between the certification of pauper lunatics and paying patients ?—None.

20819. They are put in under the same certificate and the same procedure ?—Yes.

20820. The justice of the peace has nothing to do with the certification ?—No.

20821. The Sheriff is a high legal authority ?—Yes.

20822. The Sheriff is never called upon to see pauper patients in Scotland ?—Never; with one small exception, when they have to be sent to another country under the Poor Law.

20823. That is not ordinary procedure ?—No. At present a lunatic being a pauper has in such circumstances to be brought into Court. The Sheriff, I understand, does not examine him.

20824. Pauper lunatics have to be brought into Court and so on ?—Yes.

20825. In the ordinary case there is no difference in the certification of a pauper and that of a paying patient ?—None whatever, they are exactly the same.

20826. Regarding the emergency certificate, that is very freely used in Scotland ?—Yes

20827. With regard to the majority of cases they are sent to an asylum on the emergency certificate ?—I think the majority would be so. In localities where it is easy to get the medical certificate it may not be necessary to use it. I should take it that in the majority of cases it is used.

20828. Even when there are two medical certificates it is not always convenient to get a Sheriff's Order ?—You sometimes cannot get it done.

20829. And the emergency certificate is used for that ?—Yes.

20830. The case is fully certified before it goes permanently to the asylum ?—Yes, it must be.

20831. Over and above the cases requiring the ordinary certificate, and these cases requiring no certificate at all, I understand there are some cases which have special certificates differing from the ordinary statutory certificate regarding the inmates of lunatic wards of poor-houses ?—Yes.

20832. Tell us about this certificate ?—That is a form which the Board themselves drew up, it is adapted to showing that the patient is suitable for the kind of place in which it is proposed to place him. Here is the form upon which the Board sanction admission to the lunatic wards of poor-houses.

20833. Will you read out the essential clause ?—The applicant has to say the pauper lunatic is of unsound mind, is not dangerous, does not require curative treatment and is a proper person to be placed in the lunatic ward of the poor-house at so and so. There is a statement of particulars by the inspector of poor which is very much the same as the statement of particulars in the ordinary order for an asylum. Then there is a statement by the medical officer which is to show whether the patient is deformed, whether afflicted with bodily disease, whether able to speak and walk, dress himself, feed himself, whether capable of employment, whether subject to epilepsy, whether paralytic, whether of uncleanly habits by day or night, whether violent or noisy, whether refusing food, whether of obscene conduct, or offensive to public decency, whether suicidal or dangerous. If he could not answer these questions satisfactorily the patient would not be suitable for the wards.

20834. Before admission to the wards the case has to be approved of by the general Board of Lunacy ?—The application for sanction comes to the Board with two certificates if the lunatic has never before been certified, and with one certificate if he is taken from an asylum or a private dwelling where he has been certified before.

20835. In the case of a transfer from the ordinary ward of a poor-house to the lunacy ward, it would require a double certificate and a special form ?—Yes, that is to satisfy the requirements of the Act defining a lunatic, which is a person certified by two medical persons to be of unsound mind.

20836. You have another certificate in use by your Board regarding imbeciles ?—Yes, for imbecile children admitted to training schools

20837. Will you read us the medical clause of that ?—That certificate is only used for pauper children, and the reason of it being used for such is really to qualify for the grant, which requires that the recipient shall be certified to be a lunatic. If these pauper children in the imbecile institutions were not certified lunatics, parishes would not be able to obtain the grant on their account. The medical certificate is this: "I, the undersigned, do hereby certify that I have this day, at so and so, in the county of so and so, personally examined so and so, and believe the said child to be of unsound mind, to be capable of deriving benefit from training and treatment in the institution for the training of imbecile children at such a place and to be in a fit state of bodily health for removal thereto."

20838. That is not a statutory certificate ?—It is not a statutory certificate; it is revised and altered as the Board wishes.

20839. It is a guarantee, in fact, that the child is of unsound mind, and such as the 4s. grant should be paid for ?—Yes.

20840. Technically the child is not a committed lunatic by being certified in that form ?—He is a certified lunatic, but he is not committed in any sense as a certified lunatic; he is there under the sanction of the Board.

20841. Private patients are not certified in that way ?—No.

20842. There is no occasion for it ?—No.

20843. It is only for proof that Government money is not being spent upon unsuitable cases ?—Yes.

20844. (*Dr. Donkin.*) Is that person, certified in that form, visited by the Commissioners in Lunacy ?—Yes, just like a person in an asylum.

20845. (*Dr. Dunlop.*) All the inmates in an institution are visited, whether they are certified in that form or not ?—Yes.

20846. You have another special certificate for what we call the six-months cases ?—Yes; that is not a certificate of lunacy; at least, it is not regarded as that in the ordinary sense. That is under a special section of the Act, which provides that if a certificate of this kind which I will read just now, is used, a person may be kept for gain without any other authority at all and the Board have no knowledge of the case; there is no necessity to intimate such cases to the Board, and the Board have no knowledge of them. Certificates are often sent by guardians who know about the Board, and are anxious to observe their instructions; they often send them to us but they are not obliged; the certificate, which is as follows, is sufficient: "I, so and so, a medical person duly qualified in terms of the Act 21 and 22 Victoria

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certify that so and so is afflicted with "—that is the nature of the disease; it may happen to be "mental depression"—"but that the malady is not confirmed, and that I consider it expedient with a view to recovery that he should be placed in so and so for a temporary residence for so many months."

20847. That does not amount to a certificate of lunacy?—It does not, it is not a certificate of lunacy.

20848. They may or may not come to the Lunacy Board?—They may or may not; the person in charge of the patient is not obliged to send it.

20849. What happens to these certificates; for whose benefit are they?—I never heard of their being applied to any, but those of the better classes. A question arises as to whether the patient should be sent to an asylum or not, and as a means of giving a chance of recovery by placing him under suitable private care he is sent to such care for a few months for treatment.

20850. Is not that a certificate for the protection of the guardian who takes the man in?—It is so; if it were not granted the guardian might be prosecuted.

20851. It gives no power of detention?—No.

20852. He goes in just as an ordinary person?—He goes in as an ordinary boarder.

20853. He can discharge himself?—He can go away. I suppose very often such patients are in a depressed state, and do not want to go; they are satisfied with their relatives' arrangements for them.

20854. (*Mr. Dickinson.*) Who signs that certificate?—Any medical man may sign it.

20855. (*Dr. Dunlop.*) One more class of certificate I have omitted, the certificate for lunatics in private dwellings. What certificate do they require?—They come under two certificates somewhat similar to those I drew attention to in the case of the poor-house. The doctors have to certify that the patient is suitable for private care and is not dangerous or capable of being benefited by curative treatment.

20856. Do they require a double statutory certificate?—Yes; just for the same reason, to establish lunacy.

20857. The same class of certificate, but slightly different from that for lunatic wards of the poor-house?—Yes.

20858. Now come on to the Orders for detention. The Sheriff gives Orders for detention in certain classes under certain sections of the Act, does he not?—Yes.

20859. But in two of these after medical certification; the two being Section 14, the common method of certification, and Section 6, which applies to prisoners?—Yes.

20860. There are two other methods; Sections 15 and 89. In neither of those, I understand, is there ordinary medical certification?—No, Section 15 does not require certification at all. The Sheriff is simply satisfied by evidence, which is always medical, that the person he is dealing with is a lunatic.

20861. In both of these the sheriff decides after enquiry?—Yes.

20862. Then Section 89?—That is a section of which I have had little experience; in fact, none, except in one case.

20863. I think the Commissioners would like to hear your experience of Section 89, because it is a very far reaching power, if it were applied. Would you read it out to us?—This is the section, "If any person, while imprisoned in any prison or other place of confinement, under any sentence of death, transportation, penal servitude, or imprisonment, or under charge of any crime or offence, or under any civil process, shall appear to be insane, it shall be lawful for the Sheriff of the county where such person is imprisoned to inquire with the aid of two medical persons as to the insanity of such prisoner; and if it shall be certified by such sheriff and such medical persons that such prisoner is insane, it shall be lawful for one of Her Majesty's principal Secretaries of State upon receipt of such certificate to direct by warrant under his hand that such person shall be removed to such asylum as the said Secretary of State may judge proper and appoint; and every prisoner so removed under this Act and every person removed previous to the date of this Act from prison to an asylum by reason of his insanity shall remain in confinement in such asylum until it shall be duly certified to one of Her Majesty's principal Secretaries of State by two medical persons that such person has become of sound mind, whereupon the said Secretary of State is hereby authorised if such person shall remain subject to be continued in custody to issue his warrant to the superintendent of such asylum, directing that such person shall be removed back from thence to the prison or other place of confinement from whence he shall have been taken, or, if the period of imprisonment of such person shall have expired, that he shall be discharged."

20864. The Committing Order under that section is by the Secretary for Scotland, rather than the Sheriff?—Yes.

20865. However, it is on the Sheriff's inquiry?—Yes.

20866. That Section 89 has fallen into disuse, has it not?—It never, as far as I can ascertain, has been used, except once.

20867. What is the flaw in that section?—I believe, myself, from a careful study of all the Prison Acts as well as Lunacy Acts, Prison chiefly, that persons sent to an asylum under that section were required to be kept at the cost of the State, and the prison authorities rather objected to that. Some time afterwards the Criminal and Dangerous Lunatics Act was passed, which enabled such persons to be kept in the asylum at the expense of the parish.

20868. The section as it stands does not define the question of payment?—It does not, but I believe that to have been the reason why it was not used; I can think of no other reason.

20869. The reason why I want to draw attention to this section is that we have had evidence from Sir Edward Fry and others that when insane persons are found in prison they should be there examined and sent to an asylum or other Institution, and there detained during the entire period of their insanity until they are recovered, and more or less forcibly detained for that purpose, more than, say, an ordinary lunatic. Does the general principle of that Section 89, the nature of the inquiry and the form of Order, meet the situation exactly, leaving the payment part aside?—In this one single case that we know about, it broke down, as I dare say you are aware, because the medical superintendent and his assistant became of opinion that the man was sane, and the parochial authorities who were paying for him obtained two independent medical certificates and applied successfully to the Secretary for Scotland to order his discharge.

20870. It broke down in that one case?—It broke down in the only case in which it has been tried.

20871. Let us talk about it theoretically. They are a good deal more tightly fixed if in an asylum under that section than in the ordinary case?—Yes, it is the only case in which the medical superintendent is not bound to discharge a patient upon recovery. In the case of persons committed as Dangerous Lunatics in Scotland you would have many confined decidedly worse than these, but they are only detained "until cured"; that point is reached when the medical superintendent thinks so.

20872. With an ordinary patient one is entirely under the opinion of the medical superintendent, but under Section 89 the Secretary for Scotland will have to be satisfied?—That would be effective in the case of a person in an asylum, not under the Lunacy Law, but under another law; if you want to detain a person of that kind you must do it in such a way as to secure your object.

20873. Under that section as it stands the discharge is a great deal more safely guarded than under Section 14 or 15 of the Act?—I should think it would be most objectionable to put such a provision into the Lunacy Law and to apply it to ordinary lunacy cases. We do not want to obstruct discharge, we want to encourage discharge.

20874. But we are not talking about those, we are talking about any special class, cases that crop up in prison. I am not asking whether that particular section is desirable in its present form, but I want to know whether the procedure laid down does safeguard the custody?—To a certain extent; if you desired to confine these persons in a State asylum, Section 89 would hardly be sufficiently strong.

20875. You say it would not be sufficiently strong ?—I doubt if it would be for the class of persons you are thinking of, if you are speaking of persons who are only slightly weak-minded.

20876. I am not discussing the class of case at all. The question is simply the procedure of the section. Do you think the procedure laid down in that section is strong enough to secure proper asylum care and treatment for neglected lunatics, cases of lunacy which are found in prison ?—I do not think you need anything at all for lunacy. Under the Lunacy Law I would have nothing of the kind; I do not think the Lunacy Law should be changed in that direction. I was speaking of another law.

20877. Are you aware that there is abuse in that matter of discharge ?—I hesitate to say that. There are no doubt mistakes of judgment, but these things will happen everywhere.

20878. And mistakes of judgment in the most undesirable class of case ?—No, I would not say that, necessarily.

20879. The class of case with a history showing that they require care and treatment and they will come hopelessly to grief if they come out ?—There have been one or two cases of persons discharged through being believed to be sane and coming back within a very short time. That is the kind of case which would want to be dealt with under another law.

20880. Let me come back to the original point and get a concise answer. We have been advised that when insane persons, lunatics, are sent to prison, cannot behave themselves, and come in and out of prison, or are sent to prison under a serious charge, they should be examined in prison, and if found to be insane put into an asylum and detained in an asylum. For the purpose of detention in an asylum, I do not know whether a State asylum or another asylum, is the procedure in that Section 89 suitable ?—I think it is imperfect if you really want to detain them continuously, because in the one case in which it was tried it was not effective, and I cannot say it would ever be. You are, I assume, supposing them to be maintained at the cost of the parish. The parish would take the procedure which was taken in this case; get two certificates and let the man out again.

20881. You think it would be quite easy to get two certificates and the Secretary of Scotland would always accept them ?—He did so in the only case we know about; I can say no more.

20882. There are certain classes of lunatics dealt with without Sheriff's Orders at all, are there not; first, the admission to the lunatic wards of poor-houses ?—Yes.

20883. They are sent in there with a double special certificate which you have read to us, and with the approval of the Lunacy Board ?—Yes.

20884. But not under any legal form of mandate ?—None.

20885. The lawyer is not concerned in that ?—The Lunacy Law of Scotland requires all pauper cases to be sent to asylums unless the Board exempts the patient from removal to an asylum. Such sanctions used to be called "exemptions from removal"; all such sanctions are just methods of exempting from removal to asylums.

20886. But as a matter of fact cases are sent straight into the lunatic wards of the poor-house without the Sheriff's warrant ?—That is true.

20887. Or without the warrant of a justice ?—Yes, the simple written sanction of the Board.

20888. Children are admitted to imbecile training schools without legal warrant ?—Without legal warrant.

20889. They are not committed in any form whatever ?—They are committed under the sanction of the Board simply, upon prescribed forms — that is to say, the pauper children; private children are received without any sanction at all.

20890. Certified lunatics are admitted into private dwellings and kept in private dwellings without legal authority, without the Sheriff's authority ?—Yes.

20891. There again, no Sheriff's authority is necessary is it ?—The Sheriff has power under the Act to grant an order, but it is disused now, the sanction of the Board is taken instead.

20892. The Board is allowed to sanction, and the sanction of the Board is found to be quite sufficient ?—I think if the Sheriff granted his Order the Board would insist on their consent being got too. They have the power of doing that, and they would do so. There is no Sheriff's Order granted for private dwellings now.

20893. (*Dr. Needham.*) There is notification, I suppose, to the Lunacy Board ?—Yes.

20894. (*Dr. Dunlop.*) The Lunacy Board sanction. There is no detention Order at all in the case of a six-months patient ?—No.

20895. They are not under compulsory detention at all ?—No.

20896. So we may epitomise what we have been going over by saying that the certification and detention Orders in Scotland are perfectly separate and distinct ?—Quite.

20897. There are two different processes ?—Yes.

20898. The one being essentially medical and the other legal, or by the Sheriff or the Lunacy Board ?—Yes.

20899. In some cases the one is necessary, in other cases the other, in some both, and in some neither ?—Yes.

20900. Now come to the matter of discharge in Scotland; who has the power of discharge ?—The power of discharge of unrecovered private patients is left to the person at whose instance the patient is detained, or in his absence his nearest known relative.

20901. The relatives have the power of withdrawal ?—The relatives have the power of withdrawal of the patient.

20902. That is not subject to any sanction or approval ?—It is subject to the fact that if the superintendent believes the person to be dangerous he may report him as such to the procurator fiscal, who may act or may not. If the procurator fiscal takes no action the patient must be discharged.

20903. Has the parish any such power regarding the pauper patients ?—They have full power, under certain restrictions, of calling upon the superintendent to discharge. If he thinks the discharge of the patient would be dangerous or injurious in any way he has power of refusing discharge and of making an appeal to the Board, who make investigation, and if they are satisfied he should be discharged they order his discharge; if not, they order his continued detention.

20904. The ordinary method of discharge in the vast majority of cases is by recovery, is it not ?—By recovery, yes.

20905. The mere statement of recovery, and that statement by the superintendent of the asylum, means discharge ?—That means discharge. If he sends notice to that effect it brings the Sheriff's Order to an end.

20906. The same statement of recovery applies to those who are appointed to asylums as dangerous lunatics under Section 15 ?—Yes.

20907. Exactly the same as if they were private patients ?—Exactly as if they were ordinary patients.

20908. It does not apply in the case of Section 89 about which we have been talking ?—No.

20909. There is another special mode of discharge—Section 6, which applies to prison cases; that is, that the certificate lapses at the end of sentence ?—The certificate lapses at the end of the sentence, and if the patient is to be detained a fresh Order must be got in the ordinary form.

20910. That is an undesirable method, is it ?—It is. I should like to see the Order for the patient made continuous so long as lunacy lasts.

20911. The prison certificate adds to the class of uncertified persons that we are now concerned with, or it may add ?—It does.

20912. I would like to pass on to the duty of the different Boards concerned with dealing with lunacy. First of all about the county council; what are the functions of the county councils regarding lunatics ?—They have no function at all as regards lunatics, the

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only function they have is to be partially or wholly electors of district Lunacy Boards.

20913. As a county council they have nothing to do with lunatics ?—Nothing whatever.

20914. They send, however, some representatives to the District Lunacy Boards ?—Yes.

20915. What numbers are there in that District Lunacy Board ?—Their numbers are fixed by the Board ; they vary greatly, from as low as five in small counties up to twenty-three in the larger Districts and to thirty-one in the case of large urban parish councils which have been themselves constituted District Lunacy Boards.

20916. They consist of so many members from the county council, but what other members ?—The county council and the magistrates of burghs within the district.

20917. What is the duty of the District Lunacy Board ? —They have the duty of providing asylums and of managing them afterwards.

20918. But not medical managing, it is financial managing ?—They supervise discipline and that sort of thing, if necessary. If anything happens they are the responsible body. The superintendent is their servant, and they appoint the superintendents and higher officers ; the lower officers and attendants would be appointed by the superintendent himself.

20919. Have they anything to do with the selection of cases admitted or discharged ?—Nothing whatever.

20920. They have no power whatever of discharging a patient ?—No, they visit the asylum to see that things are going on well.

20921. They have no power of selecting cases ?—No power at all.

20922. We were told by the medical officer of a large union in England that the county asylum insisted on having a description of the case before them before they would say whether they would take them. Such a thing in Scotland is unheard of ?—Absurd ; it would never do at all.

20923. The District Lunacy Board has nothing to do with medical treatment or admission, or discharge ?—No.

20924. What duties have the parish council as a council ?—As a council they have no duty except that of paying for the patient.

20925. Paying for the patient, and approving his discharge?—Yes, they control the discharge of their own unrecovered patients, but as regards the asylum they have nothing to do beyond paying. They have power of passing a minute for the discharge of unrecovered patients.

20926. That minute is subject to the approval of the medical superintendent, and has to state the reasons ?—Yes.

20927. The responsible official of the parish council is the inspector of poor ?—Yes.

20928. What are his duties when he becomes aware of a case of lunacy or a case of a defective person in his parish ?—Our Act runs : "If he [the inspector of poor] shall become aware of a pauper lunatic being in his parish " ; but our definition of a pauper lunatic is a person who has been "certified by two medical persons," and Section 112 cannot, in the nature of the case, refer to an already certified lunatic. The Board had therefore to frame an Instruction for themselves. It is this : "If an inspector of poor has reason to think that any pauper within his parish or any person with whom he is called upon to deal, not being already a certified lunatic, is an insane person, an idiot, or a person of unsound mind, it will be his duty to obtain a certificate as to the person's mental state from a registered medical practitioner, and be guided by what is said therein as to whether a second medical certificate should be obtained with a view to the person being intimated and provided for as a pauper patient." He is bound to do that within seven days under a penalty. It works perfectly well ; I have not been aware of any case of undoubted lunacy that has not been reported to the Board.

20929. On information given to this responsible official, the inspector of the poor, that inspector of the poor is bound to take steps ?—Bound to take steps.

20930. And bound, if the person is certified, to provide accommodation and make arrangements for him under a penalty if he does not ?

20931. (*Mr. Byrne.*) What penalty ?

20932. (*Dr. Dunlop.*) £50 ?—I do not think there is a penalty. He must within twenty-one days take steps for his removal to an asylum, or provide for him in some other way that the Board may sanction.

20933. Is the inspector of poor equally bound to take charge of imbecile children ?—Theoretically he is ; they sometimes do. We have had an infant intimated as a pauper lunatic as young as two years old.

20934. Does it work out practically ?—Practically. I have not heard that there are a great many imbecile children that are badly cared for ; that there are some such I think, is extremely probable, if they are not certified and intimated as pauper lunatics.

20935. Possibly these regulations are not carried out to quite the full extent ?—I do not think parochial authorities look upon children as in quite the same position as adult persons of unsound mind.

20936. (*Mr. Chadwyck-Healey.*) Where is the line drawn ; is a line drawn ?

20937. (*Dr. Dunlop.*) In the matter of age, is it not ?—No, there is no limit as regards age.

20938. (*Mr. Chadwyck-Healey.*) In practice, I meant ? —Practically there is. We get very few children under ten years of age, but we occasionally get them.

20939. (*Dr. Dunlop.*) One reason is, that there is no accommodation ?—It is deficient, undoubtedly.

20940. Applications are held back and put off ?—That may be an element in it. There is not nearly sufficient accommodation.

20941. In dealing with an imbecile adult, would the inspector of poor be able to shield himself by saying the adult was only an imbecile, or only a mental defective, not insane ?—We are rather liberal about certification. I was reading over cases which have been given in evidence here, and I think they would be certified without difficulty in Scotland, and would be under our sanction ; that is my impression from reading these cases.

20942. I think we have been over most of the procedure. I gather from your statement you have one or two suggestions to make to indicate the direction in which the law in Scotland might be amended ?—Yes.

20943. You are strongly opposed to any division of authority ?—I think it would be a mistake, decidedly.

20944. Do you think the amount of accommodation for imbecile children is sufficient ?—No, I think it is very much deficient.

20945. In what respect should the law be altered to meet that ?—I do not know that the point has been specially considered, but there is one thing that I think could be quite well done ; we have only two training schools for imbecile children ; one of them has not been always ready to extend its accommodation when it was required, and it probably could not extend sufficiently ; these institutions administer charitable private funds ; I do not think they have the means to extend to the extent necessary ; I therefore think it would be very desirable if the law empowered lunacy districts to combine and erect training schools for imbecile children.

20946. The Lunacy Board should have power of making the lunacy districts combine and make the necessary accommodation ?—We should have that power. I do not say the Board should have the power to order combination, but upon application being made they should have power to do it.

20947. Have you any opinion to give as to whether all defective persons should be seized and segregated, or whether the present test of the necessity, namely requirement of care and treatment, should continue ?—I should prefer the continuance of the present system. I see no reason for segregating all persons, and none for segregating those who are already well cared for ; it is simply a matter of dealing with those that are not well cared for.

20948. So the present requirements for care and treatment should continue, and be the test in future ?—As regards persons who are certifiable, I think so.

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20949. It has been suggested to the Commission that a new certificate to the effect that a person was defective or feeble-minded should be introduced. Do you think that would serve a practical purpose; is "unsound" not sufficiently comprehensive?—"Unsound mind" comprehends almost anything; in fact it comprehends any degree of mental defect if you take a wide view of it; it is, however, actually applied to people who are in the popular sense lunatics. I do not think you can get a wider term than that, as far as I can see.

20950. It is conventionally limited, is it not?—You remember the introduction of the word "feeble-minded" in the Census Schedule; it only led to a return of the extreme cases of imbecility, after all.

20951. But any new term that was introduced would come to get a restricted use in a very short time?—Yes.

20952. So it would not be practicable?—Not in the least.

20953. "Unsoundness" is practical enough?—Yes.

20954. You know the certificate under the Idiots Act—the English Act?—It is not unlike the certificate we have ourselves for the training schools.

20955. Except that that is a statutory certificate, and ours is not?—Yes, ours is drawn up by the Board.

20956. Carrying powers of detention?—That may be; I do not know. I suppose it does; none of them are orders of detention, they are receiving orders; I think that is so in England, too. Any order under these Acts is an order to receive. A Sheriff's Order in Scotland is not an order for detention—it is not definitely said to be so; it is simply an order to transmit such a person to an asylum and to receive them therein.

20957. Surely it implies detention?—I think it may be held to do so until recovery supervenes; then, of course, the Order lapses; or until under some other process of law the patient is discharged.

20958. Our imbeciles as a class, young imbeciles, do not require to be certified?—No.

20959. We do not want any change?—None whatever. I should mention that there is a branch of one of the Glasgow asylums, which is for imbecile children; they are extremely imbecile; and are all certified as lunatics under the Sheriff's Order. I think if you were to introduce the training or care of the imbecile children into asylums, you would have to follow that procedure; I do not see how you could get out of it

20960. You see that certificate (the Idiots Act Certificate); would that be of any use in Scotland—a similar certificate?—I do not think so.

20961. In dealing with adult imbeciles—or call them feeble-minded—is there any advantage in that certificate over an ordinary lunacy certificate?—None whatever.

20962. You see the difference is that there are no facts stated?—That is so.

20963. It is quite a simple matter to state facts in all cases that require care and treatment, is it not?—I do not know.

20964. That is rather a medical matter?—Yes. I believe it is difficult in some cases, although the conviction that the person is insane may be very strong.

20965. Do you think the introduction of a certificate like that for adult cases would in any way reduce this class of uncertified defectives that at present are going about?—I do not think that it would reduce them in Scotland at all.

20966. Have you any opinion regarding the question of certification of senile dements?—They are under the Board. They are found in asylums and lunatic wards of the poor-houses. As a rule we do not admit senile dements to the lunatic wards of the poor-house because the staff is too small; therefore, we send them to asylums. If the poor-house were to provide sufficient wards and sufficient staff, the Board have said they are not against the principle of the thing; they are just insane people.

20967. As long as they get sufficient nursing and care, certification would serve no useful purpose?—Except that, as the law stands, if they were not certified they would not come under our Board's jurisdiction. They require as much care as other insane people.

20968. Your Board deals with uncertified cases that require care and treatment—private individuals—does it not?—To a limited extent it does, but senile pauper patients, if they were not certified and came in that way under the cognisance of the Lunacy Board, would be relegated to the ordinary wards; there are some such people in the ordinary wards now.

20969. It would meet that matter if the wards were licensed without the poor old seniles being certified?—If the wards were licensed and inspected by the Board; the certification means nothing to the person whatever.

20970. There is no objection to certification in your view?—I do not think so, in this particular case, but it does no good to the patient beyond bringing him under the Lunacy Board

20971. And possibly some of the relatives may object?—It protects the patient as a lunatic; and by bringing him under the Act which requires certification as a lunatic, it qualifies him for getting the lunatic grant.

20972. (*Dr. Needham.*) Do the Deputy Commissioners in Scotland visit asylums at all?—No.

20973. Only those patients who are boarded out?—Only those patients who are boarded out. They might visit asylums. The powers given under the Act would enable the Board to direct visits to asylums, but they have not done it except occasionally in the case of lunatic wards of poorhouses in outlying places.

20974. Supposing a Commissioner is ill, can they take his place?—We have been very fortunate in that way. I have no recollection of a Commissioner being ill for any great length of time. They might do so to a certain extent; they certainly have power to do it, if the Board direct them to do it.

20975. You say patients can be sent out on statutory probation; suppose a person sent out on statutory probation for three months, and suppose the patient breaks down before the end of the three months, is the patient able to be brought back to the asylum?—At once.

20976. Under what authority?—It is one of the conditions on which the sanction is granted that the patient shall be taken back if advisable.

20977. Is that put in the leave that is granted?—No, except by implication in the terms of the application.

20978. You are aware that the Law Officers of the Crown have decided that as respects England a person sent out on trial for a specified time, if he breaks down before that time, cannot be brought back unless there is a power of revocation given in the original leave which is granted?—That is a case which never arises. We have not the least doubt about the power to take back.

20979. You are not aware that the Law Officers of the Crown so decided as respects England?—I am not aware that a legal difficulty arises in the matter.

20980. Of course it is a very awkward decision, but there is the fact. I take it the question has not arisen?—No, it has never arisen. We constantly get them sent back without the least difficulty.

20981. It has been the case in this country that the patient has been sent back continually; it is only in consequence of difficulties that the opinion of the Law Officers of the Crown was obtained, but that was the decision?—We never have had any such decision; they are sent back freely on breaking down, and admitted without any formality.

20982. I see pauper lunatics of all kinds and in all places receive a grant which is confined in England to patients in asylums?—That is so.

20983. Therefore, the people in the wards of workhouses have not the same inducement to be sent to asylums as they have in this country?—No, that is a very important consideration.

20984. Do you find it operates in patients being kept in workhouses in which they probably would not be kept?—No it does not, because it does not matter to the parish whether he is in the workhouse or anywhere else.

20985. But do you find that patients are kept in the workhouse when otherwise they would be sent to asylums?—You understand that the lunatic wards of poor-houses are very much in the nature of a restricted asylum under the inspection of our Board. The patients are registered.

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20986. The wards in the poor-house where imbeciles are kept are licensed by the Board?—Yes. They have separate grounds and separate accommodation.

20987. No grant is given to any person who is not kept in the licensed ward?—That is so.

20988. If a patient were kept in an unlicensed part of the House I suppose no grant would be given?—No grant would be given. That leads to a considerable number of weak-minded people who might be left in the ordinary ward being taken out and put in the lunatic wards; that is an advantage.

20989. Does that amount to a very large number?—No, I think not.

20990. I mean so as to make a very appreciable difference in the Imperial cost?—The cost is considerably greater in the wards because there is a larger staff.

20991. I mean the Imperial cost?—Yes, but it really does not add a very large number. In what sense of Imperial cost do you mean?

20992. I suppose that the grant, whatever it is, is an Imperial grant—and comes from Imperial funds?—It has not made any great difference in that. We have a fixed grant; we do not get 4s. a week.

20993. You get a certain fixed sum. Has it been found this fixed sum has been largely increased in consequence of the transference of people from one class to another?—No. The fixed sum yields a smaller and smaller rate as it is divided up amongst the whole.

20994. (*Mr. Dickinson.*) Who protects the public from abuse of the kind that Dr. Needham suggested, namely, that Boards of Guardians would send more patients into their lunatic wards than they were entitled to send?—We should hardly think it an abuse, because I think these people are all insane people, and they are better in the lunatic ward.

20995. But by sending them into the lunatic wards they get more money?—They do not in Scotland get any more because we have a fixed sum; it divides up into less; it has fallen from 4s. 7¼d. to about 3s. 4¾d., and it is falling every year.

20996. Then at that rate other Poor Law authorities would suffer by one authority sending too many of their patients into the lunatic wards?—I do not know that you can call them "too many patients." Do you mean that these insane people who go into the wards had better go somewhere else?

20997. (*Mr. Dickinson.*) I will leave it till Dr. Needham finishes.

20998. (*Dr. Needham.*) The payment of the fixed sum gets rid of a difficulty, apparently, which exists in England, because the larger the number of patients in the workhouse, or anywhere, the larger the aggregate of lunatics, the smaller the grant per person?—Yes.

20999. Therefore it is no advantage in Scotland for them to increase the number because they get the same amount whether the number is large or small; is not that so?—That is so, speaking of Scotland as a whole.

21000. (*Mr. Dickinson.*) But one Board of Guardians gets an advantage?—Quite so.

21001. (*Dr. Needham.*) It is not like the 4s. grant in England which is a premium upon putting as many people in an asylum as possible?—No.

21002. So it does not operate in that way in Scotland?—It does not operate in the same way in Scotland. The individual parish might put a man into an asylum, but he gets the grant if they put him into a private dwelling, or into the licensed ward of a poorhouse just the same.

21003. The Board grants licences to institutions, and I assume if they grant licences they visit?—Yes.

21004. How often do they visit?—Twice a year.

21005. As regards private dwellings, are any patients allowed to be taken into any dwelling which has not been inspected and which is not registered?—The dwellings are not previously inspected; we do not know about them until they are visited.

21006. The same thing occurs in Scotland as in England, that any person can take an imbecile person into his or her house, and it is only discovered that the house is unsuitable when the next visit is paid by the Commissioner?—We have a medical certificate that the proposed guardian is a suitable person to have charge.

21007. That the person is suitable, but not that the house is suitable?—If it is a house which contains more than one patient we should have that.

21008. Then you would inspect it?—No, it would not be inspected until after visitation; we get the size of it, accommodation, and so on. In all cases we have a certificate that circumstances in which a lunatic is to be placed are suitable and sufficient for his proper care and treatment.

21009. As regards the person suffering from incipient or temporary insanity he may be kept in private dwellings without any authority. Is anything known as to the practical result of this mode of treatment?—You mean the six months temporary certificate.

21010. Yes, what is known in England as the incipient insanity clause of the Lunacy Bill?—I believe it is considered by medical men of high standing in Scotland to be a very great advantage, and it is much taken advantage of.

21011. Then you do not agree with the statement of one of your most eminent asylum medical officers that the clause in the Act of Parliament is very little known and very little acted on?—I daresay over the country there are a great many people who do not know about it, but I think all superintendents in Scotland and all leading men on insanity know quite well about it.

21012. Have you any evidence to show the extent to which it is made use of?—I have no knowledge of that. I have heard it is extensively used.

21013. You have known of applications?—They have no obligation to send anything to us, but we get occasional certificates.

21014. There is no statutory obligation?—There is no statutory obligation.

21015. Do you think it is desirable there should be?—That has been very carefully considered, and the conclusion of the Commissioners has been hitherto that it is not desirable to have any notification. If that certificate is to have its full effect in avoiding the certification of lunacy it is better that the Lunacy Board should be left out of it altogether.

21016. You are aware Sir John Sibbald held quite a different view?—Sir John at one time was a little in doubt upon the point, but he went back again to his original opinion.

21017. That is the unanimous opinion of the Board?—It has been hitherto the unanimous opinion of the Board, that it is better to leave it as it is.

21018. You have no evidence that it is working smoothly, and you have no evidence to the contrary?—We have no evidence to the contrary.

21019. I see you say in your statement under "Powers of direct or independent action," "The Board may transfer a lunatic from a house where he is being improperly treated to another house or to an asylum at the cost of the lunatic's estate." How do you get the money?—I do not think we ever had a single case.

21020. Suppose you had, have you got any machinery in your Acts for enabling you to get the money?—I am not aware how we would recover that. I suppose it would be an action at law, but I am not aware. There is a special provision of the Act which enables the Board to recover penalties; I do not know whether there is a penalty involved in this case.

21021. Have you got any machinery by which you could recover your money?—I suppose it could be done by applying to the Sheriff; it is a case we never had occurring. We had one case in which a patient was removed in that way, but there was no estate.

21022. There was no difficulty about making the payment?—No.

21023. I suppose there is always a possibility of removing a patient to a pauper asylum?—Yes.

21024. I do not know if you have any power to make an order on the guardians or the District Board?—I do not know. There is a power for the compulsory removal to an asylum of a neglected patient. How money

would be recovered I am not clear. There is a section which says the expense of removal to and maintenance in asylums may be recovered from the lunatic's estate.

21025. As respects the Sheriff who is the sole authority for the commitment of persons to asylums, I think you said that the Sheriff does not see the patient ?—No.

21026. He simply takes the opinion of the medical man, takes the medical certificates, and judges from them as to the propriety of the order ?—Yes.

21027. As a matter of practice and fact, does the Sheriff ever see the patients; you say he has power to, but does he ever ?—I am not aware, so far as I know, that he ever does. I never heard of a case.

21028. As regards one or two remarks you make in your statement with reference to contracts and agreements and so on that the English Commissioners in Lunacy have no voice in their sanction, of course you are aware that the Secretary of State does accept, as a matter of practice, the advice of the Commissioners in Lunacy ?—I should imagine that. I had little doubt that was the case, but I do not see anything in the Act requiring it.

21029. There is no statutory power given to them to decide without the Secretary of State ?—That is so.

21030. Of course you are aware the Secretary of State is guided to a considerable extent ?—I have no doubt about that. I think it lends a certain amount of standing if the local authorities know that the Lunacy Authority is the authority to be satisfied.

21031. You think the reference to the Secretary of State is rather weakening the authority of the Board ?—We should think it weakening if we had to go to the Secretary for Scotland and he was the authority to decide.

21032. You perhaps have no doubt there is a very considerable number of feeble-minded persons throughout your country for whom no statutory provision is made ?—I have no doubt whatever.

21033. You think that some statutory provision should be made ?—It is a very difficult point to speak about. I think it may be said to be absolutely certain that there are people who ought to be much better looked after than they are; not certified cases, but cases which for some reason or other have not been certified, and possibly could not be certified.

21034. As to whom there would be some difficulty in certifying ?—In the case of children there would be no difficulty at all. I think in the case of adult people there would be a difficulty.

21035. You replied to Dr. Dunlop that you thought there might be some difficulty in certifying some of these feeble-minded people, not distinctly insane people, but people not able to stand alone, and therefore who require protection; do you think a certificate such as has been suggested, not specifying the facts, which in a case of that kind are very difficult to put in words, but a simple certificate that they are of feeble mind and that they are not able to take care of themselves, would be an adequate certificate ?—I think there would be much the same difficulty, provided something followed on the granting of such certificate, say detention.

21036. I am assuming detention would follow that ?—In that case you would find medical men hesitating. I do not know that they would not find it just as easy at once to grant a certificate that the person was of unsound mind.

21037. Whether you call it a person of unsound mind, or a weak-minded person, or imbecile, or call it anything you choose, my point is, would it be desirable to make it not a necessity that the actual facts indicating that condition of mental unsoundness should be specified in writing ?—Do you mean that as applied to the Lunacy Acts ?

21038. No, only as applied to this particular case ?—Under another law ?

21039. Yes.—I think the simpler the certificate the better; I see no advantage in stating facts. I think it would depend far more on the history of the case than anything observed in the patient, mentally, at the moment.

21040. I do not know whether it is so in Scotland, but the Lunacy Act in England requires that no certificate shall be given for detention of a person of unsound mind except upon facts observed by the certifier himself ?—That is the same in Scotland.

21041. In many of these cases there is a great difficulty in observing facts which indicate mental unsoundness, or at all events in putting them in words ?—Yes.

21042. Do you think it would be desirable that there should be this form of simpler certificate ?—I scarcely see the necesity for certification at all in cases such as those I have referred to.

21043. How are you going to get detention ?—You might do it in cases not coming under the ordinary lunacy law upon a medical report, which would be backed up by evidence as to the previous behaviour and history —previous history mainly. Something of that kind, without stating facts, would be a help, and I think it would be much better to have the certificate without the facts than with them. If you were to compel the certifier to state facts he might be puzzled and be unable to do it.

21044. You would be in the difficulty we are in now, of not getting certified a great many people who ought to be certified ?—The simpler the certificate the better. Some of our own certificates are simple. They merely say "Is of unsound mind"—the words being printed.

21045. No facts are given ?—No facts are given.

21046. (*Mr. Byrne.*) There are twelve poor-houses, are there not, which have licensed wards ?—I think there are twelve.

21047. There are a good many that have no wards ?—A large number.

21048. Is it lawful to keep in those poor-houses which have no such wards, persons who are lunatic in fact, although not certified ?—No, it is not lawful. I do not say there are not such people in them, but it is not lawful; in fact they are obliged, before being admitted into such poor-houses, to pass in under a certificate that they are not persons of unsound mind. The law rests upon this point, that it is not legal for a person of unsound mind to be in the ordinary wards of a poor-house at all.

21049. And a person cannot stay there without a certificate ?—That is a requirement of the Local Government Board. They require a certificate on passing into the ordinary wards of the poor house that the pauper is not of unsound mind.

21050. Are there large numbers of such lunatics in these poorhouses, unlicensed ?—I have no knowledge. I have no doubt there many are feeble-minded paupers.

21051. That is a matter of fact ?—I have no knowledge.

21052. All you can tell us is, it is strictly against the law ?—It is against the law.

21053. And you consider it highly inexpedient, as well ?—If you were to say that, and point to a particular person, the probability is that a certificate that the person was not of unsound mind would be produced, because these are mild cases of mental weakness.

21054. I am only asking you about the law. You are of opinion that it is not lawful to keep such persons in a poorhouse ?—Yes.

21055. Does the Order of the Sheriff for detention of a lunatic, whether an ordinary lunatic or a dangerous lunatic, say that he shall be kept until cured; do the words "until cured" come in every Order ?—No, only in the case of those confined as dangerous lunatics.

21056. So it is a mere inference in other cases that he is to be kept until cured ?—Yes.

21057. Have your Board issued any instructions about that to superintendents of asylums as to their duties in the matter of discharge ?—No.

21058. In your statement under the head of "Authority for discharge" you say that persons who have in the opinion of the medical officer recovered their sanity are in the position of persons who are not lunatics. That being so, does the law lay down any provision as to what the word "recovered" means ?—No.

21059. Are there any instructions by your Board ?—We have given none.

21060. As a matter of practice is a person considered to be recovered who is in a calm state and free from delusions,

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but is sure, to any experienced eye and judgment, to break out into acute insanity within one, two, or three weeks if he is discharged ? Is there anything in the law to show whether that person should not be regarded as recovered ?—No, simply the medical officer's opinion.

21061. You said that there were two or three cases in which persons having been discharged as recovered came back again ?—There are numerous cases.

21062. You stated in your last report that out of 2,939 cases entering the asylums in one year seventy-one that were discharged came back in the course of that year, and of those seventy-one who were released and returned, three were released again and came back again in the same year ?—That is so.

21063. And in the course of seven years no less than 557 were readmitted—one-fifth of the total number ?—Yes.

21064. In the opinion of the Board does that represent a regrettable system of discharge ?—The Board have always been in favour of free discharge and making the door of an asylum open, and if the superintendent thinks a man recovered they expect him to act on his opinion.

21065. More or less irrespective of the fact that within a few weeks or months, when the stress of life comes on him, he will come back ?—A large number do not come back ; it is a rare thing indeed if they come back within a few weeks. They may come back within a few months.

21066. Anyhow, the discretion of the superintendent is fettered in no way whatever ?—The Board have given no instructions ; it is not an instruction the Board could give. We have looked upon the Act as defective in respect that it does not specifically deal with the point. If we get an amending Act we would say something about that. In the Board's Instructions of the Inspectors of Poor I find this : " When a pauper lunatic is recovered it is the duty of the superintendent of the establishment to discharge him."

21067. That might mean anything. That might be consistent with a system under which discharge of persons who were once confined was very rare, or it might be consistent with a system that a person, the moment he was improved, was let out ?—It is, roundly speaking, the practice to let the man out when he is believed to be recovered.

21068. As soon as he has apparently recovered and is free from obvious delusions ?—Yes.

21069. We shall be able to ascertain, I suppose, from other witnesses what are the effects of that system on the increase of lunacy ?—Yes.

21070. It is the case, is it not, that the Scottish Lunacy Commissioners do not report on the alleged causes of insanity as the English Commissioners do ?—Yes.

21071. Have they ever done it ?—No, they have studiously avoided it.

21072. Do you know why ?—I think you had better put that to Dr. Macpherson.

21073. With regard to your remark in your statement that the Board would like to have greater power of enforcing their wishes and directions in the matter of asylum accommodation and management, have the Board ever made any express recommendation that a certain power should be given to them ?—Yes.

21074. Have they drafted a clause ?—Yes.

21075. Might we have that ?—I can give it to you ; it is in the pigeon holes of the Scottish Office*.

21076. What were the means of enforcement they selected ? You say : " The recommendations of the Board are, as a rule, willingly and promptly met ; but although the accommodation in such asylums might in the opinion of the Board be inadequate, the food of inferior quality, the water supply insufficient, or the drainage system in need of overhaul, if a District Lunacy Board or a Board of Directors thought otherwise, the Board would have no immediate means of causing acceptance of their views beyond the weight of their opinion, advice, and comments, supported by the power of making their reports public. This latter is a power of great efficacy, and in most cases is sufficient, though in the matter of prevention of overcrowding of asylums the Board have sought to have their control put upon a more definite footing. The Board seldom, even in cases where they possess compulsory power, require to resort to it, and they never do so until efforts have been made to attain their object otherwise. But the existence of compulsory powers are of great value and so forth ?—What do you put the question with special reference to ?

21077. The general fact that the Board cannot get their recommendations carried out immediately ?—I did not understand your meaning. The Board have sought no additional powers of that kind. I think we have been able to do everything with a little patience and persuasion and waiting.

21078. With regard to the regulations which the Board do make, what powers have they for enforcing them ?—With regard to district asylums it is very difficult to say what power the Board have ; no specific power.

21079. Suppose you say every patient in such a ward shall have so many hundred feet, and the asylum is crowded so that that is diminished, can you do anything ?—I am afraid not. That is one of the powers we would like to possess ; a power to measure asylums and to see that they were not crowded. That is the clause to which I thought you referred.

21080. What power would the Commissioners like to have in that matter ?—It has been very carefully looked into. It is a difficult question. I am not prepared just now, without looking back to the whole discussion on that, to tell you what the exact proposed procedure was. I will send you the proposed clause. *The following memorandum was sent in by the witness subsequently* :—

The following is the suggested section referred to in my evidence on 23rd February with regard to the want of power of the Board to control the number of patients received into royal and district asylums. This suggested section, with the note appended, was sent to the Scottish office in November, 1902, but no opportunity has yet occurred of introducing a Bill :—

> " Section IV. A clause to the effect that it shall be lawful for the Board from time to time, if they shall see fit, to fix and determine the number of patients which may be received into or detained in any public or district asylum ; and also, if they shall see fit, the numbers of private and pauper patients respectively which may be so received ; and no greater number of private or pauper patients than the number or numbers so fixed and determined shall be received without the special sanction of the Board ; and the Board shall have power, if they see fit, to order the removal of private or pauper patients received in excess of such fixed and determined number or numbers."

(*Note.*—" The intention of the above amendment marked Section IV. is to give the Board the same power to control the number of pauper patients to be received into royal and district asylums as they already possess in the case of private asylums and lunatic wards of poorhouses. In the case of the royal asylums the board have no control whatever. They have neither the power to disapprove of plans nor to determine that the accommodation is insufficient. In the case of district asylums the power ' to determine whether the accommodation for any district is adequate ' is given to the Board by Section 9 of 25 and 26 Vic. c. 54 ; but that power has not in practice been found to be sufficient to guard against overcrowding or to ensure that steps will be taken in time for the provision of further accommodation. Very different views, based apparently upon reasonable grounds, may be taken as to the number of patients an asylum can accommodate. The assigning of a number indicating the proper capacity of each asylum would therefore be a valuable guide to all concerned, and would be greatly in the interests of the insane. The section as drafted leaves the Board power to sanction the reception of a larger number than that assigned as measuring the proper capacity of the asylum. This is a power which would often require to be exercised for temporary periods.

" It might have been sufficient to confine the power here sought to accommodation for pauper patients but for the fact that both in royal and district asylums the poorer class of private patients are mixed up with and have the same accommodation as the pauper patients.")

The words in the final part of the suggested section provide the only simple means I could think of for enabling

* *Vide* note to Q. 21080.

the Board to give effect to such a power. A provision that persons received in excess of the sanctioned number should be held to be illegally received would be a dangerous and impracticable provision which would be full of trouble; and anything like the imposition of a fine would be equally impracticable and undesirable. I do not anticipate that the board would ever be really called upon to exercise the power of removal, as the threat to do so would be efficient, and as the clause is drafted the board would be able not to press their power even when the sanctioned number was exceeded, if the local body gave evidence of their desire to remedy the deficiency.

Perhaps I may explain further the method which would be followed in estimating the capacity of an asylum. This, according to the Board's present views, would be ascertained by taking the superficial area of each day-room, dormitory and dining hall. The superficial capacity alone is deemed sufficient, because asylum accommodation is always as a matter of fact of sufficient height, and no benefit is derived by the patient from cubic space obtained by mere loftiness of apartments. Indeed, unless a lofty room is properly ventilated at the roof, the upper portion of the room becomes a reversed well of vitiated air. The minimum allowance of floor space is according to the present views of the Scottish Board thirty square feet in day-rooms, sixty in dormitories and fifteen in dining halls, or 105 in all for living space. In measuring the asylum all corridors, lavatories, cloakrooms, etc., would be excluded. The apportionment as between day-room and dormitory should be left to the superintendent, and to find the capacity of the asylum the total superficial area of all the living rooms would be divided by 105 (30+60+15). In day-room dormitories (that is, rooms to which patients are as a rule confined both day and night) it might be suggested that no dining space need be allowed, as the patients in such wards are mostly confined to bed and could not go to a dining hall. The fact, however, that such wards are hospital wards containing patients generally confined to bed, would make it desirable that they should have more day-room dormitory space than would be necessary in the case of wards only occupied for part of a day. Hence 105 feet would be no less desirable in their case than in that of the others. Indeed, some new hospital wards of the kind allow even more space.

There only remains to be considered the case of single rooms for each of which an area of 90 square feet would be adequate. Their area would not however be included in the area of the associated dormitory accommodation referred to above, as, whatever their area may be, they only provide a bed for one patient. Dining and dayroom space for the number of patients in single rooms would require to be deducted from the total area of the asylum before the number of single rooms is added to the total number which the asylum can receive.

To take a concrete example: If the total floor space of associated dormitories, day rooms, and dining halls of an asylum amount to 50,000 square feet and the asylum had fifty single rooms, we should deduct from these figures the day and dining accommodation (30+15) for fifty patients, which would equal 2,250. Deducting that from 50,000 we have 47,750, which divided by 105 (60 + 30 + 15) would give space for 455 patients, to which would fall to be added the fifty patients who sleep in single rooms, giving a total capacity to the asylum of 505 patients.

T. W. L. S.

General Board of Lunacy for Scotland.
Edinburgh, 13*th March*, 1906.

21081. Are the Board satisfied that they have sufficient means at their disposal for securing economy as well as efficiency in the provision of asylums?—We do our best to keep down charges, but we have no great power in that way.

21082. Have you to keep down local authorities from spending too much, or have you to urge them to spend enough?—I think we have decidedly to prevent them spending too much.

21083. Have you sufficient powers?—The Board have power to refuse sanction to plans of asylums, that is the only way in which it can be done.

21084. The expenses are very high in Scotland?—Enormous; some of them are very high.

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21085. With regard to the children who are now in training schools for imbeciles, I see they are discharged at the age of eighteen—that is one of your regulations?—Yes, that is an age arbitrarily fixed.

21086. Large numbers of them then disappear from official cognisance?—A considerable number of them do disappear for the moment, a great many come back again.

21087. You make this rather tragical remark about those who disappear; "Many will probably eventually, from some cause or other, reappear on the register of the Board?"—I think that is very likely.

21088. You go on to say: "So long as they show themselves fit for home life, are under the guardianship and control of respectable relatives, and are not a source of annoyance to the public, there would not be the slightest excuse for interference with them on the part of the State." That is to say when they do something wrong, then interfere with them?—Yes.

21089. That is the doctrine of "the first bite"—in other words, let them be free from State control until they do something very wrong?—Yes, you may put it in that way.

21090. That wrong might be a very tragic affair?—You cannot put a man in prison until he has done something wrong. I do not think you would be justified in shutting up a harmless imbecile on the theory that he might possibly do something wrong.

21091. Supposing it were apparent that he certainly would?—In a case in which you could reasonably hold that, he would probably be unfit for private care altogether.

21092. That is the question I am asking. Do you think that there are such persons discharged from these training schools, persons who are unfit for private care?—When they are discharged to private care the parish council chargeable with them has to pass a minute that they are placed under guardianship which is satisfactory to the parish council. That is the only kind of protection if they cease on removal to be paupers. I daresay it is inadequate.

21093. I see some of them go to asylums, some are boarded out, and some are lost sight of. Do you think the existing machinery is satisfactory, or have you any recommendation to make as regards taking care of them?—I think the Board itself have not had any communications which lead them to think that things are far wrong, but we have been told, no doubt upon perfectly reliable authority, that some cases are not properly protected, weak-minded girls, and people like that.

21094. But so far as you know, it is not a crying evil? No.

21095. This Commission has been told that in England, in places where special schools are started for the education and observation of children, hundreds if not thousands of children, of whom some proportion are quite unfit to be at large, are being turned out into the world, and one of the crying necessities of the day is to make provision for the permanent care and detention of these people. You do not agree with that at all?—Not that all of them require permanent detention.

21096. You know nothing in Scotland which tends in the slightest degree to support that?—Nothing. I should like to see only those protected who can be shown to need protection.

21097. (*Mr. Hobhouse*). Is it not the fact that the Local Government Board in Scotland have some power of supervision over persons under the present Lunacy Act?—No, none, the only point at which they come in is that the plans of the lunatic wards of poor-houses which are licensed by the Lunacy Board have to be sanctioned also by the Local Government Board because the lunatic ward of a poor-house is part of a poor-house, technically.

21098. They have no power over insane persons connected with the poor-house in Scotland?—No, they have no jurisdiction in lunacy matters at all.

21099. (*Mr. Greene*). You set out six statutes in the opening part of your statement referring to the lunacy law. Should I be right in saying that the first three have been subject to various statutory amendments, but that the last three are untouched by amending legislation or

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repealing legislation ?—The second and the third are an amendment of the first.

21100. But have those three been altered and repealed and the remaining three not touched at all by legislation ?—No, the Act of 1857 has been amended, the Act of 1862 has not been amended except in so far as it may have been amended by the Act of 1866, but I think the Acts of 1862 and 1866 are mainly independent Acts, that is Acts making new provisions.

21101. Has the 20 & 21 Victoria, chapter 71, which is the Act of 1857, as regards part of it, been repealed by the 25 & 26 Victoria ?—Yes.

21102. May I take it the first three have had various repeals and alterations. I do not know that they are of any great importance, but I want to know whether we are to assume that the statute law has been untouched as far as those first three are concerned. I admit that it has been with regard to the second three because I have looked ?—Yes, there has been no amendment later than 1866 that you could call an important amendment of the existing law.

21103. The last that I can trace is 29 & 30 Victoria chapter 51 which has been amended by the 56 & 57 Victoria, the Statute Law Revision Act, 1893, but in no important particular ?—No.

21104. So, except small amendments, the law is accurately stated there ?—It is.

21105. I wanted to ask you, because, as your statement stands it looks as if there had been no amendment. You say there has been no consolidation and no amendment of any administrative importance ?—You are quite right. I did not mean that as applying from 1857. That is from 1866, really.

21106. You do not regard any amendments that have occurred on those first three statutes as important administratively ?—No, none of them.

21107. Subject to such amendments as there have been, the law is correctly stated and the whole statute law is referred to ?—Yes.

21108. Apart from statute law relating to lunatics, is there any common law in Scotland relating to the acts done to, or acts done by lunatics which affects their care, training, or control ?—I am not perhaps able to answer such a wide question, but I do not think so, I am not aware of any. There are the findings of the Court which made it clear that relief given to a wife or child did not pauperise the husband or father.

21109. That would turn on some Poor Law statute ?—No, I think it rested entirely on the decision of the Court. I do not know whether they use the term "common law" in Scotland, but it would be common law in England.

21110. That is quite outside the province of the Commission; that is a political question entirely. With reference to the care, custody and control of people who are not certified, is there any statutory protection ?—Perhaps I should have excepted the Criminal Law Amendment Act. That is an Act which deals with the protection of imbecile women.

21111. Not certified only ?—Certified or uncertified, if the accused had reason to believe they were insane.

21112. "Idiots" is the word ?—I do not think it is tied down. Does it not say an idiot or imbecile woman ?

21113. It does not deal with certified people only ?—No, but it covers the certified people. We have had a good many cases from time to time.

21114. It covers the certified, but it deals also with the uncertified ?—Yes.

21115. Section 5, Sub-section 2, makes it punishable for any person to attempt to have carnal knowledge of any idiot or imbecile under certain circumstances if the person charged had reasonable grounds to believe that the person assaulted or attacked by him was of feeble mind ?—Yes, I think that is a correct statement.

21116. That section is applicable to Scotland, I think ?—Yes.

21117. Have you had any cases under that ?—We have had several cases in which an act of that kind had occurred; they are not numerous, but they have occurred from time to time. We have always made the inspector of poor report to the Procurator Fiscal who has taken proceedings and consulted Crown counsel as to whether prosecution is possible. It is very rarely that Crown counsel think the case sufficiently strong to justify prosecution.

21118. The difficulty being for the prosecution to prove, as part of the case for the prosecution, that the accused person knew the victim was either an idiot or an imbecile ?—Yes.

21119. Have you also knowledge that in the same section there is punishment awarded to any person who has carnal knowledge of a girl between thirteen and sixteen years of age, with a proviso that if he proves he had reasonable grounds to think she was over that age it will afford him a defence ?—Yes.

21120. The difference being, in the case of the idiot and imbecile, that the *onus* is on the prosecution to prove the accused's knowledge. In the case of the girl between thirteen and sixteen the *onus* is thrown on the accused to prove that he had reason to believe that she did not fall within the section ?—Quite. I think all our cases were older than sixteen.

21121. Is your view that the two cases should be assimilated, and that the protection which the law gives to the girl between thirteen and sixteen—throwing it on the accused person to show that he thought he was justified in what he did—should be assimilated to the case of the idiot or imbecile so as to make him show that he thought she was sane, instead of leaving it to the accusers to show that he did not think so ?—That is a question of law to which I would not like to give an answer.

21122. Do you see any ground for amending that section at all ?—I do not know that we have been able to suggest any alteration that would have the effect of making a prosecution more likely to take place. Another point of view is that the question has not usually rested on the case you put, but upon the fact that there was no evidence beyond the word of the girl.

21123. No confirmatory evidence ?—No, not even any circumstantial evidence beyond her word, and that the word of an imbecile girl was not enough; she might have named the wrong person, you could not be absolutely sure that she was telling the truth about it. I do not see how you can amend that.

21124. That is a difficulty of evidence which is inherent, but suppose the girl could be confirmed, or supposing her evidence were not necessary, for that has frequently been the case in England ?—In that case I think we should have a prosecution.

21125. Supposing there were a number of eye witnesses and therefore it was not necessary to let the girl give any evidence at all, would there be any reason why you should not convict the man for taking advantage of the woman who was imbecile ?—None at all.

21126. If the law could be made to affect that in Scotland you think they would be glad ?—I think we should be glad of any change of the law that made the protection of the imbecile more thorough than it is.

21127. Are there many cases of girls having illegitimate children and going into the maternity wards of hospitals and so on ?—You mean under the Board's jurisdiction, certified cases, very few; one perhaps in 500 in a year.

21128. I suppose it is a part of your Scotch statutes that there is special protection given to certified persons or inmates of asylums against violation by attendants ?—There is a section that enables the prosecution of any attendant who neglects or abuses a patient, but I do not think it specifies that particular case which you put.

21129. There, no special knowledge on his part is required; it being assumed ?—I think so; it would be absolutely clear. We never had a case, but I am sure that would be so.

21130. Have you got many cases of feeble-minded people in a good position of life, children or scions of opulent people, who require care and treatment, not in asylums ?—They are not numerous, they are not under our care; they are living with relatives or not kept for profit, and therefore would not fall under our jurisdiction. I think the greater proportion by far are probably in training schools or asylums.

21131. Is there any suitable provision in the training schools for them ?—Yes, special provision.

21132. Under what statute ?—It is not statutory. These training schools do not exist under statutory orders. The statute, however, makes it necessary for the Board to license them; they are under the management of private bodies.

21133. Does the State look after the afflicted person at all ?—Training schools are licensed by the Board of Lunacy and visited by the Commissioners regularly, just like asylums.

21134. Are there many such places in Scotland ?—Only the two that I have referred to in my statement. The number of private patients appears to be much greater than the number of paupers, in proportion to the class from which they arise.

21135. (*Dr. Donkin.*) I think I may take it from your evidence that you do not think there is any necessity, as far as your experience of the requirements of Scotland goes, for fresh legislation with a view to certifying as unfit to take care of themselves more people than can be now so certified under the law ?—I am not prepared to say that. There may be people who are not certifiable under the existing law, who yet need special care. There may be no doubt in the minds of experts that they are people of unsound mind, but you cannot get them certified by the ordinary medical practitioner, and it would be desirable that some place should be found for them.

21136. Your conclusions are not to be taken as deprecating fresh legislation ?—Far from it. I think fresh legislation is desirable, only I should not like it to be thought that I wished any alteration of the Lunacy Act that would enable you to deal, under that Act, with people who could not be certified in the ordinary way.

21137. Taking it for granted that fresh legislation is desirable you would have it in a different sphere from that of the Lunacy Law ?—It should be under a different Act, but it might be under the same controlling body; it would have a different method of commitment and of discharge.

21138. (*Dr. Dunlop.*) Are you referring to mentally defective persons ?—Yes, persons who are not at present regarded as certifiable.

21139. Mentally defective persons who are by all our understandings lunatics at the present moment; persons of unsound mind requiring care and treatment ?—If they are persons with whom you can deal under the present lunacy law, the lunacy law I think is sufficient to deal with them, and they ought to be dealt with under it, but those who cannot be dealt with under the lunacy law would require to be dealt with under a special Act.

21140. (*Dr. Donkin.*) That is what I want to bring out, because the result of the inquiries Dr. Dunlop made was rather to lead the Commission to think—and certainly led me to think personally—that you thought the Scotch Lunacy Law was sufficiently extensive in its scope, and sufficiently applied in practice, to cover all cases in which you thought there was any justification for detention ?—No, it is not sufficient. If all the medical profession were exactly of the mind of certain expert authorities there would be no difficulty, but that is not the fact.

21141. With regard to the facts I should like to ask whether you think in fact that the Scotch law is so extended in practice as to cover materially more cases than are covered in England ?—I think we have a great many people under proper treatment and care that you do not have so cared for in England. That must be so, because you have no inspection of those who are in private dwellings.

21142. That is not exactly what I meant. Are there more people in Scotland certified with—to the popular notion—less obvious signs of lunacy, than there are in England ?—It is my impression, on reading the evidence given by others in England, that certification is much more easily obtained in Scotland. There is less difficulty about certifying persons of unsound mind and treating them under the Lunacy Act.

21143. Would that apply to all cases of insanity proper to which the lunacy law in England is practically confined and to imbecility in its various grades ?—To imbecility, and, it might be, to other forms of mental unsoundness also.

21144. Have you imbecile patients in Scotland under certificate who are not, to the non-medical eye, obvious idiots; or are they mostly idiots ?—They are not. Some of those children in the training school at Larbert might casually pass as sane, merely to look at them and hear them speak.

21145. I was asking this question to lead up to one with regard to what you state near the close of your statement: "But it should be kept in view that I am speaking only of such as are obviously and beyond doubt imbeciles who could without difficulty be certified as of unsound mind if occasion arose for their being so certified"—that we quite understand, it is the same in both countries—"but there are unquestionably many weak-minded or abnormally constituted persons, young and old, who would never appear as imbeciles or feeble-minded in the census returns. The difficulty is that the less mentally defective such persons are the greater becomes the difficulty of dealing with them under the existing lunacy or other laws, and the greater becomes the likelihood of their being a danger to the community." Is it your opinion that to meet those cases which you describe so fully there, there is a strong desirability or necessity for fresh legislation ?—I think so, as regards some of these children; I think there is a considerable number. I was not thinking entirely of children there.

21146. Would the Scottish theory or practice of lunacy include or refuse to deal with these people ?—There are a great number of them; there are hundreds in every city that might be certified, but they are not certified.

21147. That is exactly what I wanted to get at, because we have been rather given to understand that it is different in Scotland from what it is in England. The necessity seems to be great in both countries ?—It is, no doubt. To enable a person to be a pauper lunatic you have two things to deal with, that is a certain degree of weak-mindedness more or less marked; and also pauperism; but there are a great many of these children to whom I referred who are not paupers; that is to say, if application has been made on their behalf, it has not been granted; they do not come under the Lunacy Board at all.

21148. One of the chief objects of this Commission is to consider the further care and control of the feeble-minded. Would you think one of the objects is not only for the benefit of the person taken care of, but for the benefit of the community at large ?—Yes.

21149. Would you say, from what you know, that in Scotland such a requirement exists ?—I would not interfere with any of these people to whom I referred, so long as they have got good homes and good guardians; but when they have not I think there is a necessity.

21150. From the passage in your statement I have just read out, is it a fair inference to draw when I impute to you the opinion that further legislation is desirable, in order to get hold of this class of the community ?—Yes, with this reservation, that I do not mean to say that all the feeble-minded should be drawn into it.

21151. (*Mr. Dickinson.*) I want to ask one more question about the subject Dr. Needham was asking about with regard to the grant. What answers to our 4s. per week grant in England ? In England the County Council pays to the Guardians 4s. per head. I understand that in Scotland that is not so, but somebody else pays the Guardians. Who is it pays the money ?—The money is actually paid by the Secretary for Scotland; it is issued from there, but it is allocated by the Local Government Board, under a certificate from the General Lunacy Board that the patient was properly cared for and was in the place, in respect to which the claim is made, at the time the claim was made.

21152. But you said there was a limited fund ?—Yes, it is now a fixed grant, £115,500.

21153. £115,500 a year granted from the Exchequer to whom ?—It is granted in aid of the cost of maintenance of pauper lunatics; it is a fund at the disposal of the Secretary for Scotland.

21154. I understand the Local Government Board, Scotland, estimates the number of lunatics who are

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entitled to participate in this grant every year ?—It gets a return of the actual lunatics.

21155. And divides the £115,500 up equally amongst them ?—Yes, as far as it will go. There is no expenditure reckoned beyond 8s. a week. If you spend 16s. a week you get no more grant than if you have spent 8s.

21156. What does it come out to per head ?—It works out at about 3s. 4¾d. a week; it gets less and less every year.

21157. It is getting less for the reason that there are more lunatics participating in it ?—Yes, it was somewhere about 4s. 7¾d. when the grant was raised to £115,500 and fixed, and it gradually fell.

21158. You anticipate that under new legislation a certain number of these persons whom we are calling now "feeble-minded" would be dealt with as lunatics ?—I think they would; in the case of children, they certainly would.

21159. Do you anticipate that these persons should have also a right to participate in this money ?—I do; I think they ought to have a grant either of this money or some other money.

21160. That is a question I want to arrive at; you would propose that it should not be a further call upon the same fund ?—I think not, because the fund is getting too small now.

21161. It should be an additional grant from the Exchequer to Scotland ?—I think it should, putting it exactly on the same footing. I do not think there should be an inducement to send a child or a grown-up person to one place rather than another, as far as the grant is concerned.

21162. But there would be an inducement if you had more money ?—Not if you received a grant whether you sent him to one place or another. If a feeble-minded child required care it would be an inducement as at present to the parish council to send him to a training school, because they know they would not lose the grant by doing so.

21163. It would be an inducement to send him to that extent ?—Yes.

21164. With regard to the administration, I see you first mention the sheriff. The sheriff is a county officer, is he not ?—He is sometimes called, not quite correctly, the "Sheriff Principal"; he is an officer who has jurisdiction over a combination of counties, for instance the Sheriff of Perth is sheriff of Perth only; the Sheriff of Caithness, Orkney and Shetland is one sheriff, and there are three sheriff-substitutes, one for each county of that sheriffdom.

21165. How many sheriffs are there in Scotland ?—Fifty-three or fifty-four sheriff-substitutes.

21166. How many sheriffs ?—I am not absolutely sure, I think there must be about fifteen. They are are all advocates of high standing, all resident in Edinburgh except the Sheriff of Lanarkshire.

21167. You told us that the person who orders a lunatic to be placed under constraint is the sheriff ?—Yes, but by the Act "sheriff" is interpreted to mean the sheriff-substitute; the person who actually does it is the sheriff-substitute.

21168. Then the sheriff-substitute is a local resident State officer ?—Yes.

21169. Not a county officer ?—No, a State officer.

21170. Does the sheriff-substitute institute any kind of enquiry into the question as to whether a person is a lunatic or not ?—No; if he gets an application which is in accordance with the requirements of the Act, and which contains certificates which appear to be sufficient to show that the person is not a sane person, he signs the order. He never sees the lunatic.

21171. He takes the recommendation of the medical officer as absolutely conclusive ?—As conclusive, and the application of the inspector of poor or, if it is a private patient, any responsible relative who applies.

21172. What information does he get from the relative ?—The information required by the Act, that is all, the schedule being very much like the English; it was taken from the original English schedule, I think.

21173. In England it is the Justices of the Peace who are resident in the place ?—The sheriff makes no enquiry, he practically knows nothing about them.

21174. Therefore it practically comes to this, that the certificate of the two doctors is all that is required in order to get the lunatic shut up ?—Practically that is all.

21175. The sheriff, of course, has nothing to do with the administration of the lunatic asylum ?—No.

21176. He has nothing to do with the discharge of the lunatic ?—No, he is an officer of high standing; he gets an appeal sometimes and sends it on to us for enquiry, just as the Secretary for Scotland will get an appeal sometimes. He has not nominally the power of interfering with lunatics, but if an appeal is made to him under Section 92 of the Act of 1857, he may act upon it, or if it is to the Board, they may do so. Upon two certificates being submitted that the person has so far recovered that he may be safely liberated, the sheriff can order his discharge.

21177. He is superior to the Board of the Lunacy Commissioners, then ?—No, the appeal is made either to the sheriff or to the Board. In nine cases out of ten it is made to the Board.

21178. I want to find how far this is a State system of administration. It is the sheriff alone who orders a lunatic to be shut up, it is the superintendent of the asylum alone who orders him to be discharged ?—Yes, except in the case of unrecovered patients or of a successful appeal.

21179. Are there no voluntary managers of these asylums ?—No, the District Lunacy Board visit. There is a power to appoint visitors but it is never exercised.

21180. There is nothing answering to our visiting committee ?—I think the District Lunacy Board answers to that. They have more power, but they perform the the same duties.

21181. But there is nothing which answers to the committee of the county council or the visiting committee of the asylum ?—I think, as far as I can see, the powers of the District Lunacy Board are very similar to those of the visiting committee.

21182. What do the "five to twenty-three people" do, whom you told us of, who have the control of what you call the district asylums ?—That is the District Lunacy Board.

21183. Those are what you speak of when you say they answer to the visiting committee ?—Yes.

21184. But they have no powers with regard to liberty ?—They have no power to order a patient's discharge and our Commissioners have no power to do so.

21185. (*Dr. Dunlop.*) I would like you to clear up the question of the power of the parish councils in removing paupers from the ordinary wards of the poor-house to the lunatic wards. The parish councils have not power to do that "off their own bat." ?—No; they have power to apply, but not to remove.

21186. The responsibility of removal rests with the general Board of Lunacy ?—Yes.

21187. The other point came up when you were being examined by Dr. Donkin about the matter of uncertified lunatics or defectives. I understand you are in favour of all mental defectives being brought under one authority ?—Yes.

21188. If mental defect existed and there were a necessity for care and treatment, that case, *ipso facto*, would become certifiable ?—You cannot make a person certifiable unless you can create some machinery by which he can be certified. If you speak of "certifiable," you really mean persons who will be certified in practice.

21189. But do you really suggest there should be two classes of defectives in Scotland, one class being held to be certifiable the other class not to be certifiable; the one under the Lunacy Board the other under some other authority ?—I do not say "held not to be certifiable," but I do think as a matter of fact that you cannot get all certified under the Lunacy Acts, therefore you will have to make some special Act which will enable them to be dealt with in another way.

21190. So that you advise two classes ?—There would be two classes. If they were under one controlling body, such as the Lunacy Board, it would have to be a separate

department of that Board, because the law would be different.

21191. The Board would be able to administer two different classes?—Yes, I only say it could not be done exactly on the same lines as the present Act.

21192. You are dealing with uncertified persons at the present moment?—To a certain extent the Board are, but there is in these cases no question about discharge, that is the difficulty; it is the prevention of discharge that makes the special difficulty. Take a private imbecile child in an imbecile training school; there is no difficulty; there is no necessity for any certificate and no difficulty with regard to discharge. If you have another class of case in which the inmate, being in the opinion of the medical superintendent sane, might go away if he chose, then you have to make a law to meet that. I do not think that should be the ordinary lunacy law.

21193. I do not follow you. As long as a person is shut up on account of mental defect surely he ought to come under the lunacy law?—What do you mean by "shut up"?

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21194. Put into confinement, compulsorily detained. If an adult has such mental defect as to require his seclusion in an asylum, or in any other form of institution, the mental defect is a ground for seclusion; and should not all mental defect be dealt with by the Lunacy Board?—I think there is no other Board existing that is so much akin to that work; I think if any Board should have it it is they. I think it is better that they should have it than even an independent body, which is a costly thing, and I do not see the necessity for the creation of such a body.

21195. If a person required seclusion for grounds other than mental defect then they would not come under the lunacy law?—No.

21196. As long as the mental defect was the ground they ought to be under the lunacy authority only?—The lunacy authority only.

JOHN MACPHERSON, Esq., M.D., called; and Examined.

21197. (*Chairman.*) You are one of the Commissioners in Lunacy for Scotland?—Yes.

21198. You have been so kind as to give us a statement of your evidence. May we put that on our notes?—Yes.

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STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY JOHN MACPHERSON, ESQ., M.D., COMMISSIONER IN LUNACY, EDINBURGH.

1. THE CARE OF THE MENTALLY UNSOUND IN SCOTLAND.

In Scotland, so far as regards administrative purposes, all persons of unsound mind are dealt with under the Lunacy Acts, without regard to the nature of the mental impairment or the age of the individual. The test of certifiability is the necessity for care and treatment on account of mental impairment. All persons who are properly taken care of by relatives or whose means permit of their being satisfactorily provided for in their own houses are rightly excluded from official jurisdiction of any kind. When an individual, not being a pauper, is placed in a private house for profit or is sent to an institution, that individual comes under the jurisdiction of the Commissioners in Lunacy. When, on account of mental infirmity, an individual is admitted to parochial relief and is either lodged in his own house or otherwise treated, he *ipso facto* comes under the supervising power of the Lunacy Commissioners.

2. LUNACY CERTIFICATES.

Lunacy certificates are as a rule based upon the presence of observed intellectual deficiency or disorder. It is, however, not always possible to define or to detect intellectual disorder except as interpreted by an obvious inability on the part of the individual to take proper care of himself or by the existence of such a degree of eccentricity of conduct as is either injurious to the individual or offensive to others.

H. W., Male, aged 54. Was an accomplished literary man and held a responsible and lucrative position. When about 45 his habits became changed; he drank to excess; his conduct in certain ways became disgusting and revolting; he was dismissed from his situation, and his wife found it impossible to live with him. He gradually drifted from bad to worse, and was twice in prison for breach of the peace. At the expiry of his second sentence he was handed over to the inspector of poor, certified, and admitted to an asylum. The man's general intelligence was good, but from his actions there was no doubt but that he was insane, and there was no difficulty in filling up a certificate. The following is one of the medical certificates:—

"Has no respect for his appearance, and pays no attention to the buttoning of his trousers; perfectly indifferent as regards his dress, behaviour, and being in prison. Delusions that he is bringing out a book astonishing everyone. Rambling and incoherent at times with exalted ideas of his own importance. The warders state his rambling statements, and conducting himself in a foolish and childish manner."

C. M'K. S. Female, aged 27 years. Slightly weak-minded and the child of weak-minded parents. Lived in a small town in the north of Scotland. Her sexual conduct was so scandalous as to suggest her irresponsibility, and she was certified and sent to an asylum. After a few months she was discharged and sent home. Shortly afterwards she became pregnant, and was again certified and sent to the asylum, where she has remained since 1898. The following is one of the medical certificates:—

"Is dull of intellect and silly in conversation, is destitute of moral sense and the decencies of social life and conduct, uses foul and abusive language, accosts and solicits men and prostitutes herself. Heredity—her grandmother, father, and mother weak-minded, and her sister and brother imbeciles. Her father, D.S., says she gets into sudden passions, and will, in these, attack her mother and sister, uses foul language and is not amenable to parental control.".

3. UNCERTIFIED PERSONS OF UNSOUND MIND.

In addition to certified persons the General Board of Lunacy for Scotland is officially cognisant of, and exercises more or less direct supervision over, a certain number of non-certified individuals of unsound mind. These include the following:—

1. Voluntary Inmates of Asylums.
2. Wards under Judicial Factors.
3. Children in Imbecile Institutions.
4. Patients in Observation Wards of Poorhouses.

4. THE DISTRIBUTION OF THE MENTALLY UNSOUND.†

On the 1st of January 1905, there were in Scotland 17,241 insane persons, of whom the General Board of Lunacy had official cognisance. Of these 13,007 were in asylums, 947 were in lunatic wards of poorhouses directly under the supervision of the Commissioners in Lunacy, 2,829 were boarded out in private dwellings, 408 were in the two institutions for imbecile children, and fifty were in the lunatic department of the Perth General Prison. These are all the methods in which the insane and feeble-minded are dealt with in Scotland, and, except under the Lunacy Acts, there is no other method of dealing with them. Of the grand total of 17,241, 2,551 were private patients, and 14,640 were pauper patients, supported wholly or in part by the parishes to which they belong. It will help to clear up the subject if we deal only with pauper patients. The following Table shows the manner of their distribution.

	Male.	Female.	Total.
In Asylums - - - - -	5,340	5,413	10,753
In lunatic wards of poor-houses -	501	446	947
In private dwellings - - -	1,114	1,590	2,704
In Imbecile institutions - -	148	88	236
In Lunatic department General Prison Perth - - - - -	46	4	50
Total -	7,149	7,541	14,690

* Not classed as paupers.

† Dr. Macpherson subsequently sent in a Return showing the Distribution of the Mentally Unsound in Scotland on 1st January, 1908, which is printed in Appendix Papers p. 328d *post*.

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5. The Probable Number of Imbeciles under Care.

According to the statistics of the various institutions in Scotland the proportion of imbeciles in establishments is about 7 per cent. Treating the lunatic wards of poorhouses and of asylums as one and the same, for there is no distinction beyond the fact that the poorhouse lunatics are selected on account of their better physical health and docility, we find a total of 11,700 persons in establishments. Seven per cent. of that number amounts to 819. Judging from personal experience, that proportion might be safely doubled without overstepping the limits of accuracy. The discrepancy is explainable on the ground that many imbeciles are admitted to asylums suffering from acute attacks of insanity, and the diagnosis once entered in the registers is apt to remain unaltered. If, then, 14 per cent. of the inmates of asylums are imbeciles that would raise the actual number to probably 1,638.

Of the 2,704 pauper insane boarded out in private dwellings, 969 are boarded with relatives, and 1,735 boarded with strangers. Those boarded with their own relatives are almost without exception imbeciles. In 1905, the parish of Edinburgh, out of a total of about 1,100 pauper lunatics, had 296 boarded out in private dwellings. Of these 198 were cases of acquired insanity living with strangers, 66 were imbeciles living with strangers, and 32 were imbeciles living with their own relatives. As the larger urban parishes adopt pretty much the same system in their methods of boarding out, we may conclude that what is true of Edinburgh is true of other similar parishes, such as Glasgow, Govan, and Dundee, which three parishes, along with Edinburgh, contribute about 35 per cent. of all the boarded out pauper insane in Scotland. We may conclude, therefore, that about 67 per cent. of the patients boarded out with strangers are cases of acquired insanity, and 33 per cent. are imbeciles. On the basis of this calculation, therefore, 572 of the insane boarded out with strangers are imbeciles, and it has already been stated that the 969 boarded with related guardians are practically all imbeciles. Therefore 1,541 of all the pauper insane in private dwellings in Scotland, or 57 per cent. of them, are imbeciles. This calculation is substantiated to a certain extent by my colleague, Dr. Charles Macpherson, who is to give evidence before the Commission. With regard to sex, there are over all 1,114 males and 1,590 females boarded out. Taking the same proportions for the imbeciles there ought to be about 640 males and about 900 females. The females are of all ages.

Finally there are 236 pauper imbecile children in the two institutions at Larbert and Dundee.

Summing up, 1,638 in establishments, 1,541 boarded out in private dwellings, and 309 (including 73 elected children who are practically of the same class as the pauper children) in imbecile institutions gives a total of 3,488 pauper imbeciles in Scotland of whom the General Board of Commissioners in Lunacy have cognisance.

With the exception of the class of elected children in imbecile institutions, and of patients treated in the observation wards of poorhouses, all the various classes of the mentally unsound paupers to whom reference has been made are under certificates. They are supported by the parishes to which they belong, and with the exception of the inmates of the observation wards of poorhouses who are not certified, the cost of maintenance is supplemented by the Government Grant in aid of local taxation.

6. Further Requirements for the Care of Imbeciles.

The administrative machinery in Scotland is, in my opinion, sufficient for dealing with the care and treatment of all the mentally unsound in the country who require care, provided only that some additional means can be organised for bringing more easily within the scope of that machinery certain classes who are at present, unfortunately, more or less neglected. It need not be expected that any system, however carefully adjusted, can succeed in bringing under the cognisance of the responsible authorities all the mentally unsound persons in a country, nor is it in my opinion desirable that an attempt should be made to do this. The duty of the State towards the subjects of mental unsoundness is purely ethical and is limited to securing their safety and well-being, and to protecting the citizen from any annoyance that may be caused by their unrestrained presence in society. I am aware that some evidence has been given before this Commission suggesting that mental enfeeblement being largely genetic in origin might be stamped out by preventing propagation on the part of all persons who are judged to be mentally enfeebled or disordered. If mental unsoundness were a foreign strain introduced into a community then it could possibly be extirpated in one of the several ways suggested, but as it is merely a variety which so long as individuals are not at a dead level of mental endowment must always arise anew, it is useless to propose any such means for checking its production. This ground for universal registration and control is therefore untenable. The only other excuse for registering or forcibly controlling the lives of mentally unsound persons is neglect or cruelty on the part of their guardians or the absence of proper provision for their care, and this principle, however imperfectly it may be acted upon, is already generally conceded. There are at present many persons of unsound mind in Scotland, who are, presumably, sufficiently protected and sheltered in their own homes, and any attempt to enquire into their condition would in itself be of the nature of inquisition. Under any proposed extension of the present system, it would be wrong, in my opinion, to interfere with such people except on grounds which are at present held to be sufficient for so doing.

I now proceed to deal with those mentally unsound persons who, owing to certain legal imperfections of a slight character, and also to certain administrative anomalies, are unfortunately excluded from the operations of the present system, and I shall endeavour to show how such persons might be fully dealt with by a further widening and adaptation of the existing methods.

(1). The first of these classes demanding attention are children of unsound mind. There are only two institutions in Scotland for the care and education of these children. They are both supported and endowed out of charitable funds.

The provision for feeble-minded children of the poorer classes in the imbecile institutions of Larbert and Baldovan is far too limited to adequately meet the requirements of the country. There are numbers of children throughout the country who are fit inmates for these institutions who cannot, owing to the limited accommodation, be received into them. These institutions are charitable, erected and endowed by charitable funds, with this exception that pauper children sent to them are supported by the parishes from which they are sent. There is, however, no compulsion upon a parish to send a child to an imbecile institution where the cost of maintenance varies from £25 to £30 per head per annum. Such children participate in the grant to the extent of from £9 to £10 each per annum, but an effort is always made by the parish authorities, and rightly so, to get the relatives to contribute as much as they can afford towards the maintenance of the child. Such a negotiation is, however, apt to be one-sided, for, as has already been stated, there is no statutory obligation upon the parishes to dispose of the children in this manner, and there is reason to believe that in some instances the conditions may be made so hard as to prevent the relatives from accepting them. Failing to get their children admitted through the parishes many of the friends make an effort to have them placed upon the charitable endowment of these institutions, but as there is only room for about seventy elected pupils at Larbert, and for three at Baldovan, the chances of the majority are small indeed. The only remedy to my mind is to make it compulsory for Parish Councils to deal with feeble-minded children in the same way as lunatics are now dealt with. To do this, however, would imply the provision of accommodation with at least two additional imbecile institutions in Scotland, each capable of accommodating from 200 to 400 children. These institutions would require to be erected either directly or indirectly by the State. As there is no hope of the State directly undertaking such a measure it follows that the lunacy authorities of the various counties should combine into groups for this purpose. A small assessment over a large area would raise the necessary fund for building, and each parish would, of course, maintain its own children at a comparatively low rate per head.

Supposing that the present institutions contracted

with the North Eastern and the Midland groups of counties in which they are respectively situated, and that the two new institutions were erected so as to serve the Northern and the West and Southern counties respectively, somewhere between 800 and 1000 children of a more or less educable type would be provided for and the present state of matters would be greatly ameliorated or perhaps wholly mitigated. The supervision of these institutions ought to remain as at present under the lunacy authorities. The present certificate which is granted with a view to secure participation in the grant would continue. This recommendation, in short, only involves an extension of the existing system.

As a rule the imbecile institutions do not keep children longer than the age of seventeen or nineteen years, and the questions arise what is to become of them afterwards? and what is to become of those who are unfit for training in those institutions? Those who have homes to go to and whose friends are willing to look after them would of course as at present go to their own homes. Those who are fit for it can for a long time to come be satisfactorily provided for by being boarded out with strangers in private dwellings. There is a class who are better in asylums and to whom it is no hardship to be sent there. Only one asylum in Scotland, the Glasgow District Asylum, Woodilee, has as yet provided separate accommodation for idiots, but there is no reason why others should not in time do the same, as the necessity arises. My contention is that all children of this class could be satisfactorily dealt with under the present system were it made compulsory for the various parishes to send them to properly organised training schools.

2. Delinquency presents a more complicated problem. For practical purposes the persons to whom I am specially referring may be divided into three classes, as follows:—(1) Intellectually feeble persons in whom the moral sense is practically wanting. (2) The intellectually feeble, in whom the moral sense is insufficiently developed to direct conduct. (3) Those in whom the intellectual faculties are developed up to the average, but who possess such feeble powers of moral resistance, when the mind is crossed by certain emotional currents, as to be practically incapable of taking care of themselves. According to the general practice of certification in Scotland, there ought to be no great difficulty in dealing with the first two classes of delinquents, who include practically all the feeble-minded petty offenders of the police courts, were it not for the fact that they appear to be overlooked and that having been once apprehended by the police they are liable to be over and over again dealt with in the same way. They are occasionally sent to asylums where, as a rule, they are not detained long, for beyond a slight degree of eccentricity or feeble-mindedness there may be nothing to justify the medical superintendent in detaining them. Generally the accommodation in our asylums is limited, and there is a desire to remove every one who can be discharged. Then perhaps there is a prejudice against criminal cases, not limited to the doctors alone, but shared in by the lay officials and the other patients. In any case it is unfortunately the fact that no proper provision is made under any of the existing laws for dealing with this class.

The following cases illustrate the present difficulty of dealing with such persons as have been referred to, and the necessity that exists for further powers for dealing with them.

S.M., a middle aged woman. In 1894, she was certified and admitted to an asylum, in February, 1896, she was boarded out as a certified lunatic, in January, 1897 she was reported to be mentally recovered and given ordinary outdoor poor relief, in October, 1897, she was reported "able-bodied." Since her discharge from the asylum this woman has been afflicted with a mild secondary dementia, but a dementia quite sufficient to render her totally unfit for taking care of herself, for she has spent much of her time in prison on repeated short sentences for petty police offences. She has no delusions, but she is facile, forgetful, and generally stupid. She is now in an asylum.

M. E. Female, born 1879. An imbecile, completely uneducable, speech very imperfect, strangers cannot understand a word she says, led into an immoral life by an elder sister. Has no efficient home care. Has been eight times in prison for drunken offences. Has been three times certified to be insane, but only given asylum care for short periods, being on each occasion discharged as recovered.

M. A. Female, born 1863. Belongs to a respectable family, but one in which insanity has been a scourge. She married when eighteen, during the six years subsequent to that she bore five children, she then became insane, was admitted to an asylum and kept there for more than two years. The next five years of her life were spent partly in asylums and partly outside, she was four times during that period admitted and discharged, during these five years she twice became pregnant. Since her final discharge (1894) the greater part of her time has been spent in prison, she having since then had 109 sentences which added together amount to over seven years. Of this period of eleven and a half years, seven have been spent in prison, only four and a half elsewhere. Her mental condition during these years has been that of mild dementia, she is free from delusion, but has very evident signs of mental defect, she is forgetful, emotional, inconsequential, and at times has had bouts of morbid excitement during which she has been destructive. Since 1894 she has had no home and no occupation. She has several times been in poorhouses. She is without doubt of unsound mind, irresponsible and unfit to take care of herself.

J. C. 35. This man was first in trouble when fifteen and was sent to a reformatory school. Alter leaving there he joined the Militia, and one training with it is practically the only remunerative occupation he has ever had. Since he was twenty a large proportion of his time has been spent in prison. As a prisoner he has always been troublesome. His offences have been various, including theft, robbery, breach of the peace, and poaching; for the last he has been frequently convicted. He is a paranoiac and has delusions to the effect that he has been born again and that having been born again he cannot sin, that he is too good for work, that he has a miraculous power of interpreting the scriptures, that he knows who the seven beasts mentioned in Revelations are. He is possessed of cunning, and it is sometimes difficult to get him to speak freely about his delusions. He is now hopelessly insane and in an asylum.

A. R., born 1860. This man has suffered from paranoia for many years. He has the delusion that once when walking on a road in Inverness-shire the figure of a woman appeared on the hills, that it shouted at him and followed him, and has ever since persecuted him, putting his fellow workmen against him, and that as result of this persecution he has never been able to remain at any job. He is very secretive about these delusions and does not talk readily about them. He is an habitual thief, and has a special predilection for stealing the combings of horse hair from stables. During the last nineteen years this man has been sentenced to imprisonment for this offence twenty-eight times, the total imprisonment inflicted amounting to upwards of twelve years.

R. C. Female. A case of recurrent mania of a very violent type. In the attacks she is a perfect fury; she commits assaults, tears her clothes, breaks furniture and windows, refuses food, and is a dangerous lunatic. Between attacks she is somewhat facile, but might be described as nearly normal. She is now in an asylum and not likely to be again at liberty, but previously to being placed there for the last time she passed many years between asylums, poorhouses and prisons. In the course of two years she was fourteen times sent to prison, eleven of them being for offences committed in poorhouses; her sentences amounted to 303 days; she was on nine occasions certified to be insane. The time spent by her during these two years in asylums amounted to 213 days; she spent 166 days in poorhouses, 19 in police cells, and only 29 outside institutions.

T. G. Male, born 1879. An epileptic and an inebriate. Weakminded and occasionally dangerously maniacal. At the expiry of a sentence of imprisonment for breach of the peace he was reported to the inspector of poor as insane; but the parish medical officer refused to certify him, and he returned to his old habits and was soon again sent to prison. When in prison awaiting trial his mental condition was inquired into by the Sheriff, and he was, by the Secretary for Scotland, ordered to be admitted into and detained in an asylum, under Section 89 of the Lunacy Act, 1857.

A. D. Male, born 1884. Always unfit for work. Travelled round the country with his mother and brothers, who were hawkers. When 18 was sentenced to twelve months' imprisonment for indecent assault. On reception in prison he was found to be imbecile, and was certified and sent to an asylum. The diagnosis was corroborated by the asylum superintendent and by a Lunacy Commissioner. At the time of the expiry of his sentence he was discharged by the superintendent as relieved. Two months after

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that discharge he was again in prison on another charge of indecent assault; this time he was certified and sent to an asylum as a dangerous lunatic in terms of Section 15 (Lunacy Act, 1862). The case shows unsatisfactory position of a lunatic admitted to an asylum under Section 6 (Lunacy Act, 1871), for he can be discharged unrecovered after expiry of sentence without fresh certification.

But when we come to the class of delinquents who are, though intellectually apparently intact, yet morally feeble-minded, we are dealing with a class never contemplated by the lunacy laws. The only test for the committal of these persons is the test of conduct. Before the passing of the recent Inebriate Acts the application of such a test might be regarded as a dangerous innovation in British legislation, but as the principle has been conceded by these laws there can be nothing illogical in demanding that they be extended so as to include the class of the morally infirm offender. There are many persons in Scotland, especially in the larger towns, whose repeated convictions for petty offences in the police courts raise prominently the question of their mental unsoundness. It is true that the great majority of these chronic offenders are inebriates, but the State has already acknowledged the mental irresponsibility of the more confirmed section of this class. Many, however, are not inebriates in the true sense of the word. Some of them are kleptomaniacs; others are imbeciles who tend to commit breaches of the peace upon trivial provocation others again are so irritable or profligate, or so lacking in self-control, that they are incapable of directing their own conduct. It is not too much to say that some weak-minded offenders pass most of their time in gaol. I append a Table extracted from the Judicial Statistics (1903) for Scotland, which enumerate the number of persons who had had upwards of fifty previous convictions :—

Showing the Number of Persons Convicted for Petty Offences in Scotland in 1903 *who had had more than Fifty Previous Convictions.*

Number of Previous Convictions.	Males.	Females.	Total.
50 to 100 - -	378	604	982
100 to 150 - -	78	187	265
150 to 200 - -	5	52	57
200 to 300 - -	0	28	28
Over 300 - -	0	1	1
Totals - -	461	872	1,333

I have taken the standard of fifty previous convictions, because there might be some doubt as to the mental irresponsibility of the subjects of a smaller number. Personally I can hardly conceive it possible that a person who has had upwards of fifty convictions, for any reason, is mentally normal, but I am willing to admit that it would be as much an error to state that they are all insane as to state that they are all sane. In any case, the truth can be arrived at in another way, namely, by the individual examination of each of these persons.

But whatever opinions may be held as to the sanity or insanity of these 1,300 persons, every one will admit that their repeated committal to prison is useless; that it produces no reformation; that it rather tends, if that is possible, to callousness and further degradation. Moreover, it is by no means a cheap or inexpensive method of dealing with them.

The 1,300 persons just referred to might with advantage be divided into two classes, *viz.*: (1) Those who are judged to be of unsound mind, and (2) those in whom the intellectual evidences of mental unsoundness are slight, but whose conduct points distinctly to moral weakness and irresponsibility. The first class ought to be sent to ordinary asylums on ordinary certificates. The second class should be sent to special institutions of the colony or village asylum type. It would of course be undesirable to commit any person to such an institution without full judicial enquiry at which medical evidence would be taken, but I see no necessity for ordinary certification.

Here I may state what is merely a personal opinion, that, considering the intimate connection between crime and mental unsoundness, all chronic offenders, but especially youthful offenders, ought to be examined by an expert in mental diseases with a view to determining their mental condition. I am convinced that by this means and by the committal of all these mentally unsound offenders to suitable institutions, a good many of the difficulties which at present confront us would be relieved. As an illustration of what I mean I append the following Tables of the result of the random examination of sixty-five short sentence female prisoners in the Edinburgh and Glasgow prisons by Dr. Craufurd Dunlop and myself. At the Edinburgh Prison we examined only prisoners with not less than ten previous convictions, and at Glasgow with not less than thirty previous convictions. We found, over all, that not less than 60 per cent. of the whole number were mentally abnormal. The abnormality varied from a slight degree of imbecility up to the most unmistakeable symptoms of mental unsoundness.

EDINBURGH PRISON.—*Female short sentence prisoners with not less than ten previous convictions. Taken at random.*

Previous Convictions.	Numbers.	Mental Condition.	
		Sane.	Defective.
10 to 20 -	12	4	8
20 ,, 30 -	5	3	2
30 ,, 40 -	5	1	4
40 ,, 50 -	2	0	2
50 ,, 60 -	1	0	1
60 ,, 70 -	1	0	1
70 ,, 80 -	1	1	0
80 ,, 90 -	1	0	1
90 ,, 100 -	0	0	0
Over 100 -	3	0	3
TOTAL -	31	9	22

DUKE STREET PRISON, GLASGOW.—*Short sentence female prisoners with not less than thirty previous convictions. Taken at random.*

Previous Convictions.	Numbers.	Mental Condition.	
		Sane.	Defective.
30—40	9	6	3
50—60	2	1	1
50—60	8	2	6
60—70	3	1	2
70—80	0	0	0
80—90	1	1	0
90—100	0	0	0
100—150	9	3	6
over—150	2	1	1
Total ..	34	15	19

Certification is a variable, and in many respects a useless distinction, except in so far as it safeguards the liberty of the subject, which in this instance is not in question. An institution for the detention of such persons should be under the charge of a physician skilled in the treatment of mental diseases, and assisted by a staff of assistant physicians. In short, it should be managed exactly like a modern asylum, and should have no prison element about it at all. It should possess abundance of land for agricultural and other pursuits. It should be built upon the village type, and possess a central hospital for the treatment of physical disease, of recurrent attacks of insanity to which this class are peculiarly subject, and for the observation of cases whose mental condition requires prolonged clinical study before judgment is pronounced in criminal cases. It is a question to be considered whether such an institution as I have described should be also an asylum for criminal and dangerous lunatics or not, and whether the present inadequate accommodation for criminal lunatics at Perth ought not to be removed from the prison there and incorporated with such an institution. But, whatever its other functions, one thing is abundantly clear to my mind, that it ought not to be in any sense a penal institution, and for the same reason that it should not be in any way connected with the administration of prisons.

I come now to the important question of how these institutions are to be organised and administered. In the first place, Scotland being a small country, they must be central institutions. If they are central they must be State institutions, with this provision, that each district or community shall pay for the maintenance of its own members who are inmates of the institutions. But if they are to be State institutions they must be subject to State inspection and supervision. Upon the question of who the supervising body should be, depends the welfare and success of the whole scheme. There are already a sufficient number of public departments in Scotland, and the creation of a new one *ad hoc* is to be deprecated. If the Scottish public departments are to remain as they are at present, then I have no hesitation whatever in declaring my opinion that institutions for the various classes I have mentioned should be under the lunacy authority. I do not pretend for a moment that they would therefore be better managed. It is the duty of the country to see to it that such institutions are efficiently conducted whoever the superiors may be. My reasons are as follows: (1) The persons to be treated are either insane or weak-minded, or suffering from physical infirmity. (2) If there is to be any advance in our knowledge of the processes which underlie the various symptoms of mental and physical deterioration, under which most of these patients labour, they must be studied medically exactly as other forms of mental affections are studied, by trained and skilled physicians. (3) The medical element in administration must prevail to the exclusion, or at any rate the subordination, of the penal. (4) The intimate alliance of the malady of the certified with that of the uncertified insane would necessitate the constant interchange of individuals from the one class of institutions to the other. (5) The construction, management, and hospital character of modern asylums is essentially the same as that which ought to characterise any modern institution for the reception and treatment of epileptics, inebriates, and weak-minded offenders. Sooner or later some such proposal as I am now formulating must in one form or another come into practice, and it is highly desirable that it should emerge under the influence of the best available traditions. The traditions of the lunacy system in Scotland are exactly the traditions which are required for dealing successfully with the weak-minded offender and the inebriate. It is useless to think of punishment, which at best can only be defended as a means of reform. But if we believe, as we surely must do, that reform in this instance is difficult to attain, and that the main object is to preserve the decency and order of the community, and to promote the welfare of the individuals concerned, then we must adopt some such scheme as I have sketched. Not only are the traditions of the lunacy system in this country the most desirable for dealing with the class in question, but the construction of the modern asylum of the village type is the best form of institution for their detention, for it combines the advantages of the hospital system with that of the labour colony.

The great advantage of the "village" asylum is the segregation of the various buildings into small villas, which permit of the classification of the inmates to any extent that is desired, so that the quieter inmates can be wholly separated from the noisy and more turbulent, the acute patients and those requiring active medical treatment from those who are in need of no treatment; and, finally, those who are capable of enjoying more extended liberty can live apart from those whose actions demand, for any reason, close supervision. The village type of asylum has been in existence in Germany for many years, and was there first of all made famous by the well-known asylum of Alt-Scherbitz in Prussian Saxony. We owe its introduction into this country to the late Sir John Sibbald, who recommended the erection of that type of institution for the new City Asylum at Bangour. The idea was adopted by the Aberdeen District Lunacy Board in the construction of their new asylum at Kingseat, which is now in full working order, and is the first village asylum opened in Great Britain. At the present time there are two other similar asylums in course of construction, namely, the Edinburgh Asylum at Bangour, and the new asylum for Renfrewshire at Dykebar, near Paisley.

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3. Vagrants, Loafers, and Ins and Outs of Poorhouses.

These form a large class who are only differentiated from the preceding class of delinquents by the fact that they are less in evidence in the police courts. I am unable from personal experience to speak authoritatively about them, but I understand that others from Scotland will lay before the Commission a detailed account of them. I have often been struck by the low intelligence and want of character among several of them whom I have casually met in the course of my professional duties. I recently had the opportunity, along with a well-known Edinburgh medical man, who is interested in such matters, of visiting two Scottish poorhouses. The following is an epitome of the notes we made during our visits:—

First Poorhouse.

We were informed that there were about 200 inmates, but we saw less than 100 of them. The building was an old one, and the grounds very limited. We visited the wood-cutting shop, the children's nursery, a few dormitories for men and some for women, the men's day room, the laundry, and the sewing room. When going round we picked out fourteen imbeciles, but there may have been others whom we did not see. The fourteen referred to were all well marked cases. Among them was one lad who had been trained at the Imbecile Institution, Larbert, he could converse very fairly and reasonably, but was evidently unfit to take care of himself. Another imbecile seen was a woman apparently about twenty-five years old, she was markedly defective, could neither count, read, spell, nor tell the time when shown a watch; this woman had been the mother of two children. She is an "in and out" and when out makes a precarious living by prostitution. The medical officer stated that this woman ought to be permanently detained, but that in his opinion it would be cruel to certify her as a lunatic. Among other cases we saw were two epileptics, both somewhat feeble-minded, a defective blind boy, a deaf and dumb boy with periodic attacks of excitement, and a feeble-minded man whose wife and child were also in the house, all being imbecile, the wife very decidedly so.

Second Poorhouse.

The second poorhouse had at the time of our visit 185 inmates. We were accompanied by the governor who showed us in all about 100 of the inmates. Of these only eight were apparently weak minded.

(1.) Female, aged thirty years; had been seven years in the House; is an epileptic and speaks with an imperfect articulation; suffers from chronic hip-joint disease. She conversed intelligently.

(2.) Female, fifty years; has been thirty years in House. She is able to work in the kitchen, but is markedly defective and cannot talk intelligently. Has had an illegitimate daughter who is a lunatic, and a grandaughter (daughter of the preceding) who is an idiot.

(3.) Male, aged fifty-four. An "in" and "out." Found him working in tailor's shop. He spoke intelligently; told us he had been in an asylum suffering from mental depression.

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(4.) Male, aged forty-three. Twice in asylums suffering from mental depression the result of drink. An "in" and "out." Said he was a labourer, but confessed that he had never done much work.

(5.) Female, aged forty. Subject to recurrent attacks of mania; has only been in House a few weeks. Is to be certified and removed to an asylum.

(6.) Female, aged twenty-one. Was reared in poorhouse. As a child she was troublesome owing to her tendency to set things on fire. Was sent out to domestic service, but only remained a few weeks in any one place. Has had an illegitimate child. Afterwards married a man as weakminded as herself. She does not know where her husband is.

(7.) Female, aged fifty-eight. Discharged from an asylum. She is demented and apparently unable to take care of herself.

(8.) Female, aged forty-four. Has been thirty years in the House; cannot read or write; has had an illegitimate child. She is quite quiet and harmless.

These cases illustrate the necessity for the permanent detention of the younger female imbeciles. It is a matter of comparative unimportance where they are detained, whether in poorhouses or along with the other classes whose detention has already been discussed. If one may judge from the comparatively small numbers dealt with in the preceding figures there are probably few feeble-minded persons among the ordinary inmates of Scottish poorhouses.

(4.) Inebriates.

My experience does not entitle me to speak with any authority upon this subject. I should like, however, to say that the distinction which is drawn between them and the classes I have already referred to appears to me to be an artificial one. Alcoholism is but an incident—an important one, certainly—but not the main factor in the majority of cases. Of the 65 prisoners examined by Dr. Dunlop and myself 48 were in jail for drunkenness, and 31 of these were mentally unsound, in our opinion.

M.B. Female, born 1875. Her father was a pauper. Her mother committed suicide. A brother is in an asylum. When a girl she was boarded out as a pauper, having been abandoned by her parents. When about 17 she became a prostitute. She has a police record of about seventy convictions. She has been about twenty times in poorhouses. She has been four times certified insane and four times discharged from asylums as recovered, in the course of three years. She is now an inmate of the State Inebriate Reformatory. She is congenitally mentally defective, unreasonable, erratic in her conduct, has a violent temper, and, under any stress, becomes acutely insane with delusions and violent conduct. She is efficiently cared for in the reformatory or in prison, but is quite unfit to be at large.

C.G. Female, aged 39. This woman, who is a low grade imbecile, was for a year and a half an inmate of an inebriate reformatory, and discharged from there as a lunatic. Her history is one of neglect; when 23, her mother died; shortly after that her father turned her out of the house, and for sixteen years, excepting such times as were spent in prisons, poorhouses, and other institutions she supported herself by prostitution. For years she was homeless and in the habit of sleeping on common stairs. In the reformatory her conduct was silly in the extreme; for instance, at times she would refuse to get into bed and had to be coaxed to do so by the promise of sweets. Although frequently under the observation of the parish officials in the poorhouse and handed to the parish officials when discharged from the reformatory, she was not certified nor given the care and treatment necessary for her condition.

I. T. Born 1878.—This woman, a deserted wife and a drunken, disorderly prostitute, frequently in prison, had maniacal attacks there which were ascribed to *delirium tremens*. She was sent to a certified inebriate reformatory, on account of these maniacal bouts; she was there found to be uncontrollable and removed to the State Inebriate Reformatory. In the State Reformatory the bouts continued, and as their nature was fully recognised she was certified and removed to an asylum. Nine months later she was reported by the asylum superintendent to be recovered, and brought back to the State Reformatory; but after admission it was soon found that she had not recovered, but that the maniacal bouts came on with the same regularity as formerly; she was again certified. On the day her Reformatory sentence expired, the day on which she became a local charge, she was reported to be again recovered, and discharged. Within six months from that discharge she was four times sentenced to imprisonment, three times certified to be insane, and twice discharged from the asylum as recovered.

The present administrative machinery, in Scotland, whereby the mentally unsound of all classes are dealt with under the Lunacy Acts, is admirable, but it requires some amendment and extension so that all persons who, on account of mental impairment or deficiency, require care and treatment, should receive it. Those mentally unsound persons who are properly looked after by their friends or relatives are not contemplated in the following summary of recommendations.

1. All neglected cases, and all cases frequently apprehended by the police should be subjected to examination as to their mental condition by an expert in mental diseases.

2. Observation wards, similar to those now in existence in Glasgow, should be established in every large centre of population and all cases regarding whom there is any doubt ought to be sent there for observation. A similar system prevails in Copenhagen where the Psychiatric Clinic in the Communal Hospital is freely used by the police for this purpose.

3. Persons who are manifestly insane ought to be certified in the usual way and sent to asylums.

4. Persons who are morally though not to a marked degree intellectually insane should be comitted by the Sheriff to a State institution of the "Village" asylum type for such terms as may be thought advisable. The maintenance of the inmates in such institutions must be at the expense of their own parishes. The institution should be medical in its management, and might include the present Criminal Lunatic Department at Perth. The establishment of such an institution would secure the proper care of the great majority of this class of person, for it would not only meet those cases whose detention in asylums is considered unnecessary, but those parish authorities who are apt to shirk the trouble and expense of dealing with this class of moral imbecile might probably find it less expensive to deal with them directly than to leave them in the hands of the judicial authorities. I should also favour the compulsory detention in poorhouses of certain of the more troublesome "ins and outs," many of whom are weak-minded.

5. It should be made obligatory upon parish councils to undertake the care of all neglected educable imbecile children in the same way as they at present deal with the ordinary insane. If this were done it would necessitate the enlargement of the two present imbecile training schools and the establishment of at least two more.

6. A wider recognition of insane conduct as a sign of insanity and as a basis of certification is urgently required. It would not, I think, be possible to do this by legislatively defining insanity, but the slowly approaching recognition of the irresponsibility of certain sections of the community such as many inebriates, spendthrifts, and chronic delinquents, would be greatly hastened by some form of legislation such as I have indicated.

21199. (*Mr. Byrne.*) I would like to ask a few questions of the same nature as I put to the secretary. You do not publish in your annual report any statistics as to the causes of insanity in Scotland?—No.

21200. Have you got those statistics?—No.

21201. Have they been excluded on purpose?—They have, I believe. The information at the disposal of our Board was so imperfect that it was considered better not to publish them.

21202. So you have no body of information in Scotland to throw light on the interesting question as to how far heredity affects the number of the mentally defective in Scotland?—So far as heredity affects insanity it is well known that most of the insanity in the country is directly or indirectly due to heredity.

21203. That is accepted?—That is accepted.

21204. You say in your statement, in dissuading any steps being taken with a view to dealing with these people on the lines of preventing their propagation; "if mental unsoundness were a foreign strain introduced into a community, then it could possibly be extirpated in one of the several ways suggested, but as it is merely a variety which, so long as individuals are not at a dead level of mental endowment, must always arise anew, it is useless to propose any such means for checking its production." If heredity is universally recognised as the main factor, you can scarcely call it a mental defect which is always arising anew?—The question is a little complicated to this extent; no doubt there is heredity in the case of the great majority of lunatics, but perhaps I could put it more shortly by saying, in my belief, if you were now to enforce the confinement of all the feeble-minded in the country, in two or three generations the state of matters would probably be exactly what it is now. Of course I cannot prove that statement.

21205. May I put it in this way, that you think that even if you cut off the obvious existing defective families in such a short time as two or three generations you would have just as many?—So I believe.

21206. That of course is not a usual opinion, is it?—It is not a usual opinion.

21207. It is so important, and you have such experience in the matter, that one would like to have it very clear. If you look at the interesting pages at the end of your last Report, giving the conditions, as regards relationship with defective people, of the inhabitants of Barra and those other islands where you have a considerable number of lunatics, every one of whom has an enormous number of defective close relations, and none are without such relations, do you consider that if you drained all those people of all the tainted families and left only the untainted, you would have exactly the same in three or four generations?—I would modify my statement to the extent of saying that you probably would not have the same conditions, but you would have very similar conditions. I should like to explain why I think so. I say in the passage you quoted that "if mental unsoundness were a foreign strain introduced into a community, then it could possibly be extirpated in one of the several ways suggested." It must be borne in mind that no two individuals in the same family are alike, no two members of a litter of puppies, or of young pigs, are the same; they all differ from one another, and even in the purest breeds of stock you can only keep up the purity of the stock by eliminating all the individuals that depart from the type aimed at. It is a common case I think well known among breeders of stock that unless that is done the stock "throws back" very quickly. It is the same with human communities.

21208. The analogy requires, for completeness, the supposition that feeble-mindedness is a sort of original condition?—It is a variety.

21209. Do you think that?—Undoubtedly.

21210. And civilised and sensible rational people have developed from a stupider set of people?—No, I do not hold that.

21211. To follow that analogy of throwing back with animals, it must be so?—That is a technical expression used by breeders to suggest the occurrence of a distinct variety, an undesirable variety.

21212. What I wanted was to elicit your strong opinion that in dealing with these matters we need not think anything about heredity at all?—I do not think so.

21213. May I take it that that is the opinion of your colleagues and most of those you know?—That is entirely a personal opinion.

21214. Is it an unusual one?—It is a little unusual. I think I could find a great many authoratitive opinions to confirm it.

21215. Amongst your own colleagues and people among whom you work for the benefit of these defective people there are different opinions?—There are different opinions, I suppose. I do not think I took this from my own colleagues at all, I took it from workers in other fields.

21216. To turn to another point about people of defective mind in poorhouses which have no wards licensed by you for their detention and care, have you any legal authority with regard to those persons at all?—We have the power to visit and inspect the poorhouses at any time.

21217. Any poorhouse?—Any poorhouse.

21218. Is that power regularly exercised?—No, it is not.

21219. I think you yourself visited two poorhouses at one of which out of 100 inmates you found about fourteen persons, and in another about eight feeble-minded persons, that is about 10 per cent., some of whom I gather, from the language you use, you yourself would not hesitate to certify?—I would not.

21220. And all were pretty conspicuously feeble-minded. That is a very large number, is it not? There are 66,000 registered paupers in Scotland, are there not?—About that number.

21221. Ten per cent. of those is a substantial number if they are all feeble-minded. It would increase your list of lunatics by 50 per cent.?—It would scarcely be fair to apply these figures as a comparison. I do not think 10 per cent. of the ordinary paupers of Scotland would be found to be feeble-minded.

21222. You think these were exceptional places?—Yes.

21223. You visited them, no doubt, for that reason?—For that reason.

21224. What would be your experience in visiting poorhouses; would you expect to find about the same number?—I think you would probably find the same proportion in all the poor-houses in Scotland.

21225. If that is so it follows that in stating the number of people of mental defect in Scotland we must make a very substantial addition to those who have been mentioned in your statement as under your care and observation?—May I point out where I think you have made an error. The 66,000 paupers in Scotland are not in poor-houses; the majority are outside getting relief.

21226. The tramp?—No, the great majority of the ordinary paupers get out-door relief.

21227. But still he might be imbecile as well as an indoor pauper. You have no prejudice in Scotland against giving outdoor relief to imbeciles; it is a regular custom?—Then they come under our cognisance the moment they get relief. They become lunatics if they are relieved on account of their mental condition.

21228. I want to ask you about the question of discharge from asylums in Scotland. I gather from the tone of your remarks that the Board thoroughly agree with the policy of immediate discharge as soon as people are quiet and tranquil, and regret the growing unwillingness of superintendents to act on that, is that so?—That is not so; that paragraph which you are quoting from the Report was written about the discharge of unrecovered patients to private dwellings.

21229. But I am referring to page 75 and the next three pages where it gives the reasons for the increasing fall in the rate of discharge?—The passages there refer, I think, entirely to removal of unrecovered harmless patients from the asylum to private dwellings, but still under the jurisdiction of the Board.

21230. So the only discharges that the Board regret to see diminishing in number are those from one sort of care to another sort of care?—Exactly.

21231. That leaves the general question free. A superintendent has absolute power of discharge?—A superintendent has absolute power of discharge.

21232. The law gives him no light as to what the word "recovery" means?—The word "recovery" I think occurs only once in the Scottish Lunacy Act, and that is a mistake. It occurs as a rubric in Section 17 of the 1862 Act, but it does not refer to recovery at all; it is but a mistake of the printer. The superintendent discharges the patient when he thinks he is recovered, and the reception of the notice by our Board constitutes a technical discharge of the patient from the asylum. There is no section of the Act dealing with the question.

21233. And there are no directions from your department?—None.

21234. Do discharges take place, do you think, in Scotland much for the same reason and on the same ground

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as they do in England, of an alleged recovery?—I think precisely for the same reasons.

21235. What conclusion do you draw from the statistics which I mentioned before, that out of 2,500 people no less than 557 had gone back, some twice, and almost immediately? Do you think those were judicious discharges, or that probably some were questionable?—If a reasonable interval occurred between the discharge and the return of the patient I think they were judicious discharges.

21236. Do you think it is a thing we must always contemplate, that, whereas most lunatics are not always raving, a large number of lunatics will be freed?—Yes, certainly. Of course, when they are free they are not regarded as lunatics.

21237. In Scotland "lunatic" means a certified lunatic, but I am speaking as an Englishman?—If a patient has a lucid interval of a year or a year and a half, it is only reasonable that he should be discharged.

21238. You think such a person should be discharged always?—Yes.

21239. Have you many people in Scotland who are constantly in and out of prisons and asylums?—A great number.

21240. People who get drunk and do wilful damage are sent to prison for a month, then sent to an asylum, discharged at once from the asylum, and then get a month's hard labour for assaulting a policeman on their way home from the asylum, and get certified again and so on. Have you many of those?—With the exception of assaulting the police on the way home we have a great number.

21241. I am reading from a case given to the Prison Commissioners in England. You have such cases?—Yes.

21242. Do you contemplate that there is no escape from the situation that those people must go on being sane when sober, being insane when drunk, certified insane by a competent man to-day, certified recovered by an equally competent man the day after to-morrow? Must the same dreary round go on?—Unless you get fresh legislation.

21243. Do you think we ought to be content with that?—No.

21244. In what direction do you think we could get that altered?—I have suggested a scheme.

21245. You suggest that every person convicted should be examined for his mental condition. What conclusions would you draw supposing the examination was unfavourable; supposing for the twenty-second time a woman gets into prison for being drunk and breaking the public house window, and the doctor then, under the law, examines her and says she cannot be certified insane, but she will go on getting drunk and in asylums all her life, what suggestion would you make?—I think the inquiry should take place before the Sheriff in Scotland.

21246. Supposing it did, and the woman was found guilty, what would you do with her?—Commit her to such an institution as I have described.

21247. For ever; with a system of licence, but for ever, simply?—It is a very difficult question.

21248. You would not commit her for a short time?—No.

21249. That would be absurd?—That would be absurd

21250. Would you commit her for a reasonably long time, and if so, on what grounds? Do women of that sort recover? Would a year or eighteen months be sufficient?—I do not think that would be sufficient. I think three years would be the least for which they should be committed, falling short of an indeterminate sentence.

21251. Are you in favour of an indeterminate sentence in such cases?—I rather shrink from suggesting it.

21252. It is not a novelty; if you did suggest it, it would not be startling?—No, I know, but I should not like to commit myself to that. It might be the best way, if appeals for discharge were facilitated, so that the case might be reviewed from time to time.

21253. That would apply to all these cases?—To all these cases.

21254. If you once go as far as three years, so far as the liberty of the subject is concerned you might just as well go for life, with proper process of reconsideration?—With a proper process of reconsideration, certainly.

21255. How do you account for the extraordinary differences in the initial cost of the asylums in Scotland? They vary from £613 per bed, that is in a large and full asylum, to under £200 per bed. Is the price growing?—The price I think fortunately is now decreasing. The last new asylum built in Scotland is the Aberdeen asylum, built on the village type. It cost with land, buildings, furnishing, water, and electric light, and all requisites, about £250 a bed. That is our most modern asylum.

21256. That is one on the Alt-Scherbitz system?—Yes.

21257. How old is the Govan asylum?—About ten years.

21258. Why did it cost so much; is it palatial?—It is; it is a very substantial building, and after the plans were approved of by our Board (I am talking of a period anterior to my taking office) I understand that modifications were from time to time suggested by the District Lunacy Board which raised the cost.

21259. So it was their own doing?—Yes.

21260. You did not call upon them for luxuries?—Quite the contrary; there was an attempt made to restrain them.

21261. Do you find that you have perpetually to do that?—Generally speaking.

21262. To what do you impute that? Is it the usual generosity of human nature when not dealing with one's own money? Why should these people want to provide such establishments?—I think that at one time our asylums were rather poor, and afforded very meagre accommodation, and there was a reaction from that condition, and when once one or two District Lunacy Boards had built modern and fine looking institutions the others followed suit, partly with a desire to do the best for the patients and partly perhaps from a spirit of emulation.

21263. We may take it for granted that people will always have to be suppressed in that way if economy is to be obtained, or if we are to move in the direction of economy?—Yes, I think the plans of local institutions require to be very carefully criticised by an independent authority.

21264. Can you tell us what is the reason for the difference in the return which appears in your last annual report, the forty-seventh report, as to the cost of maintenance in asylums, as compared with the statement on the same subject given in this Parliamentary return issued a few months ago? The present statement in your annual report is that it is rather high, but is that on account of the new asylums that have been added which are not yet full, and consequently must be expensive?—Do you refer to the maintenance or the buildings?

21265. They both differ slightly in the return; the chief difference is in the building?—We have not seen this return. If you will allow me, I will send in a statement on the subject.

21266. (*Chairman*). If you would, so that we may be sure we have the right figures.*

21267. (*Mr. Byrne.*) The cost of parochial asylums is very much less, is it not, both in buildings and in maintenance, than in the county asylums?—It is.

21268. In that report, page 63, you say that the accommodation and treatment are practically as good as in the asylums. How do you account for it, that one authority can do things so cheaply and the other costs so much?—One reason which occurs to me at once is that in the parochial asylums which are small there is no resident medical staff; that at once reduces the cost.

21269. Is there a smaller proportion of nursing staff, do you think?—There is a smaller proportion of nursing staff.

21270. You must have one to every ten?—Yes, we advise that.

21271. You are satisfied that that is sufficient?—We are satisfied with one to ten.

* *Dr. John Macpherson subsequently sent in the following*:—"Columns 5, 6 and 7 of Mr. Hobhouse's Parliamentary Return on the cost of asylums (*Vide Appendix Volume p.* 24) so far as they deal with Scotland, correspond with columns 2, 3, and 4 of the Table at page lxxxiii. of the 46th Annual Report of the General Board of Lunacy for Scotland, except that in the former the weekly cost is given, while in the latter the annual expenditure under each head is stated."

21272. They have a great deal more in district asylums, have they not?—Some have one to nine, which is a very full staff.

21273. A very good proportion?—A very good proportion.

21274. Do you put down any of the economical achievements of the parochial asylums to the fact of their doing more remunerative work by the patients?—I do not think so.

21275. You speak of the district asylums not doing anything out of their farms—making a loss, sometimes. At some other places there is remunerative work; Riccartsbar for instance?—That has a very large market garden, which they find very profitable, and which their patients work.

21276. That is good for the patients, I presume?—They are quite near the large town of Paisley, and have a ready market for their vegetables and fruit.

21277. Do the Commissioners encourage the extension of that sort of thing?—Always.

21278. You do your best to have work provided for patients at an asylum?—We have very little difficulty in Scotland, as a rule. Most of the asylums have farms—some very large farms, larger than we think are necessary in some cases.

21279. None make any profit?—Some say they do.

21280. There is not the slightest approach anywhere to living on their farm?—You mean supporting themselves?

21281. Yes?—No.

21282. Or attempt at supporting themselves?—No.

21283. (*Dr. Donkin.*) With what you said to Mr. Byrne just now I quite agree, that the question of heredity is one that is very difficult to discuss, and it is one not of primary importance in this Inquiry; but it is, I think, of some amount of importance and of some practical bearing. You say "The duty of the State towards the subjects of mental unsoundness is purely ethical, and is limited to securing their safety and well-being, and to protecting the citizen." It may be argued that a large number of the feeble-minded do harm to the community by their actual deeds, being violent or dangerous. That you admit to be sufficient reason for confining them?—Certainly.

21284. So that supposing the diagnosis was made unquestionably of children of the age of fifteen or sixteen, that such boys and girls seemed destined to be criminal, you would think it justifiable to have them certified and detained, say, with certificates revisable from time to time, even provided they had not committed any crime; would you go so far as that? It is not quite clear how far you would consider that the interests of the community would justify the detention and the deprivation of the liberty of any feeble-minded person. You say, in the case of the criminal, that when he is once found to be criminal, he might well be medically examined and dealt with. Would you, or would you not, think that a very demonstrable degree of feeble-mindedness such as might be ascertained by careful examination in school life should also be dealt with? There are many cases that we all know, of both boys and girls at puberty, where there is such a degree of feeble-mindedness as would make it almost certain—infinitely probable—that these young persons would develop into criminals, be pests to society, and come upon the public funds?—Unless they were neglected and showed marked mental defect I cannot say that I would advocate any interference with them on the ground that they were likely to commit crime.

21285. I am assuming mental defect. I mean a person distinctly mentally defective to such a degree as to make it infinitely probable, in the opinion of those who see them, that they will be dangerous. I want your opinion as to whether you think it would be justifiable to deprive them of liberty on these grounds of being mentally defective and almost certain to become harmful to the community?—Only on the ground of their being mentally defective and neglected; I do not think I should consider the other proposition, that they were likely to be of harm.

21286. They would be likely to be neglected in a large number of cases—the cases that go to the schools. In a large number of cases the families could not take care of them?—I think such cases, in Scotland at any rate, should be sent to training schools for imbeciles.

21287. I am taking a case who has been already in the training school and observed for some time, and has got to the age when, if there were not some legal means of detaining him, he would go out into the world?—If he had to go out into the world unprotected, certainly, I should say.

21288. We have provision made for them up to a certain age in the schools, but they cannot be kept there after sixteen or eighteen. What I have been wanting to get your opinion on is, whether you think in such cases as those who have been in school and have been decided to be mentally defective, and where there is no doubt of what their future would be, and there is no means of taking care of them, it would be justifiable to prevent them doing this harm by practically confining them indefinitely in some healthy institution?—I should go the length of saying that if they are unprotected they ought to be taken care of. In Scotland we take care of them in several ways. We may send them to an asylum, or board them out in private dwellings. They are certified already if they have been in an imbecile institution.

21289. Would you admit as one reason for taking care of them that they would be harmful to the community, or is it only for their own sake?—I should prefer to put it for their own sake. I should prefer to make the ground of taking care of them for their own sake, unless they had made attempts at some criminal action, or shown vicious conduct.

21290. That is the only reason which you think would justify it, but does not the question of hereditary transmission of feeble-mindedness come in?—That is why I have put the paragraph as I have.

21291. To come to another point, I do not think anyone has ever seriously gone as far as to say that if you were to prevent the procreation of the existing feeble-minded it would put an end to the evil altogether. Everybody, whatever their views be, must acknowledge the truth of what you say that there would be other sources from which the feeble-minded would be supplied.—My difficulty is that the more pronounced the imbecility or feeble-mindedness is, the less fertile the individual is likely to be; but the less feeble-minded he is, the more fertile he is likely to be, but you have less power of dealing with him. Therefore, any proposal to that effect would be sure to be inoperative because it could not reach the higher class of feeble-minded, who are, in my opinion, the most fertile because they are the most normal.

21292. Would you admit the general principle that there is a greater tendency in feeble-minded people to procreate the feeble-minded than in the typical normal person?—Than in the typical normal person, certainly there is.

21293. You so far admit the general principle of heredity?—Yes, certainly.

21294. (*Dr. Dunlop.*) Regarding this heredity, your theory is that imbecility is a matter of variation?—A variation which tends to propagate itself.

21295. On the one side it is tending to die out, when you have got your low grade cases, and at the other end it is tending to be reproduced, is it not?—I think invariably it is.

21296. Is not the law of persistence of small numbers a statistical law that is a good one? Do you think any invented artificial means would get round that law and abolish this form of variation of insanity?—I am sure it would not, because the people most likely to propagate it are the least insane-looking of your population.

21297. Mr. Byrne referred to the returns from the island of Barra. Barra has a small population, has it not?—I do not know that it has; I think it has a fair population.

21298. Even two or three thousand from a statistical point of view is a very small number?—I rather think Mr. Byrne was referring to North and South Uist.

21299. It is not fair to apply a wide statistical law to an isolated community?—Not to an isolated community like that, where any variation would tend to inbreed itself.

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21300. If you put the whole population of Barra into the sea and brought selected people from somewhere else, it would abolish imbecility for the meanwhile, but that would not affect the returns for the whole of Scotland?—No.

21301. I gather you are of the same opinion as Mr. Spence that all mental defectives should be under one authority only?—Yes.

21302. You do not want any division into classes?—I think not.

21303. What is your opinion as regards the existence of non-certifiable insanity?—It exists as a matter of fact, but what is known as non-certifiable insanity differs only in degree from certifiable insanity.

21304. In a lunacy certificate what is the test for certifiability; is it the degree of lunacy, or the degree of requirement for treatment? Granted a very slight derangement or defect, surely it is the requirement of treatment that decides certification, is it not?—It decides the action of the authority who moves for certification.

21305. And decides the certificate if the certificate includes it?—It ought to.

21306. The lunacy certificate does so?—As far as the form is concerned it may; the form I think uses a definite expression—"lunatic, idiot or person of unsound mind."

21307. You might complete the rest of the clause?—"And a proper person to be detained under care and treatment."

21308. And it is that that is the essential test, is it not, for certification?—It is the basic test.

21309. An extreme case of insanity after a time is not certifiable. A definite case, say paralysis of the insane, if it is well looked after at home, is not certifiable because it does not require care and treatment?—I should rather put it that no application is made for certification.

21310. But, as a matter of fact, the case is not certifiable?—Yes, it is certifiable.

21311. When there is no necessity for asylum treatment?—If the necessity arose, it would be certifiable.

21312. But a case where there is no necessity?—Where there is no necessity it is not certified.

21313. And it is not certifiable. But that is getting rather academic. We have had given to this Commission a report from the Committee of the Royal College of Physicians of London in which they define various classes of congenital defect and imply that the different classes should be dealt with in different manners. Have you any opinion to give us as to whether there is any hard and fast distinction between idiots, imbeciles, and feeble-minded persons, or imbeciles, morally insane persons, and defective persons?—For clinical purposes and purposes of administration after the person is taken charge of these divisions are useful, and I think the classification of the Royal College of Physicians is probably on that account an excellent one, but as tending to introduce a division between the various grades of mental defect I should deprecate its introduction into Scotland, at any rate; that is to say if that were to be its tendency.

21314. You have seen these definitions. I think you are aware they are very much a repetition of what occurs in Dr. Mercier's book. They are well known. Where a feeble-minded person is separated from an imbecile by his capability of supporting himself, is that a practical division of the class into two from the administration point of view?—I question the correctness of that definition. I know several imbeciles who are capable, and actually do support themselves.

21315. Could you, after these many years' experience, examine a child eight years old and say whether it could support itself or not, and say whether it was imbecile or feeble-minded on that basis?—Certainly not.

21316. If you could not make the division, most experts could not make the division, could they; in fact, none could?—I think it would be very embarrassing.

21317. It is certainly not simple enough to be practical?—I looked upon the classification of the Royal College of Physicians and on Dr. Mercier's classification as being more academic and instructive for the Commission, not as being a practical classification.

21318. You would not advise the defectives to be divided into two classes according to it, and one half put under one authority and the other under another?—Certainly not.

21319. The lunacy system in Scotland includes all defective persons who have to be dealt with, but as it exists it is faulty in one or two details to which you draw attention; first as to the provision for imbecile children?—Yes.

20320. Have you any conception as to what the requirements of the country are in this respect?—I have not. It is very difficult to arrive at it. As to the figures that I have used here, when I say that probably accommodation for 1,000 children would be required, that is a mere calculation. I should like to qualify that by saying that if you only placed educable and trainable children in this institution, probably accommodation for a less number would do to begin with. But at present there is only accommodation in Scotland for 240 pauper imbecile children, which is quite inadequate.

21321. The lowest grades could be dealt with in the ordinary asylums or poor house wards?—I think so.

21322. But the higher grades, when they are more or less trainable, should be dealt with in imbecile asylums?—I think on the whole that would be very much better.

21323. How is it these are not provided for at present? We have got district boards that are bound to provide accommodation, yet there is this blank?—There is no provision in the Act for the erection of imbecile institutions.

21324. Do they not use the asylums?—On the ground that a feeble-minded person is a lunatic, or an imbecile is a lunatic, they do; but the district boards would probably feel they had done their duty if they extended their asylums a little and put such persons into ordinary asylums. That of course would be worse.

21325. The asylum is not a suitable place for trainable children?—For trainable children it is the very worst place.

21326. You are strongly of opinion that it ought to be a distinctly definite duty of the district boards to provide accommodation for the trainable imbecile children?—I think so; but the district boards would require to combine together for that purpose. Some of the districts are very small. For instance, counties like Banff and Haddington have not a sufficient number of imbecile children to make it worth while to erect an institution for them. If district boards were grouped for this purpose over large areas of the country, then they could provide institutions.

21327. What authority should do that grouping?—There is no authority at present that could do so, so far as I know.

21328. Which of the existing authorities might be in a position to do so?—The only authority that could be put in a position to do so would be the lunacy authority.

21329. In your opinion, comparatively limited imbecile asylum accommodation would meet that great requirement of the country?—Yes.

21330. A matter of 1,000 or 1,500 beds would meet the requirements of Scotland at the present moment?—Yes; to begin with I should say 1,000 beds would meet the requirements.

21331. You do not contemplate allowing adult imbeciles to remain on in the various schools?—No.

21332. Such as is done in England?—I do not know about England, but I should think it would be better not.

21333. Do you agree with what Mr. Spence said, that there is no necessity for certifying these children?—I agree.

21334. There is no more difficulty in detaining them there than there is with a boy at Harrow or Eton?—None whatever.

21335. The other class of persons you say have not fully dealt with are certain cases that turn up frequently in and out of prisons. You give some very striking cases. Your scheme to meet these is to establish a State colony or asylum to which they could be sent?—Yes.

21336. What is your conception about the payment?

Would the expense be borne by the State or the parish councils ?—The parish councils, certainly.

21337. What is your reason for saying that ?—One of my reasons is that the parish authorities would remain in touch with their own people ; secondly, that it is their duty to do so ; and thirdly, that if the State were to entertain the care and maintenance of them they would practically become prisons for the detention of these people in which no local authority would have any voice at all.

21338. If it were a State colony or asylum it would be open to a great deal of abuse ; would not it be putting a premium on neglect by the parish ?—To a certain extent I think it would.

21339. Another point I gather from the cases in your statement is that they illustrate that discharge is in a great many cases faulty at the present moment. There is no power to interfere with the medical officer's *dictum* of "recovered," is there ?—There is not.

21340. Do you think it desirable that there should be, in some cases ? Do you think your own Board, for instance, should be able to veto it ?—No, I do not take that view.

21341. Under no circumstances ?—None that have been put forward.

21342. Do you think it right that a patient admitted under the Dangerous Lunatics Act should be dismissed within a few days by a medical superintendent as recovered when it is a known fact that the man has not recovered ; that happened within the last two or three weeks ?—We must remember that in the case of medical superintendents we are dealing with a very large body of men who have practically a free hand in the matter of discharge, who will certainly take different views of the cases brought to them, but I believe they are all actuated by a sincere desire to do the best for the patient. If they think the best is to discharge them, of course they discharge them.

21343. Is not there a great dislike among superintendents to what they call "gaol birds" being sent to the asylum ?—Yes, there is.

21344. That influences them in regard to this particular class ?—I think it influences the whole asylum population, including the lay officers and the other patients.

21345. And including the medical superintendent ?—Not in all cases.

21346. But it is one of the reasons why this person is existent in Scotland, on account of the power of discharge not being altogether wisely exercised in certain cases ; is that so ?—That may be so.

21347. Take the cases related by yourself, where they were three or four times certified in three months ?—Some of these cases would be under Section 6 of the Criminal Lunatic Amendment Act and they were discharged at the termination of sentence.

21348. That is a flaw in the present Act and one that requires amendment ?—That is a point that requires amendment.

21349. To be brought in line with the English procedure ?—Exactly.

21350. Has it been brought to your notice that parish councils bargain about imbeciles before acting on certificates, or obtaining certificates for them ?—I have been informed of that by several medical men. It has never come under my official notice because, although the inspector of poor notifies to us when a case is certified, it is not necessary for him to notify when he has seen a case with a view to certification and has not obtained a certificate.

21351. Do you think that that requires amendment ?—I think probably it does. It would be better if in such cases the refusal to act after intimation, or the refusal to certify, were intimated.

21352. And more specially the refusal to act ?—The refusal to act, certainly ; with the reasons.

21353. When either the parish council has refused to obtain a certificate or the local medical man has refused to certify, do you think the parents of imbecile children should have any appeal against that ?—At present they have an appeal to the sheriff under the Poor Law Act ; probably they do not take advantage of it.

21354. Is that the best mode of appeal you could suggest, or do you think that might be usefully amended ?—The only amendment I can suggest is the one I have mentioned, of notification to our Board of the refusal to act or the failure to certify.

21355. A mere notification does not give power, does it ?—I do not think it would be the function of our Board to compel anybody to certify, or anybody to take action. The most we could do would be to ask two independent medical men to see the case.

21356. If you had a report from two medical men on this particular refused child or imbecile, would that take you much further ?—Then the child could be ordered to be sent to an institution.

21357. That procedure would be very valuable in some cases ?—It would in some cases.

21358. That is the procedure you would advise to be adopted generally ?—I think probably.

21359. That amounts to an appeal to the Lunacy Board ?—I have not thoroughly considered it.

21360. We have had a lot of evidence on that fact, and suggestions for the future regarding the relationship of the education authority to defective children ; have you any views on this matter you could give us ?—I do not know anything about that subject personally, only by reading the evidence given before your Commission. In Scotland the Education Department take no action of that kind unless it be in Glasgow, where special parts of board schools are set apart for the education of defective children.

21361. Do you think the training of a congenitally defective child—an uneducable child in the common sense of the term—should be the function of the education authority at all ?—I think not.

21362. Do you think the education authority should be able to license Homes for imbecile children to be kept in miniature imbecile asylums ?—I think it would be better if such institutions were under the supervision of the Lunacy Commissioners.

21363. You disapprove of any division of authority there ?—I strongly disapprove of it in Scotland. Scotland is of course a smaller country. I cannot speak of in England. In Scotland it would be unfortunate if we had division.

21364. It would be unfortunate if imbeciles were in any way brought under the education authority ?—For care and treatment, certainly.

21365. We have also had a suggestion put before us as to a new certificate introducing the word "feeble-minded" or "mentally defective." Have you any opinions about that ? Do you consider "unsoundness of mind" a comprehensive term ?—Very.

21366. Is it possible to find a more comprehensive one ?—I hardly think so.

21367. If any new term were introduced would it not get a conventional meaning too, which would limit its action, as has happened in the case of the term "unsoundness" ?—I think so.

21368. Regarding the economy of these institutions ; you have had experience of managing them and supervising them and—what is more—institutions where there is a great deal of work done. Do you think there is the least possibility of mentally defective people who are so defective as to require care and treatment doing much towards their own support, in institutions ?—No doubt they can contribute towards their own support, but as to supporting themselves in institutions, I think if you take into account the expense of management, the expense of supervision and other expenses, it would not be possible.

21369. Do you think there is the least possibility of these defective patients in a genuine institution earning one-twentieth of the cost of their care and treatment ?—One twentieth, yes.

21370. You would not come up to the length of a fifth, would you ?—I do not think so.

21371. It is a very small quantity—your expectation ?—It would be small ; I cannot state a figure.

21372. (*Dr. Needham.*) As regards the discharges ; I suppose you think it would be a very dangerous thing to

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interfere with the judgment or the discretion of the superintendent with respect to discharging his patients ?—Yes.

21373. There must always be a very considerable number of people who must be discharged, who are of a neurotic disposition, who get recurrent attacks from time to time with regular intermissions, and who must be more or less in and out of asylums ?—That is so.

21374. Whom it would not be proper to keep continually in the asylums on the chance of their having a recurrence of the attack ?—That is so.

21375. You were talking about the asylum at Govan, which cost £613 a bed. You said certain alterations were made after the plans had been sanctioned by the Board. Have the district board power to make alterations in plans which have already been approved, without your consent ?—I am quoting from hearsay, because it occurred before my appointment. I understand that after the plans had been approved by our Board they projected the proposal of erecting a very expensive tower, or towers, and that they pressed their views upon the Lunacy Board, and that the Board eventually sanctioned it.

21376. It was with the sanction of the Board, at all events, although it might be the unwilling sanction of the Board ?—Yes.

21377. As respects the affiliation of the feeble-minded to the Lunacy Board, is there, do you think, any feeling in Scotland, such as certainly exists in England, with reference to what is called the "stigma" of insanity ? Is that a feeling which is alien to Scotland ?—It exists in Scotland.

21378. Would there be any probability, if the feeble-minded were put under the supervision of the Lunacy Board, of there growing up a widely spread feeling that to declare that their children were feeble-minded was really to declare them more or less insane ?—No doubt that would be so to a certain extent.

21379. In spite of that, you do not think it would be desirable that there should be any other department of the State to supervise these people except the Lunacy Board ; you think the whole conduct of mental defect in all its forms should be under one central authority, and that the lunacy authority ?—Scotland is a small country, and we have two or three departments ; we have the Prison Commissioners, the Local Government Board and our Board.

21380. I was rather thinking of the Local Government Board ?—I should think it a pity to create a new department *ad hoc*. As matters stand, I think the Local Government Board would prefer that we should manage it.

21381. You think the public would not object very much ?—I am sure they would not.

21382. You think it would not lead to the hiding away of the fact that these children were feeble-minded ?—I should think not, because, as I understand it, the scheme only includes neglected and pauper children.

21383. All the children who are not neglected and have got good homes you would leave in their homes and would not interfere with them ?—Certainly.

21384. As respects the moral imbeciles or defectives, you recognise obviously that there is a very distinct class of moral defectives who are perhaps the most dangerous of any of the defectives ?—That is so.

21385. Do you not think there will be extreme difficulty, having regard to the present mode of certifying, in certifying many of these moral defectives if certification be requisite to ensure their detention ?—I recognise that when I suggest that there should be no certification.

21386. Then how would you detain them ?—I would detain them after inquiry before the sheriff, very much in the terms of Section 89, on which Mr. Spence gave evidence this morning. Of course medical evidence would be given at the inquiry.

21387. In the last paragraph of your statement you say : "A wider recognition of insane conduct as a sign of insanity and as a basis of certification is urgently required." Would not that apply to these cases ?—It would.

21388. It is almost entirely on the insanity of conduct that the evidence of insanity exists ?—That is so, but unfortunately the medical profession as a whole do not take that view of it as yet, and they refuse to certify many of them.

21389. But if there were a different form of certificate—such as I indicated in examining another witness—which stated that the person was of unsound mind and incapable of properly managing herself and her affairs, without specifying any of the facts, would not that be a way of getting over the difficulty ?—That might smooth the way for certain medical men who refuse to give their reasons.

21390. It would make it much easier to get these people certified ?—It would make it easier for certain medical men to overcome their scruples.

21391. You heard what I asked Mr. Spence about the incipient insanity clauses ; do you agree with him that notification is not desirable ?—That is the opinion taken by my colleagues. By our department it has been held for some time.

21392. Would you mind telling me why?—The reason was that they did not wish the stigma of certification, or rather of registration, to attach to these people.

21393. But what guarantee have you, if you do not know of the existence of these people, that their treatment is what you would like it to be ?—We have no guarantee whatever.

21394. And you have no guarantee whatever, I take it, of the number who are being so treated in Scotland ?—We have no knowledge whatever. As a matter of fact, we know indirectly of most of them, because the houses to which they are sent for treatment are our licensed houses, and the licensee is bound by the conditions of his licence to notify us as to every boarder he receives into his houses whether he is sane or insane.

21395. Then you mean to say that nearly all the people sent under the incipient insanity clause, as I call it, are sent to houses licensed by you ?—A large number of them.

21396. Have you reason to suppose there is a very large number sent to other houses which are not licensed by you ?—I have no reason to suppose that there are. There may be ; we do not know. I should think that only the consultants in the large centres make general use of that certificate.

FORTY-FIFTH DAY.

Friday, 2nd March, 1906.

PRESENT

The Right Hon. The EARL OF RADNOR (*in the Chair*).

W. P. BYRNE, Esq., C.B.
C. E. H. HOBHOUSE, Esq., M.P.
H. D. GREENE, Esq., K.C.
C. E. H. CHADWYCK-HEALEY, Esq., C.B., K.C.
The Rev. H. N. BURDEN.
W. H. DICKINSON, Esq., M.P.
Mrs. PINSENT.
H. B. DONKIN, Esq., M.D
J. C. DUNLOP, Esq., M.D.

HARTLEY B. N. MOTHERSOLE, Esq., M.A., LL.M. (*Secretary*).

RICHARD BROWN, Esq., called; and Examined.

Richard Brown, Esq

2 Mar. 1906.

21397. (*Chairman.*) You have been so kind as to give us a statement of your evidence; may we put it on our notes?—Certainly.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY RICHARD BROWN, ESQ., CHARTERED ACCOUNTANT, EDINBURGH.(*)

I am a Chartered Accountant of Edinburgh and have been in public practice as such for more than twenty-five years. I hold also the official positions of Secretary to the Society of Chartered Accountants in Edinburgh and to the General Examining Board for Chartered Accountants of Scotland.

I am desirous of offering information to the Commission as regards the administration in Scotland of the estates of persons who are found by the Court to be incapable of managing their own affairs or of giving directions for their management.

From an early period the Court of Session, which is the highest Court in Scotland, has exercised a power of appointing an officer to whose care, under the supervision of the Court, are entrusted estates and interests without a capable owner or administrator. Such an officer is styled a judicial factor.

The Crown originally was wont to exercise its right, as *pater patriæ*, of naming protectors to subjects furious or imbecile. By the Act of 1585, c. 18, the nearest agnate of such persons was entitled to have them cognosced insane, and to be served as tutor.

Recently by the Court of Session Act, 1868, s. 101, a simpler procedure for cognition of insane persons was introduced. But the restrictions of these statutes, both as regards procedure and the definition of insanity, prevented many persons who were truly incapable of managing their affairs, from being put under guardianship. This consideration, and the unavoidable delays which occurred, added to the facts that the nearest agnate was often not available, and that a tutor was not entitled to remuneration, led to applications to the Court for appointments of *curators bonis ad interim*. The satisfactory manner in which such appointments worked led to their very general adoption, not only *ad interim* but for an indefinite period; and these officers are now under the regulations of the Act known as the Pupils Protection Act, 1849, and the supervision of an official of Court designated the Accountant of Court.

The definition of insanity in the Court of Session Act, 1868, is as follows:—"Such person shall be deemed insane if he be furious or fatuous, or labouring under such unsoundness of mind as to render him incapable of managing his affairs." Under this process of cognition the case must be tried before a Judge of the Court of Session and a special jury, but it is now hardly ever resorted to.

The powers and duties of judicial factors were at one time regulated by an act of *sederunt* (that is an act of the Judges of the Court of Session) of 1730, but this was practically superseded by the "Act of Parliament for the Better Protection of Pupils, absent Persons and Persons under Mental Incapacity in Scotland" of 1849, already mentioned. By the Judicial Factors Act of 1880, the power of appointing judicial factors, in cases of estates the yearly value of which does not exceed £100, was extended to the Sheriff (or County) Courts in Scotland, an appeal from these Courts to the Court of Session being competent.

Judicial factor is a general term applicable to all persons appointed by the Court to take charge of estates. A person appointed to the property of a minor or of an *incapax* is specifically known as a *curator bonis*.

The conditions justifying an appointment may be either mental or physical, and in either case the question to be determined is, do they render the party incapable of managing his affairs? Something short of what was necessary for cognition under the old law will justify the appointment. It is not necessary that the party be absolutely insane if mentally unfit to manage his affairs. Appointments have also been made in cases of physical incapacity such as paralytic affection, apoplexy, deaf and dumb, and blind and deaf, but it would rather appear that the Courts are averse to appoint on grounds of physical incapacity alone.

The procedure is as follows:—

A petition is presented to the Court by either the *incapax* himself, his relatives, or, failing relatives, any parties interested; by the Accountant of Court where a factor has died or ceased to act, and by the Lord Advocate where a report has been made to him under the Lunacy (Scotland) Act, 1857. These petitions come before a Judge only, either the Junior Lord Ordinary of the Court of Session or a Sheriff or Sheriff Substitute in the County Courts, and are not referred to a jury. There must be produced with the petition certificates by two medical men on soul and conscience to the effect that the party is incapable of managing his affairs or of giving direction for their management, and stating specifically the cause of this incapacity and its duration. One of the certificates must be by a medical man unconnected with the asylum where the *incapax* may be detained. The petition must be served personally on the alleged *incapax* and upon the other persons interested, who are named in the petition. Eight days' notice is given. All parties interested may appear in the case, whether the petition has been served upon them or not. Where the appointment is opposed by the alleged *incapax* with a denial of incapacity, the Court may cause an enquiry to be made into his state and may examine him and other witnesses, or may adopt what course is considered best to obtain the necessary information. The alleged *incapax* is not entitled to demand a cognition and formal medical enquiry.

Speaking generally, any male person twenty-one years of age, within Scotland, in solvent circumstances and not disqualified by incapacity or interest, may be appointed *curator bonis*. Where no objection is stated or appears, the Court will usually appoint the petitioner's nominee. Professional accountants are most generally suggested to the Court for these appointments, and this has been the practice for a very long period. In Thom's "Treatise on Judicial Factors," written in 1859, it was stated to have been then the rule for many years.

I have been in several instances appointed curator of the estates of persons incapacitated, and am familiar with the procedure and duties connected with the office.

(*) The historical and legal notes are mainly derived from the article "Judicial Factor" in Green's Encyclopædia of the Law of Scotland.

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The curator's first duty is to find caution or security for his intromissions to the satisfaction of the Court. Until this has been done he cannot obtain the official act and decree of his appointment which has the effect of a complete transfer to the curator of all property belonging to the *incapax*. As soon as he has received this he enters upon the administration of the estate. He requires to prepare and lodge with the Accountant of Court within six months at the latest a full and distinct rental of all lands committed to his management and a list of all monies and funds belonging, and debts due to the estate, and also an inventory of any furniture or other movables. He must also acquire all writs and documents of importance belonging to the estate, and collect all monies not securely invested. He must satisfy the Accountant of Court as to the accuracy of the statements lodged by the production of vouchers. He must lodge the money in his hands in one of the Banks in Scotland, and he is subjected to a heavy penalty if he retains more than £50 of money belonging to the estate in his own hands for more than ten days. He must close his accounts once a year on a date to be fixed by the Accountant, and lodge a full statement thereof within one month, together with the relative vouchers. This account is strictly audited and reported upon by the Accountant of Court, who fixes the remuneration due to the curator and superintends generally his conduct, sees that he duly observes all rules and regulations, and, where necessary, reports cases of misconduct to the Court.

When circumstances arise of an extraordinary or specially important nature in the course of the factor's management, he may apply to the Court for special powers, when the Court will consider the expediency of the steps he proposes to take. The usual circumstances under which a factor applies for special powers are where he desires to sell heritage, to grant long leases, to borrow money, or to purchase an annuity. The procedure before the Court is simple and inexpensive.

The Accountant of Court makes an annual report to the Court of Session upon all the judicial factories under his supervision, which report is printed. I exhibit a copy of the report for the year to 31st December, 1904.

The following figures are taken from the summary at the end of the report, and they show the average cost of administering the estates both under Court of Session and Sheriff Court appointments.

COURT OF SESSION FACTORIES.

Revenue.

From funds	£137,092
,, annuities, etc.	40,273
,, heritage	99,405
	£276,770

Expenditure.

Ward and beneficiaries	£124,066	

Management.

		Per cent. of Revenue	
Factor	£12,496	4·51	
Accountant	1,657	·6	
Law agent	7,411	2·68	
		7·79	
			21,564
			145,630

SHERIFF COURT FACTORIES

Revenue.

From funds	£9,840
,, annuities, etc.	6,427
,, heritage	4,460
	£20,727

Expenditure.

Ward and beneficiaries	£26,926

Management.

		Per cent. of Expenditure.	
Factor	£2,189	6·9	
Accountant	487	1·5	
Law agent	2,072	6·54	
		14·97	
			4,748
			31,674

It will be seen that the whole cost of administering the Court of Session factories amounts to less than 8 per cent of the Revenue and the Sheriff Court factories less than 15 per cent. of the total expenditure. In the latter case the expenditure has been used as the basis of comparison, as the income in many instances is insufficient for necessary expenses, so that the capital has to be encroached upon. It will be understood that Sheriff Court factories consist entirely of estates of less than £100 annual income.

Under the heading "Law Agent" is included the whole legal expenses connected with the administration of the estate as well as the expenses allowed out of the estate connected with the appointment of the factor. I have ascertained that in the case of persons incapacitated, the average costs connected with the petition for, and appointment of, a curator, where there is no opposition, are £18 to £20 in the Court of Session, and £8 to £10 in the Sheriff Court. Where the petition is opposed the costs are usually larger, but it is in the discretion of the Court whether and how far the costs of unsuccessful opposition will be allowed out of the estate.

While the curator appointed by the Court is not given specific control over the person of his ward, he has in effect such control, seeing that he has command of the whole of the ward's property. In practice the curator sees that hisw ard is comfortably and suitably maintained according to his means. The ward may be placed either in a lunatic asylum or a private house, according to his condition, or he may even be allowed comparative freedom, but he is, of course, under the supervision of the Board of Lunacy, and if the officers of the Board think that the ward is not being properly or suitably taken care of, they may communicate with the curator and require him to make better arrangements.

A curatory comes to an end on the death of the ward, and an appointment may be recalled at any time on the following grounds:—

When the *incapax* can show that he has recovered, or was never incapable, or when the curator is superseded by a tutor-at-law or by a foreign guardian, or when the original appointment was incompetent or irregular. Medical certificates are usually held sufficient proof of the ward's recovery. When the curatory comes to an end the curator applies for his judicial discharge, which is granted by the Court after intimation and the receipt of a report by the Accountant of Court to the effect that the discharge may be given.

In my own experience and so far as I can learn on enquiry, the foregoing system has worked smoothly during the long period it has been in operation, and with satisfaction to all concerned. It appears to be sufficiently elastic to cover all necessary cases. If habitual drunkards or even spendthrifts were certified to the Court as incapable of managing their own affairs, possibly the present law in Scotland might be sufficient to enable the Court to appoint a curator of their estates. But whether under the present law or under a new law I have no doubt that the system of administration which I have described would be found perfectly suitable for all such cases.

21398. (*Dr. Dunlop.*) Generally speaking, this procedure of appointing *curator bonis*, in Scotland, works very smoothly?—Yes.

21399. There is not much contesting in Court or defending?—No, there is very little.

21400. Would you suggest any sweeping change in procedure as being necessary in Scotland?—No, I can

suggest no change as regards the existing cases, unless you wish to widen the scope of the law.

21401. At present it applies to all incapables ?—Yes.

21402. Whether incapable through physical defect or mental defect ?—Yes. I mention that cases of appointment through physical defect are rare.

21403. Of course they are very rarely required as a matter of fact ?—I presume so. It is believed that the Court is rather averse to appointing on grounds of physical incapacity alone.

21404. I suppose it is very seldom required ?—I have not known many cases myself.

21405. The law in this respect makes practically no difference between mental defect and physical defect, and it consequently is very wide; it is all brought under one clause ?—Yes; the question is incapacity.

21406. Does this procedure in Scotland apply, or should it apply, to habitual drunkards ?—I do not think that any cases have occurred, so far as I know, arising from inebriety alone, but there have been cases where the condition of the individual is such, arising through inebriety, that his mental capacities are impaired.

21407. Can you give us any personal opinion as to whether it is desirable that this procedure should be made applicable to inebriates ?—I should hesitate to apply it to an inebriate in the ordinary sense of a man simply giving way to drink.

21408. But an extreme case where you see a man wasting all his substance on drink and neglecting his work and everything else ?—If you had a case where a man was practically never sober, or at all events, never free from the influence of drink, I think it ought to apply to such a case.

21409. The procedure is very simple, and it can very easily be fitted ?—Yes, there would be no change necessary in the procedure.

21410. You describe the procedure so very fully that I do not think I need ask any question about that specially. Do you know the terms of Section 116 (*d*) of the English Lunacy Law ?—Yes.

21411. We have had a lot of evidence about that section, that it should be widened in its power, and made applicable. Comparing that to our Scottish procedure, which is the simpler; have you any comparison to offer us ?—Under the Scottish procedure you have simply to prove mental incapacity or incapacity to manage his affairs, Under this Section 116 you have not only to prove incapacity but, as I read it, you have to prove that it is incapacity because of mental infirmity, and that the mental infirmity has arisen from disease or age, so that you have actually three different things to prove, or at least three points to prove, against one under the Scotch procedure.

21412. It is very much more restricted, is it not, apparently on the terms of it ?—It obviously gives a great deal more scope for opposition and for difficulty.

21413. It is more restricted and more complicated ?—Yes.

21414. And lends itself more to contest in the law courts; there are so many points ?—I should think so.

21415. You would not like the terms of that section applied to Scotland, would you ?—No, I think we are better with our simple form.

21416. It would be no improvement, you consider ?—No, I am sure not.

21417. Can you give us any opinion as regards the applicability of the Scotch procedure to England ?—I am not acquainted with English law. At the same time I do not see why the procedure should not be assimilated to the Scotch procedure; I see no difficulty.

21418–19. The general principle could be adopted that wherever there is incapacity the Court should be able to interfere ?—Exactly.

21420. It is not a matter for a jury to decide, it is a matter really for a skilled judicial opinion ?—I think so.

21421. Are you familiar with the French code, the so-called family council ?—I have read the account of it which has been given in evidence here.

21422. Are there special points in that which you think are of any value or that we may take a lesson from in this country ?—I think in Scotland we have all the advantages of the system. The feature of it is the family council, but the process in Scotland by which the relatives are either a party to the petition or are called in the procedure, practically results in a family council, because you get the views of the relatives expressed in court.

21423. This French procedure is extremely complicated, is it not ?—It appears to be, very.

21424. It is restricted in its application to certain classes of lunacy and it comes three times before the Court with a remit to the family council in the meanwhile; is not that so ?—Yes, there appear to be five different steps necessary between the Court and the family council.

21425. And in Scotland we have just one ?—Yes.

21426. So your opinion is that we have not very much to learn from the French code ?—No, I do not think it would fit in Scotland at all.

21427. (*Mr. Byrne.*) You say in your statement that "the alleged *incapax* is not entitled to demand a cognition and formal medical enquiry." Does that mean that they have no right to a trial of any sort ?—No; he has the right to be tried by the judge.

21428. Tried by the judge alone; he cannot call for a jury as in England ?—He cannot insist upon it.

21429. Can it be given to him at all ?—It might, in the discretion of the Court.

21430. So it may be a jury ?—Yes.

21431. Have you ever known one ?—No, I never knew it happen.

21432. Of course juries are rare in England. In the last paragraph you say: "It appears to be sufficiently elastic to cover all necessary cases. If habitual drunkards or even spendthrifts were certified to the Court as incapable of managing their own affairs, possibly the present law in Scotland might be sufficient to enable them to appoint a curator of their estates." Has it never been applied to spendthrifts ?—No, I think not; not merely spendthrifts.

21433. How is a man who is not insane to be adjudged incapable of managing his affairs if he is not a spendthrift ? What types of cases are there ? Can you, without mentioning names, give us a few instances of people, describing them not in medical terms but as a man of the world. Describe the behaviour of some people to whom this has been applied—not lunatics, of course ?—I am at the present time curator for a lady. She is not a person in a good position in life, but having an income of about £150 a year. The doctor tells me all that is the matter with her is that, if she is left to herself, she gets into miserly and dirty habits. If you see her where she is now—she is boarded with a respectable family and she is allowed comparative freedom—she talks quite sensibly; she does not look a person of high intelligence but she is perfectly sensible. At the same time the doctors say if she were left to herself, she would in a month fall into her old habits. That is one instance.

21434. That is an illustration. Could you give us some more ?—Yes, I knew of a man who had got into a depressed condition of mind chiefly in connection with his business affairs. His relatives with his approval, got a curator appointed upon his estate. I do not think there was much wrong with the man except that he had got very depressed and nervous, and, through that of course, practically incapable of managing his affairs.

21435. In that case he entirely assented ?—I believe he did. He, as a matter of fact, was sent to a private asylum. I should like to say that he went there of his own accord. But after he had been there for a time, whether he found the state of matters irksome or for some other reason (partly because, I think, of a conflict between law agents—he employed one law agent and his family another), ultimately he instructed his own personal law agent to raise proceedings in the Court to have the appointment recalled, and after inquiry it was recalled. Thereupon this man executed a voluntary assignation of his estate, putting himself voluntarily under a trustee.

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21436. Have you ever known cases in which men who have gone to reside with a doctor under the Scotch law for the term of six months or a year, and have had curators appointed? What becomes of their affairs generally?—If they themselves continued to look after their affairs, nothing would be done.

21437. I want to know how it works out in practice. It is an interesting item in Scotch law—that power of putting yourself under control for a short period. I want to know how it works out as regards a man's business and affairs?—He could do it voluntarily by signing a trust deed, and that is frequently done. By simply making an assignation to a trustee of his whole estate and giving him power to administer it—an assignation which of course he could recall—or he might apply to the Court under this Act.

21438. I have no doubt you have in Scotland, as in other countries, cases in which people inheriting considerable wealth when they are young, perhaps more frequently when they have not got corresponding social position to keep up, and the ties which it makes, show themselves grossly extravagant in the way of dissipating their property foolishly in drink, betting, women, and that sort of thing. Would Scotch opinion justify an application being made for their restraint?—I am afraid not.

21439. You do not recommend that?—No.

21440. Can you tell us any cases in which you have been consulted, or which you have heard of in which people have been anxious to deal with any such persons?—I cannot recall any case at the present time.

21441. Are such people simply given up, in Scotland, and to dissipate their estate?—They are talked to. I have myself talked to people in that position, but if they will not listen to you what can you do?

21442. You can do nothing more?—No.

21443. Some representatives of the English lawyers have suggested to us rather strongly that in the interests of the community, at any rate in the interests of the families of such persons, steps should be taken to give power to deal with them—to appoint committees of their person if necessary; certainly receivers of their estate, to try and save it. Would you recommend that?—No.

21444. Public opinion in Scotland would not recommend that?—I think not. I do not see how you can interfere with a man who has all his capacities, however foolishly he may act.

21445. That would apply to any sort of extravagance, to your mind, short of fatuousness?—Short of incapacity to manage his affairs.

21446. Is this matter discussed in Scotland much? I am asking in order to ascertain whether your opinion is a personal one, or whether you can tell us if it is the universal opinion of people who know, as you do?—I do not know that the spendthrift has been much discussed; the drunkard has been.

21447. At any rate there is no agitation in favour of it?—No.

21448. (*Mr. Dickinson.*) Do I understand the curator has power over the *corpus* of the estate?—Yes.

21449. How is the property itself protected as against a dishonest curator?—First of all, he must give sufficient security before he is appointed; he must give a guarantee sufficient to cover reasonably the whole value of the estate.

21450. A guarantee to the court?—Yes a bond of security is lodged on his behalf.

21451. Subject to that he can deal with the security and the property as he thinks right?—No; because his accounts are annually examined.

21452. Examined by an officer of the Court?—By an official of the Court. He must render accounts once every year within a month of the date of the closing of the accounts.

21453. And must show the continued existence of the property?—Yes; he must produce all receipts for money, documents representing the investments, and generally satisfy the accountant that everything is in order. Moreover, he is required by the rules of the Court to confine the investments of the estate to safe securities—certain recognised securities—securities, in fact, which are recognised by the Trust Acts.

21454. Is this procedure which you have described independent of the State, or is it under State control?—It is under the Act of 1849.

21455. Would you show me the Act? I want to see the wording of the section?—This is an Act purely dealing with administration.

21456. How do you get the comparison between it and Section 116 of our Act?—You do not. It is an assumed right of the Court already: this is merely an Act regulating the procedure.

21457. There is no statute which gives you power to place a person who is merely incapable of managing his affairs under the care of a curator?—No; it is a long standing usage of the Court. There is a statute by which, under the process of cognition, persons can be declared insane.

21458. They are defined?—That is defined in the Act of 1868.

21459. That is the one you have given us. Where is that definition?—The sixth paragraph of my statement.

21460. "Such person shall be deemed insane if he be furious or fatuous or labouring under such unsoundness of mind as to render him incapable of managing his affairs." So that Parliament—even in Scotland—has not extended the definition beyond that?—No.

21461. That is a more limited definition than the one in Section 116?—It may be so. As I have explained, this process is practically not used.

21462. Because of the other one—because of what we should call the Common Law?—The Court of Session from time immemorial has exercised this power of dealing with estates of persons who are incapable of managing them. That is not derived from statute.

21463. Have there been any decisions as to what is the proper construction of those words "Incapable of managing their estates"? I suppose that is the expression you have to use in bringing the petition before the Court?—Yes.

21464. You use those words "Incapable of managing his estate"?—Or of giving directions for its management.

21465. That is entirely at the discretion of the one judge as to whether he is incapable?—Yes; the petition must be supported by two medical certificates to that effect, certifying that he is incapable.

21466. It cannot be a medical question at all in the broad definition or construction of the word "incapable"?—It requires two medical certificates in any case.

21467. Do those medical certificates say anything about the mental condition, or do they merely certify that in their opinion he is incapable of managing his affairs?—They ought, as a matter of strict formality, to certify the cause of the incapacity as well, and how long it has endured.

21468. And they do that?—Yes.

21469. That cause, I presume, is generally mental?—Generally; nearly always.

21470. Can you give us any cases where it has not been mental?—Not in my personal experience. The Court have appointed under such cases. I have instanced several here—deaf and dumb people—paralysed people.

21471. (*Dr. Dunlop.*) One question with regard to who the curators should be in these cases? In Scotland it is nearly always a professional man?—Yes.

21472. And generally a chartered accountant?—Yes.

21473. Is it an advantage that the curator should be a professional man especially learned in the management of money matters?—Certainly, I think so.

21474. And that is a distinct improvement over having a friend or a relative appointed for the purpose?—Yes; of course, relatives may be appointed, and sometimes are in Scotland, but the rule is, where there is an estate of any extent, to appoint a professional man.

21475. What is the advantage of a professional man?—He is accustomed to managing such estates, and he is also free from family influence.

21476. Does it result in economy?—I think so. You will see from the figures I have given that the estates are managed very economically.

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21477. It would probably be more expensive if it were left to a non-professional man, because he would require so much legal and other assistance ?—Yes; if the curator is a non-professional man, he generally employs someone else to do the work for him, and he has to be paid. The whole expense, as far as the factor is concerned, is under 5 per cent. of the income in Court of Session cases.

21478. (*Mr. Dickinson.*) I see that the title of the Act of 1849 is: "For the better protection of the property of pupils, absent persons, and persons under mental incapacity in Scotland" ?—Yes.

21479. That has been extended by the practice of the Court, you say, from mental incapacity to other incapacity ?—It was in practice extended further than that before the date of that Act and since the date of the Act as well.

21480. I see it says that, whereas an Act was passed on the 13th day of February, 1730, setting forth that "the court had often been applied to for appointing factors on the estates of pupils not having tutors, and of persons absent who had not sufficiently empowered persons to act for them or were under some incapacity for the time to manage their own estates." I take it it is under those words ?—Yes; the word "mental" is not used there.

21481. That is only in the preamble, is it not ?—Yes; because the Act is an Act to regulate a condition of matters which had existed prior to the Act.

21482. They define "curator" to mean "any person who after the passing of this Act should be served as curator to any insane person or idiot"; so they limit t there ?—Yes; and that Act has been extended to county courts.

21483. (*Mr. Greene.*) The Act you are referring to extending to county courts is 33 and 34 Victoria, called the Judicial Factors (Scotland) Act, 1880 ?—Yes.

21484. With powers to the sheriff to appoint judicial factors in small estates ?—Yes.

21485. Without any question of idiocy, or imbecility, or anything else ?—No; the conditions are the same in the county courts as in the Court of Session.

21486. In cases where the yearly value does not exceed £100 ?—Yes; because it should not be necessary to go to Edinburgh, but the appointment could be made in a county court.

21487. There is another Act since, the Trusts (Scotland) Amendment Act, 1884 ?—Yes.

21488. That amends the law, does it not ?—Relating to the investments, yes.

21489. Then you have the Judicial Factors (Scotland) Act, 1889 ?—Yes.

21490. Do you refer to that in your evidence ?—No.

21491. That Act improves the machinery, does not it ?—Yes; chiefly relating to the auditing of the accounts.

21492. The power of using judicial factors is abundantly used in Scotland, is not it ?—Yes, very much.

21493. In private settlements and all ordinary cases of wills and trusts ?—Yes; in cases where the trust lapses from the death of trustees, or where trustees are disinclined to take up the management, a judicial factor will be appointed.

21494. By the Court?—Yes. There are, of course, many cases where the trustees themselves appoint a factor; in that case he would not be a judicial factor; simply a factor.

21495. Is he under the control of the court ?—No.

21496. Are you familiar with Section 116 of the English Lunacy Act ?—I have the terms of it.

21497. Have you got anything in Scotland equivalent to that—to the cases when the property of a person mentally incapable can be dealt with ?—The only thing we have is this Act which I refer to.

21498. (*Chairman.*) Is there anything you would like to add ?—Only this, that I have here the report of the accountant of the Court upon all the judicial factories, which I can leave if it is of any use.

CHARLES MACPHERSON, ESQ., M.D., called; and Examined.

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21499. (*Chairman.*) Would you be so good as to tell us how long you have been Deputy Commissioner in Lunacy ?—Ten years.

21500. You have been so kind as to give us a statement of your evidence; may we put it on our notes ?—Certainly.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY CHARLES MACPHERSON, ESQ., M.D., DEPUTY COMMISSIONER IN LUNACY FOR SCOTLAND, EDINBURGH.

The evidence which I offer to the Commission is confined to that part of the work of the Lunacy Commission in Scotland devoted to the care of the insane in private dwellings. This has always formed a part of the system in use in Scotland since the passing of the Lunacy Act of 1857. At first it may be said to have been adopted as a matter of practical necessity, there not being a sufficient supply of asylum accommodation for all those who came under the Board's care as the result of the passing of the Act. The experience gained at this time of its value led to its becoming a recognised and valuable part of the general system. The amending Act of 1862 permitted of an extension of the means of care by authorising the Board to grant special licenses to suitable houses for the accommodation of not more than four patients, and this may be regarded as the starting point of the boarding-out system. Previously, although there were many cases living singly in private dwellings, these patients were then mostly provided for in their own homes.

No definite standard was set up for these licensed houses, as the standard of comfort varied so much in different parts of the country. All that the Board required was that the house accommodation should be adequate; that a comfortable bed should be provided for each patient; that proper attention should be paid to cleanliness; that the food for the patients should be of the same quantity and quality, and partaken of at the same time, and, as a rule, at the same table, as that supplied to the family, and, generally speaking, that the patients should be practically adopted as members of the family. Provision was made for supervision by (*a*) the parish medical officer visiting once every three months (*b*) the inspector of poor for the parish visiting at least twice a year; and a patient's book was provided in which entries were made by each of these officials regarding the condition of the patients and the house at each of these visits. These regulations were found to work well, and practically remain unchanged at the present time.

Central supervision has always been regarded as of the highest importance, and that duty is generally undertaken by the two Deputy Commissioners, sometimes by a Commissioner whose duty it is to visit every patient under the Board's sanction in private dwellings at least once a year and to report to the Board on each inidvidual case. All untoward circumstances such as accidents, escapes, etc., are at once reported to the Board by the inspector of poor, and are promptly enquired into and dealt with as circumstances may require.

The numbers thus provided for vary from year to year, but at 1st January, 1906, they numbered 2,752, the highest number yet reached, and formed 18·8 per cent. of the total number of insane chargeable to parishes in Scotland. Of this number, 975 were living with relatives, and 1,777 were boarded with strangers, either singly or in specially licensed houses for two, three or four.

	Male.	Female.	Total.
With relatives - - -	439	536	975
With strangers, singly -	301	324	625
In S.L. Ho. for two - -	271	363	634
„ „ for three -	100	224	324
„ „ for four -	43	151	194
	1,154	1,598	2,752

There are 513 specially licensed houses, 347 being licensed for two; 116 for three; and 50 for four.

Patients come on the boarded out register of the Board in three different ways (1) by intimation, (2) by removal

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direct from the district asylum, and (3) by certification after liberation on probation.

The first class includes those mostly of the imbecile or the senile dement class who have not been in institutions, but are now certified as of unsound mind though not requiring asylum care. The inspector of poor is bound to intimate all such cases to the Board, whose *sanction* must be got to the arrangements proposed for their care. The second class includes quiet chronic asylum patients whom the medical superintendent considers do not require any longer asylum care, although they cannot be certified as recovered. The third class includes a considerable number, about whom possibly there has been more doubt as to their fitness for family life, and who have been discharged to their homes or to the care of an unrelated guardian for a definite period which must not exceed one year. They still remain on the asylum books as well as on the poor roll during the probationary period, and can be returned to the asylum at any time during that period without any fresh certificates or sheriff's order At the end of the period of probation a medical certificate showing their suitability for private care is sent to the Board; they are then removed from the asylum register and placed on the register of boarded out patients. This system is taken advantage of largely in some of the more remote districts with doubtfully suitable patients, especially where the expense of recertification (if necessary) would be considerable. It is also found valuable in many cases as a form of after care, where the patient has practically recovered, as it enables the parochial authorities to keep the patient on the roll and grant pecuniary assistance until such time as he is able to secure employment and support himself.

The number coming on the register of boarded out insane in these various ways during the year ending 31st December, 1905, were—

1. By intimation	- - - - -	108
2. By removal from asylum	- -	217
3. After liberation on Probation	-	
Total		325

I.—Classification of Patients under Private Care.

At 1st January, 1906, about 53 per cent. of the total number in family care were cases of insanity commencing in adult life and 47 per cent. were cases, of congenital unsoundness or such as had developed during childhood. Probably if the early history of all were known there was a degree of imbecility in a considerable number of the first mentioned class, but not such as to influence their conduct to such an extent as to make certification necessary until some super-added form of insanity attracted attention. If these cases were taken into consideration the result would probably turn out to be that those at present boarded out are about one half acquired and one half cases of congenital insanity. Among the number are 167 who are now, or have at some period of their insanity, been epileptic. The first class is largely made up of secondary dements, some chronic maniacs, and a small number of melancholics. The second includes all grades of congenital or infantile defect, from complete idiocy up to the very slightest degree of imbecility. There are very few of the lowest type of idiots in private dwellings, except those who are living with their own families, but outside of this class there are imbeciles of all degrees. There seems to me to be a wider view taken in Scotland than elsewhere among medical men as to what constitutes certifiable imbecility among the poorer classes, and this is probably influenced to some extent at least by the fact that certification does not necessarily mean confinement in an institution. Generally speaking, I think I would be right in saying that in Scotland there is no difficulty in certifying any one who, while physically fit, is through intellectual defect or want of moral control unable to work and earn his or her own living. Consequently there are always on the register a certain number whose imbecility would not to a casual observer be apparent, but whose conduct when minutely inquired into leaves no doubt that they are properly considered persons of unsound mind.

II.—Most Suitable Homes and Guardians for Boarded-out Patients.

For men the most suitable of all homes is the smaller sized farms and some market gardens. The best of all is the farm so small that there is no work for a servant, but possibly just a little too much for the farmer. In such homes one or two patients are a great help and at the same time there is no temptation to overwork them. The patients are generally very kindly treated, living in family, treated as equals, and, as an encouragement to work, getting little luxuries such as tobacco, etc., from the guardian. In such typically good homes we often see marked mental improvement, and as much interest taken in the every day work by the patients as if the place belonged to themselves. Wherever these small farm homes can be got they are undoubtedly the best. Some patients are on larger farms, but there they are apt to be regarded as servants and very inferior servants, and although perhaps better fed, they do not improve and are sometimes discontented, because they do not associate on equal terms with sane people. As regards the household, it should be not large. Children are sometimes apt to be a cause of irritation to male patients.

For female patients probably the best home is to be found in the smaller country villages; villages which have been missed out in railway development and where there are no industries except such as are connected with agriculture. In such villages in Scotland, and with elderly couples or with a widow having a grown up daughter at home, very suitable homes for three or four female patients are found. The guardians have nothing to do but their household work and the cultivation of their gardens, and in that they are assisted by such of the patients as are able to work. The rest of their time is spent in sewing and knitting and, in suitable weather, in walks in the country, or exercise in the garden. For smaller numbers—one or two patients—very good homes are often found in the houses of younger married people with two or three children. Many of the female patients are excellent nurses, and the association with young children has often a very beneficial effect on their mental condition.

Large towns are in my experience, and I think in that of all who have had much to do with the care of the insane, utterly unsuitable as places of residence. Patients cannot be trusted out alone and consequently get insufficient exercise, whereas in the country they are known to the whole community and are thus under constant supervision even if not in the company of the guardian. This unsuitability of large towns has been recognised by inspectors of poor for a long time and at the present time in such large towns as Edinburgh, Glasgow, and Dundee, there is scarcely a patient resident except such as are with their natural guardians and cannot very well be removed from their care.

III.—To what proportion of the Certified Pauper Insane is this System of Care applicable.

At present the number boarded out in Scotland represents, as I have said, 18·8 per cent. of the total chargeable insane. The numbers vary in different counties very much, from 45 per cent. in Caithness, down to little over 2 per cent. in Peebles. But three counties thus provide for over 40 per cent., four for over 30 per cent., and seven for over 20 per cent. The urban and rural parish of Inverness has thus provided for about one half of its insane poor for the last twenty years, and Edinburgh has usually from 25 to 30 per cent. in private dwellings. From these facts and the experience gained in the course of our visitation the general conclusion to which my predecessors in office, my present colleague, and myself, have come is, that at least 30 per cent. of the Scottish pauper insane could be suitably provided for in this manner.

IV.—Difficulties in finding Suitable Homes.

In districts where the inhabitants have had no experience of association with the insane the difficulty is at first considerable. But when the initial difficulty is overcome and one or two well behaved and useful patients are introduced I am told by inspectors of poor that the difficulty is over, and they have generally a number of applications made to them by others in the neighbourhood for similar patients. Certainly in the district where aggregations have grown up there is no difficulty in getting more homes. The difficulty is rather the other way—to prevent the insane population from growing proportionately too large.

V.—Advantages of the System.

1. A more home-like life and consequently increased happiness to the patients.

2. A much smaller death-rate. The average death-rate for the last ten years in all classes of institutions for the pauper insane is 8 per cent., whereas the average death-rate in private dwellings, for the same period, is a little under 4 per cent. This comparison is somewhat misleading, as the asylum death-rate includes many acute cases. If we compare the death-rate of the boarded-out with that of the inmates of asylums who have been resident from three to seven years, it is still favourable to the boarded-out, the average death-rate in the asylum being 5·8.

3. Economy. The average expenditure per head in asylums according to the latest available returns is £27 11s. per head, whereas in private dwellings it is £18 0s. 3d., a saving of £9 10s. 9d. per head. This shows a saving of expenditure on maintenance of £26,247 4s. per annum on the number at present boarded out, independent of the enormous capital expenditure which would be necessary if they were all subjected to institutional treatment.

4. Advantage in many cases to the guardians and indirectly to the ratepayers by the assistance derived from their labour and the alimentary allowance. A considerable number of the guardians are thus prevented from becoming a burden on the rates.

5. The education of the public to a better knowledge, a lessened dread of, and a kindlier feeling towards, the insane.

VI.—Objections which have been urged against The Boarding-out System.

1. The danger to the public. This is almost wholly imaginary. During the past forty-seven years, with an average of about 2,000 patients thus provided for, there have been only two serious attacks by patients, and in both cases on members of the guardian's own household.

2. Danger of injury to the patients themselves. I only know of one case of suicide (by drowning) and two fatal cases of accidental burning during the ten years that I have held my present appointment. There have been other injuries, such as fractures, etc., from accidental occurrences; but these have been fewer than would occur among a similar number of sane people of their own class.

3. The risk of their being a public nuisance by acts of indecency. I have not heard of a single case, and the fact already mentioned that where there are, at present, considerable numbers, the people of the district wish to get more, confirms the opinion that they are generally well behaved.

4. The risk to young female patients of pregnancy. This is a real risk to a certain extent. Every guardian who has a female patient of child-bearing age is always seriously warned of this danger, and of her great responsibility. During the last ten years there have been ten cases. In four the patients were living under the care of their parents; in one with an aunt; in two with sisters; and in the three others they were true boarded-out patients. At present there are 527 women of child-bearing age boarded in private dwellings, and it may be taken that during these ten years the average number was 500. This shows a very small proportion of these accidents, but still very regrettable. I doubt, however, whether they would have been fewer, even if they had all been in institutions.

VII.—Conclusions.

In a considerable number of the cases which I visit, I have no doubt that a great amount of good might have resulted from early training, and in some of the cases from removal from degrading surroundings. I am often told when I enquire whether the patient has been to school that he had been tried at it and earned nothing; and that he was so teased and annoyed by his fellow pupils that he had to be withdrawn. A large number of them are not educable, but I believe many could be trained to a small amount of usefulness—to be smarter, tidier, and more obedient—if suitable classes, entirely separate from the other scholars, were provided for them. This is being tried with some success, I believe, in Glasgow and it would be an advantage if such classes were established in most of the towns of Scotland. The earlier the children are got, the better, and I believe the amount of imbecility developing in early life would be much reduced if they were properly fed.

I entirely dissent from the idea expressed by several witnesses that all these weak-minded people should be consigned to institutions for life, or that by doing so a very decided decrease would take place in the production of defective families. It has to be kept in mind that it is only those who become a burden on the rates who can thus be got hold of. In Scotland practically all of this class who show mental defect are under the Board's supervision, either in asylums or boarded out, and, as I think I have shown, these latter, even assuming that a defective usually produces defective offspring, are so well cared for that the risk of this is reduced to a minimum. I am not sufficiently acquainted with rural England to be able to form an opinon as to whether a system similar to that in Scotland is practicable or not, but if so, it would, I think, offer a simple and economical plan of providing for a very considerable number of weak-minded people, who would thus be amply safe-guarded as far as the public interest is concerned.

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The production of feeble-minded children is, in my limited experience, due more to a class whom I think it would be practically impossible to reach by any legislation which would be tolerated by the British public. As a case in point I give the case of six men, brothers, all imbeciles, who are chargeable to a Highland parish at present, and their history is as follows:—

Father, a shepherd, belonging to the North of Scotland, was described by the Visiting Commissioner in 1894 as "a fine, tall, handsome old man, a shepherd and very intelligent." His wife was a little, active, intelligent woman, and a native of one of the border counties. They had twelve children, viz:—

1. Female—Normal child. Married and had a family, of whom two or three were defective (imbecile and deaf and dumb).

2. Male—Pauper lunatic, tall, well made, but very imbecile, jerky in his movements and excitable.

3. Male—Normal, grew up, married, had a normal family, and died comparatively young of consumption.

4. Male—Sane and well. Is at present head game-keeper on a sporting estate.

5. Male—Pauper lunatic, tall, well made, articulates well but cannot read or write, well disposed and can do a little simple work.

6. Male—Sane and well. A gamekeeper.

7. Male—Pauper lunatic, good looking, but somewhat morose. Cannot read or write, but can do a little work.

8. Male—Pauper lunatic, less imbecile. Can spell out words, tell the time on the clock and do some remunerative work, but is incoherent in speech, and jerky in his movements.

9. Male—Died in childhood from croup.

10. Female—Sane and well.

11. Male—Pauper lunatic, a fine looking man and the most capable worker; but he could not be taught to read or write and is decidedly imbecile.

12. Male—Pauper lunatic, very defective and useless; could never be taught anything. He is jerky in manner and sometimes troublesome on account of his restlessness.

Both parents denied any knowledge of any history of insanity in the family. The father supported himself and his family in modest comfort by his labour until he reached old age. I never saw him, but I have been told that he was slightly eccentric; the sort of man whom his friends could chaff and tease when they met at the inn, or any other place of public resort. The mother of these imbeciles I have seen frequently. She died only a few months ago and was shrewd, active, and intelligent, to the last. No conceivable legislation could have prevented this calamity, and yet I believe, from my comparatively limited sphere of observation, that where the imbecility is apparently hereditary it is derived very often from parents who show such a very slight deviation from the normal that no one would ever dream of disputing their freedom of action.

21501. (*Mr. Dickinson.*) I see that you do not approve of boarding-out in towns?—The general experience of the officials of large towns has been against it in Scotland;

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they have given it up, and they board out in country districts as much as possible.

21502. They send patients away from the towns ?—As many as they can possibly get away.

21503. Do you know the system at Gheel ?—Yes.

21504. That is in the town ?—Yes ; but there is a large country district round about.

21505. But there they board them out in the town houses ?—Yes ; you meet them all over the place.

21506. Under your system of boarding out in Scotland the supervision of the patients is left to the ordinary local medical man, is it not ?—Yes, he visits four times a year, and more often, of course, if he is required professionally ; then we supervise it from the centre.

21507. How ; do you visit the boarders ?—We visit all these patients, some once, some twice, and some more frequently, as we think they require. In the larger aggregations we always visit them at least twice a year.

21508. Do you find that sufficient to protect them from neglect or ill-treatment ?—I think so ; there is the general supervision of the public as well, and any complaint of neglect or ill-treatment would always reach some authority.

21509. I suppose the local medical officer who is in charge of the inspection of them has a very large area to deal with ?—In some cases, very large ; in others, not very large. Generally speaking, the population is so small that he has a fairly practical knowledge of the character of almost all the guardians.

21510. I notice you do not approve of putting these feeble-minded folk into institutions ; you think it is better to board them out ?—I do not see any necessity for it.

21511. Is not there this to be said for the institutions : that those who are capable of work can be given the advantage of working better in an institution than in a detached cottage or home ?—I do not think so, unless the institution has a very large area of land attached to it. In all these cottage homes they have either a farm attached or a large garden, and they get some work to do there.

21512. Do you find that they do use them, and they do give them occupation ?—Yes, most of them.

21513. Or do they waste their time ?—They must do a fair amount of work, not anything like a self-supporting amount of work, but they do a fair amount of work, attending to the cattle in the byres, doing some gardening work, breaking sticks for the house, and so on.

21514. What sort of regulations do you make about the treatment of them ? May they have more than one in the house ?—They may have four.

21515. How must they lodge them ?—They must treat them exactly as they treat themselves—treat them as members of the family.

21516. That is to say they can put all the four in one room together ?—Very seldom ; generally not more than two. There are not many cases where there are four ; we do not really approve of four as a rule, except in the case of women.

21517. How do you arrange about the sexes ; you would not send a male and female person to the same house ?—Certainly not.

21518. How do you protect them ? Do you send the women patients to homes where there are men ?—Where there are men living in the house ?

21519. Yes ?—Not as a rule, unless they are a married couple—a guardian and his wife.

21520. What do you pay them ?—That varies very much ; those who are boarded out from the large towns as a rule are paid for at the rate of 7s. a week and clothing, medical attendance, etc., are provided by the parish.

21521. The person who takes them in gets 7s. a week clear ?—Yes.

21522. That is for food and lodging ?—Yes.

21523. I suppose that pays them ?—I think so. They are mostly working class people whose income would not probably be more than £1 a week altogether, and a man with a family has not got 7s. a week for each member of his family to live on. We only want them to be treated as the rest of the family. I think it probably leaves a profit of 2s. a week.

21524. Is there much application on the part of the householders for these patients ?—That also varies very much. In districts where there have been no insane I think it is generally very difficult to get homes at first, but when once a settlement has been begun, and one or two good patients have been sent to a district then, I am told by the inspectors of poor, they have frequent application from neighbours of these people wanting patients, " the same as you sent to " so and so.

21525. Who sends the patients ; are they sent from the asylums or simply from the Poor Law authority ?—Probably rather more than half of them come direct from the asylums, because they are taken out by the Poor Law authority by means of the parish council. Probably Mr. Motion will be able to give you some information as to it.

21526. Half of them, you say, come from the asylums—half of them have been in asylums before ?—Yes.

21527. Therefore they are sifted, so to speak ; they are the suitable cases ?—Yes ; you could not get them out of the asylum in direct opposition to the opinion of the medical superintendent if he said they were not fit to go out.

21528. Who is it that puts it in motion ; is it the Poor Law authorities ?—The Poor Law authorities.

21529. I suppose the Poor Law authorities in paying the 7s. are paying less for that person than they would be if he were in an asylum ?—Yes.

21530. What do they pay in an asylum in Scotland ?—That varies also in different asylums, but, roughly speaking, about 10s. 6d. a week.

21531. Therefore, so far as economy goes, that would be a temptation to the guardians to board them out in preference to sending them to an asylum ?—Yes, it is an economy.

21532. Do the guardians find the homes ?—Yes. Practically it is the people who have been living in these villages all their lives that take patients. In many cases the cottages belong to themselves.

21533. Then the decision as to whether the home is suitable is left in the hands practically of the guardians ?—No, the inspector of poor always sees the home before he applies.

21534. The inspector of poor being the local officer ?—Yes ; then after our visit if we did not consider the home suitable we would order their removal at once.

21535. When you say " our visit " what do you mean by " our ? "—The Board of Lunacy.

21536. (*Dr. Donkin.*) All those who are boarded out are certified ?—All certified.

21537. Would the majority of the congenital class, those who are congenitally deficient, be very markedly deficient ?—I think I may say the large majority, certainly.

21538. Lower grade imbeciles ?—Yes.

21539. Most of them would be unable to earn their living, even under the best supervision ?—Quite, I think.

21540. And would be able to earn a very small part even then ?—They are worth their food in a great many cases, simply by working under supervision. If they were working by themselves, they could not earn that.

21541. Is there, in your opinion, a class of imbeciles who are of less deep grade of imbecility than that, many of whom could, although it is not safe to leave them, earn a considerable part of their living under strict supervision ?—I am afraid not very many.

21542. I mean in Scotland ?—I do not think there are many ; there are some.

21543. Not a large class who, if put into a farm colony or a large institution, could contribute towards their own maintenance more than merely the price of their food ?—No, I think not. I question whether they could contribute even the price of their food.

21544. That would be the reason why you have said you do not much favour institutions; they could not in any way be made to pay, or even to contribute?—I do not think they could be made to pay, and for another reason, it is a greater deprivation of liberty than the present boarding-out system. It makes them feel more institutional life. In the country districts they feel they are free men to a large extent.

21545. You would not say that, in your opinion, there is a very considerable reason in Scotland for enlarging the power of detention?—I do not think so.

21546. (*Mr. Hobhouse.*) With regard to the number of people whom you give here as coming on your register of boarded-out insane, in the year ending 31st December, 1905, what percentage of insane is that, having regard to the total number of insane received in institutions, and so on. You give us the percentages for a body, but you do not give the percentages for a year?—Roughly speaking, 18 per cent. altogether of the chargeable insane outside, but I could not tell you the percentage that that 323 represents of the numbers becoming chargeable during the year.

21547. Would it be a constant percentage? Suppose it is 18 per cent. of the whole number, would it be anything like 18 per cent. for the year?—I could not give you that; I could send it to you afterwards.

21548. I will put it another way: is the number of boarded-out insane increasing?—The number is increasing but the percentage is not increasing. The increase of insanity is greater than the increase in the number that have been boarded-out so far. Going back a dozen years, we had over 20 per cent. boarded out.

21549. So that the practice of boarding-out is decreasing rather than increasing?—There are more patients boarded-out than there have ever been before, but there is not the same percentage in proportion to the total number of chargeable insane.

21550. Is that because the number of acute cases is becoming greater or is it because the system does not find as much favour as formerly?—I think it is probably because there is ample asylum accommodation, and the tendency is, when you have got an institution, to keep it as full as you can.

21551. Not because the system has broken down?—No.

21552. Simply because of the natural desire of the superintendent of the asylum to keep his place full?—Yes, he does not want an empty house.

21553. As far as you are concerned, which system do you prefer?—You cannot separate the systems; the boarding-out system is purely supplementary to the asylum system; you cannot do without asylums.

21554. But where you can you like to get them out of asylums?—Yes.

21555. You say the association with young children often has a very beneficial effect on their mental condition. Have you ever had complaints as to the effect on the children of the association with the insane?—No, I have never come across a single case of any damage done.

21556. Have most of your guardians children?—Some of those who have one or two women boarded out with them have children with them and they find them very useful as nurses.

21557. So, therefore, in addition to receiving a certain amount of pay for their maintenance they use them more or less as domestic servants?—Yes.

21558. They get a double advantage?—Some of them get a great advantage in that way—they save themselves the expense of a servant.

21559. That, no doubt, contributes to the popularity of the system?—I think so.

21560. With regard to economy, I see you say that there is a saving of £9 10s. a head on each of these persons boarded out?—Yes, that is taking the average of them all over. There is a great variety in the amounts paid. In some cases they do not get even perhaps 3s. a week; in other cases 7s. and 8s., but the average cost last year, I think, was 6s. 10d. or 6s. 11d. It amounts to a saving of £9 10s. 9d. on the accounts of last year.

21561. Is the food received and the clothing provided as good as that received and provided in the asylums?—I think so; patients coming out of asylums in poor condition very often improve after a little while. I do not mean to say they are better fed, but the other advantages seem to account for their improved physical condition.

21562. The mental advantage of being restrained causes them to fare worse in the asylum?—Yes.

21563. So that here is a real saving of expenditur without a corresponding suffering on the part of the insane?—Decidedly; there is not only the saving of that £9 10s. 9d. every year, but there is the saving of the expense of building as well.

21564. In your statement you say, "The earlier the children are got the better, and I believe the amount of imbecility developing in early life would be much reduced if they were properly fed?"—Yes, that is only an opinion. Of course, I cannot say that I have any very strong grounds for it, because I do not come in contact with them so much in their early life, but I think a great many cases of so-called congenital imbecility are really cases developed in early life from improper management of the children.

21565. It is not a case then, in these cases you recount, of congenital imbecility but of acquired imbecility?—Acquired imbecility in childhood.

21566. Consequent on malnutrition?—In very many cases consequent on malnutrition and improper feeding generally.

21567. Would it be possible in the country districts with which you are acquainted to provide any food for children improperly nourished?—It is not exactly that I mean. You very often find ignorant mothers giving their children improper food. It is not perhaps the scarcity of the food, but feeding the infant on stimulating foods and setting up irritation of the brain.

21568. You are not referring to children in school life, but children before they go to school?—I think that is the time that most damage is done, before they go to school, from the first to the fourth or fifth year.

21569. Has any attempt been made by the county councils in Scotland, as far as you are aware, to circulate information as to the feeding of children by their mothers?—Not that I am aware of.

21570. I dare say you are aware it has been done in certain English counties?—No doubt it has been done in some parishes, but I do not know of it of my own knowledge.

21571. Nor have you any means at your disposal to encourage the diffusion of such information?—No, I have not.

21572. (*Mr. Byrne.*) The percentages boarded-out vary from 45 per cent. in Caithness down to 2 per cent. in Peebles?—Yes.

21573. How is that?—Different local management, I suppose. In the case of Caithness there is a tendency, perhaps, to keep too many of them at home—people that should be sent away to asylums are not sent away.

21574. They have an asylum?—They have not got an asylum; they are simply boarders in the Montrose Asylum. It is a very long distance off, and very difficult of access, and they keep out some they should send in, I think.

21575. Is there any central authority to prescribe how much or how little boarding-out should be provided, or is it purely in the hands of the local authority?—They must get the consent of the General Board of Lunacy to the boarding-out of each case.

21576. Has the General Lunacy Board power to say to Caithness: "You require an asylum, you must build one"?—Yes, they have, but I think they consider at present that they have got as many asylums as are necessary in Scotland.

21577. I am speaking only as to the power. You can say to a county or a group of counties, "You require an asylum, and we call upon you to build one"?—Yes.

21578. Have you ever, as a central authority, had to call Peebles' attention to the proportion of boarding-out?

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Have you told Peebles they should board out more?—Yes, we do that often; I was at Aberdeen at a meeting recently, urging on them the necessity of doing more than they have been doing of late.

21579. Have you any express statutory powers to make them start a system?—No, there is an attempt to stimulate their own exertions.

21580. That is generally successful. You say somewhere in your memorandum that the system of boarding-out grew up more or less spontaneously, from the fact that there were not sufficient asylums?—That was the origin of it.

21581. May I take it that at an earlier period there was no such thing as the boarding-out of lunatics?—As the boarding-out of lunatics with strangers, yes; till within the last fifty years there was no such thing.

21582. It began gradually, I suppose?—It began on account of the absolute impossibility of finding accommodation in asylums.

21583. Had it to meet the opposition of the people generally?—No; we had very few complaints; occasionally there came a complaint from a district that the lunatics in the neighbourhood were a nuisance, but without giving any very distinct grounds for it.

21584. It has never been serious?—No; the system has always been popular with the bulk of the people.

21585. Could you extend it, in moderation, to any desired figure?—I think it could be extended considerably yet. I say in some part of my statement that we have rather a difficulty in keeping down the numbers in places where they have already formed colonies, because everybody wants to get patients there. We, on the other hand, do not want the insane population to form a very predominant part of the population; we do not want them to attract attention.

21586. We say in England that English people would not have this system; people would not like it. Was that the sort of thing that was said in Scotland?—Yes, and is said still in many districts where they have not many patients. I was told in Ayrshire by a very old inspector of the poor, who had been there all his life, that he found it impossible to get a home for a very harmless imbecile whose mother had died, and he could not provide for him in any other way, except by sending him to the asylum; but the very next year I found Mr. Motion, of Glasgow, had found a great many homes all round about that immediate neighbourhood. It depends on the exertion of the inspectors of the poor.

21587. You think that, possibly, if it were desired to introduce the system in England we need not be frightened of being told that people will not have it?—I think not. Of course, I do not know the rural districts of England well; I do not know whether there are many of the class of people that we have who take patients. I should fancy there are districts where there are a great many small holdings.

21588. The people who take them are mostly respectable?—Most respectable; small farmers.

21589. Respectable small people; sober?—Yes; we should very soon take them away, if we found anything else.

21590. Are there any in the fishing villages?—There are practically none in the fishing villages.

21591. They are generally in districts free from crime and drunkenness?—Yes, they are in quiet little villages principally.

21592. Among the people boarded out from asylums are there any of a social class above the poorest?—Of the non-pauper class, yes, there are a few; perhaps two or three hundred private patients.

21593. I suppose life on a small farm is as good for the rich imbecile as it is for the poor man?—I think so, if he is properly treated.

21594. You express the opinion that it is desirable to get a considerable number of these people out of asylums and get them treated in this way. Is there a very large number of people now in the Scotch asylums who might, you think, be sent out to this cheaper and equally good system?—I think there are still hundreds who might go out perfectly well.

21595. You do not give a return as to the number of acute cases in asylums requiring hospital treatment. Could you give us a rough opinion as to how many in your ordinary district asylums there are at any moment requiring nursing, constant observation, and other elements of hospital treatment?—Practically all the cases, when they go in first, are under hospital treatment.

21596. I meant at any given moment at any given asylum?—Do you mean bed treatment?

21597. I mean any treatment, whether nursing in bed, getting up, washing and dressing, constant observation of doctors, or any single element of hospital treatment you like; how many, roughly speaking, are there requiring such in any asylum at any given moment?—That varies very much, according to the attitude of the asylum superintendent. In one case I know of perhaps you might find about one-eighth of the population in bed under treatment, but that is a very exceptional case. I do not think you would generally find more than fifty or sixty.

21598. Would you say that at any given moment you would not expect to find 10 per cent. of the population in an ordinary asylum of what you might call acute or nursing cases?—I think not more.

21599. 90 per cent. of them are chronic cases?—Yes.

21600. Of those 90 per cent. certainly half could go out?—It is hard to say. Some of them have objectionable tendencies that are easily managed in an asylum, but could not be managed outside.

21601. In the interests of the community, you would not wish any person who was not quite suitable to be boarded out?—Certainly not.

21602. Can you give us a rough idea of the amount you could save in Scotland if it were carried out as far as it could be; it would be many scores of thousands a year, would it not?—We have always thought that about one-third of the entire insane chargeable might be outside.

21603. It is a very substantial sum?—It comes to about 5,000 that I think might be out.

21604. Instead of 2,700; it would amount to a very substantial saving in any country, would it not?—Yes.

21605. In England it would be enormous. Do you from your experience strongly recommend it to be tried in England?—From its success in Scotland I should very strongly recommend it.

21606. May we take it you recommend the Scotch system rather than the Gheel system?—I think so; I think they have too many acute cases in Gheel; you get all classes of insane people wandering about the streets in Gheel.

21607. And you suspect, do you, that there are unhappy incidents sometimes?—Yes, there must be a number.

21608. (*Mrs. Pinsent.*) Are you familiar with the special classes in Glasgow?—No; I am sorry to say I do not know anything about them.

21609. You do not know what kind of children are being educated in them?—No.

21610. I see you say that you think medical men in Scotland take a rather wider view as to what constitutes imbecility?—Yes, I think so, judging by what I have seen; I think we do.

21611. I wanted to ascertain whether they were educating in Glasgow cases, who, according to the opinion of the Scotch doctors, might be certified?—I think so; I think probably most of the cases that are in the special schools will ultimately be certified.

21612. Do you think they will be certified when they come to be examined from school?—I think very probably.

21613. Why are they not certified at the present time if they can be certified?—Because they are still of pupil age, and they are under the charge of their parents; the parents are still bound for their support.

21614. That is to say, you think they are receiving the necessary care and treatment at the present time?—I think so.

21615. When they leave school will they then be certified in the natural course of things?—If the parents

are not able to support them properly, no doubt they will.

21616. It really means cases only who will become paupers ?—Cases who will become chargeable. They are not certified because they are imbecile, but because they are imbecile and chargeable.

21617. Only those who become chargeable ?—Yes, or those who have private means of their own, and require to have a curator appointed to take charge of their property.

21618. I see we have it in the statement of the evidence which Dr. Carswell has submitted that about 1 per cent. of the school population of Glasgow are mentally defective ?—I should not have thought that it was so much.

21619. Does not that rather increase the number I have been talking about ? If that is so in Glasgow, it is probably the same in every large city, is it not ?—It may ; I should not have thought there were so many.

21620. Would not that lead you to take a wider view of the figures ? Will not there be more than you are anticipating who will be certifiable ?—A great many of the cases will never be certifiable simply because they will never become a burden on the rates ; they will be supported by their friends or their own private means.

21621. When the friends die they become dependable in some way or other ?—If they have a little property they will be certified then, probably, because they are put under a curator.

21622. Would you not say that if the special classes were carried out in Scotland to the same extent as in England, it would reveal a large number of mental defectives in Scotland ?—We are perfectly aware that there are many cases that we do not officially know about all through Scotland.

21623. (*Mr. Chadwyck-Healey*) : In that class of case there is no protection afforded ?—In what way ?

21624. The class that are not under observation, so to speak ?—The class in the schools ?

21625. The non-certified and the non-chargeable defectives ?—They are under no supervision except that of their own family.

21626. And no protection of any kind ?—No.

21627. And the public is not in any way protected from the consequence of their existence ?—No, they would not come under observation at all unless there were some complaint made about their conduct.

21628. You have no idea, I suppose, what proportion to the general population they may be ?—No, not the slightest.

21629. (*Mr. Burden.*) There would not be a great number who outlive their parents, I suppose ?—Of course, we know that a great many of the lower grade imbeciles die young, but a great many of them will outlive their parents undoubtedly.

21630. What would you say is the average life ?—I do not know ; it is not high ; at the same time you do come across very old imbeciles.

21631. Would it be less than half the normal ?—Not more, I think ; but that is merely an opinion, I cannot say a considered one.

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21632. (*Dr. Dunlop.*) In answering a question of Dr. Donkin, you referred to the boarded-out pauper lunatics being under double certificate ?—No, I did not say that ; I said they were legally certified.

21633. Being legally certified ; but, as a matter of fact, are they ? Some of them are not under the statutory certificates at all, are they ? Is it not a special form ?—They are not under the sanction of the sheriff ; they are under the sanction of the Board of Lunacy.

21634. Under the sanction of the Board of Lunacy on a special form ?—By medical certificate, but not by magistrates' order.

21635. And the medical certificate differs from the ordinary statutory certificate of lunacy ?—Yes.

21636. Technically, some of them are not certified lunatics ?—I would not say that ; they are certified lunatics and kept there by the sanction of the Board of Lunacy.

21637. They are kept there with the Board's sanction, but they are not certified on the statutory form of the 1857 Lunacy Act ?—No.

21638. (*Dr. Donkin.*) What I meant was, were they officially recognised lunatics ? I understood you said "Yes" ?—Yes.

21639. (*Dr. Dunlop.*) Could you give us a definite opinion about the relative merits of boarding out with selected guardians and with relatives ?—I hold a very strong opinion that they invariably do better with strangers than with relatives.

21640. That is the result of a long and wide experience ?—Yes.

21641. I notice that the number of accidents when strangers are guardians is very much smaller than the number when relatives are guardians ?—That is natural. I think they have a stronger view of their responsibility, and they have not the same amount of trust in the character of the patient that the natural guardians very often have.

21642. I notice that it is your opinion that small farms are the most suitable of all places for men ?—I think so ; they get their superfluous energy used up there.

21643. About the matter of inspection. Is it a *sine qua non* that there must be a very full and ample inspection of these boarded-out cases ?—We have always found the advantage of it, I think. In fact, in many cases, we would be very glad to inspect them more if we were able to do it ; but I think it is a generally held opinion that the inspection of the Central Board is very valuable in keeping people up to the mark.

21644. The double inspection by the Central Board as well as by the local authority is most desirable ?—I think so, decidedly.

JAMES RUSSELL MOTION, Esq., called ; and Examined.

21645. (*Chairman.*) You have been so good as to give us a statement of your evidence ; may we put it on our notes ?—Yes.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY JAMES RUSSELL MOTION, ESQ., INSPECTOR OF POOR, ETC., TO THE PARISH OF GLASGOW, CLERK AND TREASURER TO THE LUNACY DISTRICT BOARD.

I have been Inspector of Poor and Clerk to the Parish Council of Glasgow, and Clerk and Treasurer to the Glasgow Lunacy District Board, since 28th December, 1898, when the former City and Barony Parishes of Glasgow were united. Previous to that I was Acting Inspector and Clerk to the Barony Parish from 1885, and before that Collector of Rates to the same parish from 1878.

The inspector of poor is the administrative officer of the parish council ; while the parish council is the only local authority responsible for mentally defective persons, whether children or adults, and whether the defect is congenital or acquired. The inspector is responsible for finding accommodation for all such cases, and this may be done in either of four ways. (1) by committal to the lunatic asylum ; (2) to lunatic wards of poorhouses ; (3) by boarding-out in private dwellings in the country, and (4) in imbecile institutions. In Scotland, the parish takes up and deals with all persons requiring relief either from poverty, destitution, illness, or insanity ; under which latter head we include imbeciles, idiots, and feeble-minded persons, where their parents or guardians are unable to continue to take care of them, or provide for them in a proper manner.

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While certified lunatics cannot be admitted to ordinary poorhouses the Parish of Glasgow is peculiar in having had for several years, at Barnhill Poorhouse, observation wards to which doubtful cases of insanity and cases of *delirium tremens* could be sent for a limited period. This

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experiment was so satisfactory that, on the erection of our eastern district hospital, a separate block to accommodate fifty patients was provided entirely for mental cases of a similar description. These wards, opened in June, 1904, have been of the greatest service in preventing cases being sent to the asylums.

The parish medical officers, including our certifying physician in lunacy, determine whether each applicant is lunatic or not, and, according to their certificates, each case is afterwards classified for our different institutions if indoor relief is required. Every case of lunacy taken over by the parish council pauperises the sufferer except in the case of a dependant wife or child.

The Glasgow parish had a census population in 1901 of 571,569, and an area of 15,458 acres of which 7,918 is in the city or muncipal area, and 7,540 in the landward or county area. The parish is wholly situated on the north side of the River Clyde.

At 15th May, 1905, there were chargeable on the outdoor rolls of the parish 3,698 persons with 5,040 dependants, such being wives and their children under fourteen years of age; 2,011 children boarded-out in families throughout Scotland, and 385 chronic harmless insane patients boarded out in families. Further, we had chargeable in institutions, 3,819 persons with 211 children in our poorhouse and hospitals, and 1,712 insane patients in Woodilee and Gartloch asylums, and in other institutions, a total pauperism of 11,625 with 5,251 dependants, a grand total of 16,876 or equal to 27·68 per 1,000 of the estimated population (of 609,626). Of this total, 8,738 paupers and dependants were outdoor poor, and 5,742 were indoor, or resident either in the poorhouse, hospitals, or asylums of the parish. In addition to all this we have 327 persons with 577 dependants chargeable to other parishes, paid by us and resident in the parish. Of course this is the lightest time in the year (May). The winter period is much heavier.

The cost of maintenance of our poor for 1904–1905 was £182,724, of which £49,232 is for outdoor maintenance; £25,408 for boarded-out children; £47,337 for indoor maintenance, and £60,736 for insane poor; management, £37,163; medical relief, £15,523; law charges, £726; interest, £932; repairs on buildings, £2,381; election expenses, £924; vaccination, £31; collection of school rates, £763; out of a total disbursement of £285,186.

We have a growing class called "Ins and Outs," that is, men and women who go out and in the poorhouse many times within a year. The latest figures for these are those for the year ended 15th May last. We had 3,520 re-admissions to our poorhouse during that period, up to as many as nineteen times. Six hundred and twelve persons were over two and up to nineteen times as under :—

For	the	Second	Time.	205	Males and	82	Females
,,	,,	Third	,,	99	,, ,,	31	,,
,,	,,	Fourth	,,	51	,, ,,	19	,,
,,	,,	Fifth	,,	29	,, ,,	8	,,
,,	,,	Sixth	,,	17	,, ,,	6	,,
,,	,,	Seventh	,,	17	,, ,,	10	,,
,,	,,	Eighth	,,	11	,, ,,	3	,,
,,	,,	Ninth	,,	6	,, ,,	0	,,
,,	,,	Tenth	,,	4	,, ,,	1	,,
,,	,,	Eleventh	,,	3	,, ,,	1	,,
,,	,,	Twelfth	,,	1	,, ,,	0	,,
,,	,,	Thirteenth	,,	0	,, ,,	2	,,
,,	,,	Fourteenth	,,	2	,, ,,	1	,,
,,	,,	Fifteenth	,,	1	,, ,,	0	,,
,,	,,	Seventeenth	,,	1	,, ,,	0	,,
,,	,,	Eighteenth	,,	0	,, ,,	0	,,
,,	,,	Nineteenth	,,	1	,, ,,	0	,,
				448		164	

Out of these 612, 93 men and 32 women contributed 903 re-admissions to the poorhouse. They had been out and in from five to nineteen times. Their ages are as under :—

2	Males	under	20	years	2	Females	under	20	years.
4	,,	,,	30	,,	2	,,	,,	30	,,
27	,,	,,	40	,,	4	,,	,,	40	,,
30	,,	,,	50	,,	10	,,	,,	50	,,
18	,,	,,	60	,,	10	,,	,,	60	,,
12	,,	over	60	,,	6	,,	over	60	,,

Although these ins and outs are not directly certifiable as feeble-minded, I am of opinion, from their degraded habits and conduct, that their condition of mind renders them unamenable to ordinary principles of right and wrong, and that such classes should be compulsorily detained in poorhouses or labour colonies. The following may be regarded as typical cases of the nature referred to that have reached the teens; with information as to their ailment and where they came from, viz :—

Record 4–53–106. J, M., 69, painter, nineteen re-applications of which twelve were from 5, Paul Street, where wife and family resided; and seven from Glasgow Cross "Houseless." Certified seven times lumbago; catarrh four; rheumatic pains, two; able-bodied, six. Applied first in 1879, and since then has made two hundred and two re-applications, and wife twenty-four. He has been a few times in asylum and prison.

Record B5–103. B. K., 59, winder; seventeen re-applications; two from Salvation Army Home, three from Night Asylum; two from Moncur Street Home and ten times "Houseless." Certified rheumatism eight, prolapse of womb, four; dyspepsia, two; stomach trouble, three. Applied first in August, 1886, and since then has made ninety-three re-applications.

Record B7–2415, J. S., 36, labourer, single; fifteen re-applications; seven from Glasgow Green and George Square, "Houseless," and eight times from Night Asylum. Certified stricture, four; bronchitis, three; cystitis, one; debility, one; dyspepsia, one; and able-bodied, five. Applied first in March, 1890, and has made over forty re-applications since.

Record 3–70–239. W. M., 45, labourer, single, fourteen re-applications; from Drygate Model, four; Night Asylum, four; Portugal Street, one; McAlpine Street Model, one; and four times "Houseless." Certified catarrh, four; rheumatics, three; diarrhœa, two; and able-bodied, five; applied first in October, 1884, and has made one hundred and thirty-five re-applications up till 15th May, 1905.

Record B2–40. M. B., 66, weaver, single, fourteen re-applications; seven from Salvation Army Home; three from Muse Lane, and four from Moncur Street Home. Certified bronchitis, eight; debility, four; rheumatism, two; applied first in June, 1885, and since then she has made over two hundred re-applications.

Record 6-49-209. J. T,, 69, carter, single, fourteen re-applications, five times from James Watt Street Home; twice from Coatbridge, twice from Clydebank; once from Police Office, and four times "Houseless." Certified lumbago, five; diarrhœa, three; lameness, one; and able-bodied five. Applied first in April, 1874, and has made one hundred and forty-nine re-applications since.

Record B4–318. J. M., 45, weaver, single, thirteen re-applications; twice from Salvation Army Home, once each from Cumbernauld, Campsie, Kirkintilloch, and Kilmarnock; twice from Duke Street Prison, and five times "Houseless." Certified alcoholism, four; debility, four; footsore, two; bronchitis, three; applied first in September, 1885, and up till 15th May, 1905, she has been considerably over two hundred times chargeable in poorhouse and has been over eighty times in prison for drunkenness and immorality. She has also been in the asylum.

Record 6-39-98. M. W., 55, cleaner, single, thirteen re-applications; three times from George Street "Houseless" three times from Night Asylum; once from Shuttle Lane; once from Balmano Street; and five times from College Street. Certified rheumatism,

four; debility, three; stricture, two; and aneurism, four. Applied first in 1869, and till 15th May, 1905, has made one hundred and thirty-one re-applications.

It was to meet these and other cases that the "Detention of Poor Persons (Scotland) Bill," was drafted and introduced to Parliament, but it made no progress through the congestion of other business. The gist of the proposal was that where a person had been more than three times chargeable within six months that person should be committed to the poorhouse for three months with the sanction of the Local Government Board. These people suffer very frequently from diseases brought about by their disgraceful, drunken, and immoral conduct. My view is that such people who come upon the rates by preventable diseases due to their own misconduct should in some manner be punished for so doing. Further, I am strongly of opinion that men and women suffering from loathsome diseases should be locked up. They are a danger to the community. The women at present confined in the Lock Hospital should not be allowed to leave till absolutely cured. On several occasions they leave for a short period and return worse than ever. Not long ago there were three girls in that institution, two aged thirteen years and one aged fifteen years. I am clearly of opinion that if parish councils had powers of detention in the poorhouse it would diminish these repeated applications, and, what is of more importance, diminish also begging, prostitution, and vagrancy, and thereby create more room in the prisons for those who are convicted of crime, and clear the streets of a most undesirable class. Their confinement would prevent the risk of breeding the class of feeble-minded and imbecile children we have already to deal with. I append (No. 1) statement of 6,767 persons who applied to the parish for relief for the first time during the year ended 15th May, 1905, with the causation of pauperism.

The present provision for the care of imbecile children of an educable character is hardly sufficient, I think, and I would have, under the authority of the Local Government Board, combinations of parishes for the erection, equipment and maintenance of training schools for the care of the defectives and imbeciles suitable for such an institution. At the present time we pay pretty large sums per head for the care of our cases in Baldowan and Larbert Institutions, and I am quite sure that while these are admirable in every respect, we could secure just as good results at a much lower cost.

We have eight cases in the blind asylum, one boy and seven girls, for whom we pay £157 per annum, or roughly, at the rate of £20 per annum each, but the bulk of those afflicted people are sent there at the expense of the School Board under the Blind and Deaf Mute Act of 1890. These cases of ours are over sixteen years of age. The same applies to the deaf and dumb institution. We have there now three boys and two girls at a cost of £60 per annum, or £12 per annum each, but these are also chargeable to the School Board under the Act of 1890.

Among the insane people chargeable in lunatic asylums we have 184 epileptic insane, while in the ordinary Poor Law indoor institutions we have eighty-two epileptics who are not insane. These are chiefly provided for in a separate pavilion at our Stobhill hospital and infirmary, the men at one end and the women at the other, separated by an open verandah. Within the last few weeks the authorities there had to transfer the males to another part of the institution owing to their misbehaviour. Sane epileptics, for whom application is made for the first time, are sent to the poorhouse in the first place to be tested and diagnosed. They are in due course transferred to the other institutions.

I do not know whether the Commission would like to know about our aged feeble-minded. A number are provided for as aged infirms in our poorhouses and hospitals. We have a number, too, in such places as the Home for Roman Catholic Poor under the care of the "Sisters of Charity," where we pay 10s. to 12s. per month for them. We also have fifteen men and fourteen women in the old men's and women's Homes at an average rate of 12s. per month; these latter, however, are supplemented by contributions from relations, old friends and late neighbours. But a number of these in time become somewhat unmanageable, and up till now have had, in many cases, to be certified insane and removed to our asylums; but we now propose to obtain the authority of the Local Government Board and the General Board of Commissioners in Lunacy to set aside certain accommodation in our poorhouse with adequate nursing, etc., which will be licensed by the General Board as wards for the care of such persons, and thus save the cost of keeping them in highly expensive lunatic asylums.

James Russell Motion, Esq.

2 Mar. 1906.

At the date of the last Return of the Local Government Board, 1st January, 1904, it appears that there was vacant accommodation in sixty poorhouses throughout the country of 3,339 beds or billets, a number of which could be easily utilised for this class of poor as well as for mild cases of insanity where removal to an asylum is not required.

The provisions of the Lunacy Act of Scotland are sufficiently elastic to allow for any detention required in these cases, but not so, however, in connection with "Ins and Outs" who are habitual drunkards. The latter, I apprehend, will be met by a proposed Amendment to the Inebriates (Scotland) Act, for which a Bill is now being promoted by the Corporation of Glasgow. The "Ins and Outs" referred to are those who, while drunk practically every week, are never and have never been in a police court. They are a feeble-minded and most degraded part of the population.

There should be no overlapping of authority in connection with the care and treatment of all classes of persons within the verge of pauperism. The parish council should enclose within its net the insane, the defective, the vagrant, the tramp, and every one who is disabled by poverty, destitution, mental defect, or otherwise.

I believe labour colonies, or whatever else they may be called, of quite a simple character, would be of some use in stopping the flow of certain cases to the asylums, such as epileptics and other defectives. They would certainly be an advantage if properly worked and not converted into institutions almost as expensive in their equipment and maintenance as existing lunatic asylums.

Considerable objection has been made from time to time against the transfer of insane prisoners to our lunatic asylums where respectable ratepayers of the parish are likewise confined, and I have no doubt that the presence of prisoners has a very bad effect upon these respectable people. Of course, a great deal depends upon the controlling management of the medical superintendent, but I would not like any friend of mine who is insane to be sent to a district asylum where the prison authorities have the right to send insane prisoners. I think the Government ought to make provision for them, or that the Prison Commissioners ought to keep their own insane.

There are besides a number of petty offenders whom we have to take off the hands of the Prison Commissioners who really do not require care and treatment in an asylum. These and others, the waifs and strays of society, the in and outs, etc., etc., should be provided for by the Poor Law authorities in colonies of some kind or other; indeed, probably two or three classifications would be necessary, so as to give some elasticity of management and plenty of employment partly remunerative or otherwise. Indeed, I would have a large tract of land attached to every town poor-house where the classes before referred to could be passed to and fro for labour, fresh air, moral improvement, etc.; it would pay in the long run.

I append (No. 2) the number of applications on behalf of persons supposed to be insane for the years ended 15th May, 1903, 1904, 1905, and how they were disposed of; also list of cases under twenty years of age for the same period (No. 3); with the number under same age "Refused" or "Withdrawn" (No. 4).

In connection with our imbecile home at Woodilee Asylum, I likewise append (No. 5) list of cases which have been admitted thereto since the opening in October, 1900, together with a similar list (No. 6) of imbeciles chargeable to the parish in Larbert and Baldowan (No. 7) Institutions at 1st January, and the number of insane boarded in private dwellings (No. 8) during the past three years; with an abstract of the expenditure on behalf of the insane for the same period (No. 9).

2nd March, 1905.

James Russell Motion, Esq.

2 Mar. 1906.

APPENDIX No. 1.

STATEMENT OF 6,767 PERSONS WHO APPLIED TO THE PARISH FOR RELIEF FOR THE FIRST TIME DURING THE YEAR ENDED 15TH MAY, 1905.

Nativity.	Total.	Percentage.
Scotch	4,823	71·27
English	333	4·92
Irish	1,518	22·43
Foreign	93	1·38
Total	6,767	100·00

Causation*.	Total Male & Female.	Percentage.
Accident	138	2·03
Criminality	135	1·99
Desertion	640	9·45
Drink	707	10·44
(Drink: Men, 638; Women, 69).		
Illegitimacy	70	1·03
Illness	2,017	28·81
Immorality	342	5·06
Improvidence	1,129	16·69
Indolence	96	1·42
Insanity	464	6·86
Old age (with families able to support)	336	4·97
Old age (without families able to support)	279	4·13
Widowhood	376	5·55
Orphans	38	0·57
	6,767	100·00

Males, 4,298; Females, 2,441; Orphan children, 38. Total, 6,767.

* This causation is ascertained from personal enquiry of the individuals themselves by the various Assistant Inspectors.

APPENDIX No. 2.

NUMBER OF APPLICATIONS ON BEHALF OF PERSONS SUPPOSED TO BE INSANE FOR THREE YEARS, ENDING 15TH MAY.

	1903.	1904.	1905.
	840	886	1,027
Removed to Asylum direct	488	498	427
„ „ Observation Wards	230	256	502
Subsequently from Observation Wards to Asylums	36	24	134
Died in Observation Wards	8	13	30
Removal to Institutions for Imbeciles	22	13	9
Boarded out direct	3	9	13
Number not removed anywhere	97	110	76

Of the latter numbers not removed anywhere the cases were uncertifiable, treated at home, application withdrawn or taken up direct by other parishes.

NUMBER AND AGES OF CASES WHO BECAME INSANE FOR THE FIRST TIME DURING YEARS.

	1903.	1904.	1905.
Under 15	21	25	15
„ 30	84	115	126
„ 45	126	131	118
„ 60	84	71	82
Over 60	72	38	81
	387	380	422

APPENDIX No. 8.

Number of Cases Boarded-out at 15th May.

	1903.			1904.			1905.		
	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.
In Institutions for Imbeciles	58	28	86	56	31	87	53	30	83
Boarded with friends	7	15	22	8	18	26	10	16	26
„ „ strangers	116	218	334	113	228	341	127	232	359
	181	261	442	177	277	454	190	278	468
Boarded out during year	14	26	40	14	42	56	23	22	45
Number died in private houses			7			11			7
„ „ Institutions (Imbeciles)			6			3			3
„ discharged recovered			7			8			1
„ returned to Asylums			26			22			21
„ discharged by escape			1			2			—
„ discharged to c/o friends			—			2			1
„ struck off Roll by Committee			1			1			—
„ removed to Ireland			1			—			—

APPENDIX No. 9.

Abstract of Expenditure on behalf of Insane.

	Year ending 15th May, 1905.		Year ending 15th May, 1904.		Year ending 15th May, 1903.	
	Days chargeable	Cost.	Days chargeable	Cost.	Days chargeable	Cost.
		£ s. d.		£ s. d.		£ s. d.
In Royal Asylums	290	26 12 7	422	33 7 6	726	81 15 3
„ District „	580,722	49,754 7 6	552,983	39,540 15 0	545,925	37,072 18 4
„ Parochial „	147	11 12 2	94	8 7 11	157	14 0 4
„ Training Schools for Imbeciles	29,637	2,183 19 11	32,010	2,316 13 9	28,316	2,093 9 7
„ Private Dwellings with Relatives	9,446	367 7 5	8,484	343 9 2	7,504	296 7 8
„ Private Dwellings with Strangers	129,361	7,806 15 3	122,524	7,647 19 5	123,579	7,764 11 4
Certificates of lunacy, trial, etc., of dangerous lunatics, transport of patients, etc.	—	1,351 12 5	—	1,012 19 8	—	925 16 8
	749,603	61,502 7 3	716,517	50,903 12 5	706,207	48,248 19 2
If boarded-out lunatics had been in District Asylums they would have cost this amount more over and above that set forth for Private Dwellings with Relatives and Strangers	—	3,718 6 2	—	1,376 0 11	—	840 9 5

21646. (*Mr. Hobhouse.*) You say in your statement that you are going to put up a block to accommodate fifty patients—entirely for persons who are suffering from mental disease?—That block is up. It has been in operation for two years.

21647. Can you tell me the cost of that block?—Not at this moment, but I can secure it for you.

21648. Roughly speaking, could you tell me?—I could not. The block was a part of the Eastern District Hospital.

21649. I take it you put it up because you thought you could do it cheaper than a smaller block to be put up under the lunacy laws?—That is so.

21650. Was that experiment successful?—It was and is.

21651. And there has been a considerable saving?—A very great saving.

21652. The accommodation, in your judgment, is quite as good for all practical purposes as in a lunatic asylum?—That is so.

21653. Do you, as a local authority, in Scotland, feel that the lunacy authorities in Scotland press you unduly in the matter of accommodation for people suffering from mental disease?—No, the General Board of Lunacy has not for many years been pressing us about accommodation.

21654. Shall I put it in another way; is the accommodation which they require for lunatics in your opinion excessive?—No, I think not.

21655. Therefore, the reason why you are able to put up cheaper and yet adequate accommodation is that the cases are less acute, and, therefore, less troublesome to deal with than those in the lunatic asylum?—No; this building was erected for the purpose of preventing cases being sent to an asylum—for incipient cases and observation cases.

21656. People who are not mad but are likely to become mad?—People for whom application has been made for removal to an asylum, but whom our doctors advise should be treated there. Dr. Carswell will be able to enter more into detail about that part of it.

James Russell Motion, Esq.
2 Mar. 1906.

21657. Still the erection of this ward has thrown considerable expense upon you ?—Had we not erected that building we would have been compelled to erect more buildings at our other two asylums.

21658. And the expense of that would have fallen on the parish of Glasgow ?—On the citizens of Glasgow.

21659. Has any patient detained in this building since June, 1904, been subsequently passed to the asylum ?—Yes.

21660. A great number of them ?—Comparatively few, considering the number treated.

21661. So that really you have been able to detain in your workhouse patients who are partially insane ?—Quite so.

21662. But not violently insane ?—Quite so, and for a limited period.

21663. And this power is not generally available all over Scotland but is confined rather to the parish of Glasgow ?—It has extended to Govan, a neighbouring parish on the other side of the Clyde, and a Departmental Committee of the Local Government Board thought so much of it that they recommended its extension to provincial poorhouses.

21664. Has that been done ?—It is in process of being carried out generally all over Scotland.

21665. So far as you know there has been considerable financial relief to the ratepayers in consequence ?—*Qua* lunacy.

21666. With regard to your statement where you say you have already created training schools for defective and imbecile children—— ?—We have one atached to the Woodilee Asylum; it is not so much a training school as a Home for imbecile and idiot children of an uneducable character.

21667. And that has been successful ?—Yes.

21668. It is on the same lines, I take it, as the schools in England ?—No.

21669. In what way does it differ ?—It is simply a small asylum adapted for these children and within the grounds of the asylum.

21670. Is it a residential Home ?—Yes.

21671. What is the number of children in this residential Home ?—Thirty-two.

21672. What has been the cost of that ?—Roughly speaking, £11,000.

21673. That £11,000 includes every sort of charge ?—Every sort of charge.

21674. Including sinking fund ?—No, that includes the building, furnishing, and general equipment.

21675. And the administration block ?—There is no separate administration block; there is simply a kitchen with a hot plate and such like.

21676. There is no administrative block, then ?—No, it is administered from the main asylum.

21677. To that extent, therefore, the amount of expenditure is not really inclusive of all that would have to be put up in a building *de novo* ?—Quite, yes.

21678. That works out at about £340 per bed, roughly speaking. Is that, in your opinion, excessive ?—It is very excessive.

21679. What is the reason of the excess ?—I should say the extravagant ideas of the architect.

21680. Have you no check on the architect ?—No.

21681–82. You are a very powerful body; I have come across you once or twice ?—That is so, but the architect manages somehow or other to get these plans passed. I see the same difficulties prevail in England. The average cost of these thirty-two inmates of this particular block is 6s. 4d. per week.*

21683. Is that inclusive of everything ?—That does not include rent—everything else but rent.

21684. That includes all maintenance of every sort or kind, clothing and so on ?—Provision for the patients; for five nurses and household and laundry requisites, clothing and shoes, bedding and napery, laundry, washing and dressing, fuel, salaries and wages.

21685. Practically everything ?—Yes.

21686. You get back in economy of maintenance, shall I say, some of your extravagance in construction ?—Probably.

21687. With regard to this residential school, have the educable children improved at all since it has been erected ?—We have none there; it is uneducable cases that we have there. Our educable cases are sent to the Larbert Institution.

21688. Then these defectives and imbeciles are of the very worst type ?—The very worst type.

21689. Who are incapable of manual instruction ?—Yes.

21690. They are idiots ?—Yes.

21691. You say in your statement you had to transfer males from one part of your building owing to their misbehaviour ?—Yes, they were epileptics. There was an isolation block at Stobhill Hospital set aside for ordinary isolation purposes, but it had never been required, and we moved the whole of the epileptics in that institution to this block, and they were probably there three months when some misconduct took place and they had to be taken away and distributed throughout the other wards.

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*Mr. Motion subsequently wrote on this subject as follows :—

PARISH OF GLASGOW.

Parish Council Chambers,
266, George Street, Glasgow,
March 13th, 1908.

DEAR SIR,

IMBECILE CHILDREN.

I have to acknowledge receipt of your further letter of 12th instant as to the net cost of the imbecile children in our Woodilee Asylum, and, to make the point clear to the Commission, I am afraid I must trouble you with rather a lengthy reply.

Primarily, it is to be borne in mind that the Children's Home at Woodilee is within the grounds, and forms part of, the general administration of the asylum, and that in calculating the average cost of patients we are not allowed to differentiate between adults and children. The cost of 6s. 4d. per week for each child was specially made up for the information of the Commission, but the average rate for adults and children together works out at 12s. per week, as shown in the latter part of my Evidence. No portion of the Government grant is received by the District Lunacy Board, who control the asylums. The full rate of 12s. per week is charged by that Board against, and paid by, the parish council, which is a separate statutory authority, although in the parish of Glasgow it happens that the parish council constitutes also the District Lunacy Board. It is the parish council which claims the Government grant towards the expenditure on lunatics, and that grant, when received, is credited to the funds of the parish council and goes to reduce the assessment levied for the relief of the poor. The grant, therefore, does not form any reduction in the actual cost of lunacy administration.

For the year quoted in Evidence the average rate was, as indicated, 12s. per week, or £31 4s. per annum. Towards this expenditure the parish council was allowed to claim from the Government grant only 8s. 2d. per £ of admissible expenditure, and the total amount received from the grant works out at 3s. 4d. per week, making the net cost to the parish council 8s. 8d. in place of 12s. This practically means that the parish council would get back something like 2s. 7d. per week towards the net cost of the children if that cost was differentiated at 6s. 4d. per week. In other words, while it costs the Lunacy Board, as stated, 6s. 4d. per week for each child, it would be quite correct to assume that the allowance received from the grant reduced the actual cost to 3s. 9d. per week, although, as I have tried to explain, no portion of the Government grant goes to the credit of the Lunacy Board.

With these particulars I trust I have removed any misunderstanding relative to the point at issue.

Yours truly,
JAMES R. MOTION.
Inspector and Clerk.

H. B. N. Mothersole, Esq.,
Secretary, Commission on Feeble-Minded,
Old Palace Yard, Westminster, London, S.W.

21692. Throughout the other wards of the same building ?—Yes.

21693. So that it was quite possible to keep them within the same ring fence ?—Yes.

21694. But with some greater precaution in separating the sexes ?—Yes ; it is an institution on the block system.

21695. You say in your statement that the parish council should enclose within its net the insane and so forth. Will you tell me as exactly as you can, having got them within your net, how would you provide for all these people—the insane, the defective, the vagrant tramp, everyone disabled by poverty, and so on ?—By a proper scheme of classification.

21696. In buildings ?—No, classifying the particular cases and sending them to the buildings which we would design for them.

21697. Which of these classes which you designate have you got within your net ?—I think we have them all within our net, only we have not the net secure enough with a certain class.

21698. Where are the meshes broken ?—By the liberty to leave the poorhouse after twenty-four—and in some cases thirty-six—hours' notice. I am speaking of the "ins and outs."

21699. The vagrant as well as the defective ?—More, the "ins and outs." They are not vagrants in the sense that we were speaking of vagrants just now, because they do not go beyond the confines of the city as a rule. They simply go in and out. They come to us probably suffering from drink or venereal disease, or some other complaint.

21700. The parish council of Glasgow is practically the city council, is it not ?—No, it is a separate elected body.

21701. With the same area ?—The city council has a much larger area. The parish of Glasgow is confined to the north side of the river Clyde, and embraces a large municipal area and a large landward area.

21702. You control in that the lunatic asylums and —if I may use English terms-- the workhouse ?—Yes.

21703. And the other municipal institutions—hospitals ? —Hospitals ; we have three hospitals and one poorhouse.

21704. Are practically all these populations, with the exception of very extreme cases of lunacy, interchangeable ; do they shift from workhouse to hospital ?—Yes.

21705. A constantly recurring system—a vicious circle of movement ?—We cannot change the lunatics ; we do not do it, but in regard to ordinary Poor Law cases, acute cases are taken to the district hospitals. They are then transferred from there either to the poorhouse according to the classification they are entitled to, or to Stobhill, which is a sort of superior poorhouse.

21706. Do you wish to detain permanently what you call the "ins and outs" ?—I would.

21707. Whether they are defective mentally or not ?—My judgment is that they are defective.

21708. All of them ?—Practically.

21709. 90 or 95 per cent. ?—Yes.

21710. And you would like to be able to detain them permanently ?—Undoubtedly. I would give them an opportunity of showing whether there is anything in them or not, by a system of what I call indeterminate sentences, as it were. A case comes up in two years ; if there is no improvement, well let it go back for another year or two years.

21711. Then there would be remission to a labour colony and so forth ?—Quite.

21712. (*Mr. Greene.*) I should be glad if you would tell me the meaning of the word "illegitimacy" in Appendix No. 1 (*page* 54). You say there is a total of seventy and a percentage of 1·03 ?—That means that seventy women applied, being pregnant and requiring relief.

21713. The "causation" refers to the condition of the applicant ?—Yes.

21714. That she is likely to have illegitimate children ? —Yes ; in point of fact she is a single woman.

21715. Are we to take it that you think that is rather a high percentage of people who come and seek relief in the maternity ward ?—No, I think it is very moderate.

21716. Is it in Scotland not so much found as we hear it is in England ; that girls frequent, and are "ins and outs" of, maternity wards ?—No, nothing of that kind.

21717. Are there fewer illegitimate births in Scotland than in other countries ?—I cannot answer that, but I say that this percentage is very moderate for a city like Glasgow.

21718. Do you find that feeble-minded girls are taken advantage of and become the mothers of illegitimate children ?—Comparatively few ; just now and again we have one, but it is a rarity—something unusual.

21719. I am only referring to feeble-minded girls ?— I understand ; it is a rare thing. I have a few photographs there (*handing photographs*). There is a case illustrative of that where a feeble-minded girl was sent to a very respectable couple as a servant, away in the country, away near Peebles. Something went wrong and she had to be brought back.

21720. Is there any necessity for protecting males and females who are feeble-minded by any sort of law ? Could you suggest any fresh criminal law ?—No, I think not.

21721. When they have a misfortune they are easily taken hold of by the Poor Law or by the Lunacy Law ?— Yes.

21722. And easily dealt with ?—Easily

21723. (*Dr. Dunlop.*) You have a very strong opinion regarding the desirability of having one authority to deal with all mental defectives, have you not ?—I have.

21724. You are decidedly against any division ?— Decidedly so.

21725. It would add to overlapping and complexity, and probably neglect, if the defectives were divided into certifiables and uncertifiables, would it not ?—That is so.

21726. In Scotland the parish is the only local authority that deals with these people ?—The parish is the only local authority that deals with the sane and the insane poor.

21727. If there were some changes made in Scottish law procedure in the matter, there would be no advantage whatever in bringing them under another authority such as the county council ?—No, I think that would be a mistake.

21728. Or under philanthropic bodies in the same way as reformatory schools are run ?—Practically I have no great faith in philanthropic effort.

21729. It is too big a matter for that ?—Yes, and it is too widespread. It does not do the work that one would assume from its magnitude it should do.

21730. Do you think it would result in national economy to have it done by philanthropic effort, or not ?—No, I think not.

21731. What about the inspecting body ? All these mental defectives should be inspected by the General Board of Lunacy, should they not ?—I should say that every case certified by the parish medical officer as lunatic, imbecile, or idiot, ought to be under the care of the General Board of Lunacy.

21732. You would extend that care to all cases of mental defect dealt with by the parish ?—Yes, undoubtedly.

21733. It is an advantage, and no disadvantage, to come under the Lunacy Board for their classification ?— Yes.

21734. Being under the Lunacy Board in Scotland does not mean that they must be extravagantly kept, does it ? —No, that does not follow.

21735. Regarding the care of defective children, your opinion is that this can be most economically done by a combination of parishes ?—Yes ; that has been brought prominently before me owing to the numbers ; the demand by Larbert for increased accommodation and such like, that I think by a combination of parishes in counties like Lanark, Dumbarton, and Renfrewshire, we can keep them much cheaper and just as well as at Larbert.

21736. To get some conception of the numbers, Glasgow sends about 200 to these institutions at the present moment ?—At present we have sixty-eight at Larbert, nineteen in Baldovan, and thirty-two in Woodilee.

21737. That is 120, in round numbers ?—120.

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21738. Do you think that meets the demand in Glasgow ? Does that meet all the cases of imbecile children requiring institution care ?—No, it does not.

21739. What number would ?—You have to take the other parishes—the parish of Govan.

21740. No, let us take your own parish. It is a parish with roughly 600,000 inhabitants. What amount of accommodation would be necessary to meet the requirement ?—Double that.

21741. We may say 250 for the 600,000 ?—I would not start a building unless it were capable of extension to that number, 250.

21742. What size of institution is the most economically managed—500, 1,000, or larger, or smaller ?—I would not like to be dogmatic on that, but I am against large institutions.

21743. Do you think 500 should be the limit ?—I should think so.

21744. It would be an economical number and a number that is easily managed ?—Yes, quite ; as long as it is not expanded as an asylum. It depends a great deal, having got the building, what man you put in to supervise and administer it.

21745. You would put in a medical man ?—It depends on the medical man.

21746. You would prefer a medical man to a lay superintendent ?—With administrative ability.

21747. A medical man with administrative ability you would aim at ?– Yes.

21748. Your institution, would have 500 and that would meet the wants of 1,000,000 of population ?—Yes.

21749. Scotland would consequently want five such institutions ; the population is roughly 5,000,000 ?—Yes, probably you are right.

21750. You would make geographical combinations dividing the country into groups of 1,000,000 each combination for this purpose ?—Yes.

21751. Regarding the economy of institutions run by philanthropic agency, and those by the parish, could you explain a little more where the economy would come in, and why the parish institutions would be cheaper ? —There is the existing administration—the central administration, clerical work and that sort of thing.

21752. That is already provided for ?—Yes ; but if you take the cost per head per week of inmates in a poorhouse, 5s. 3½d., then the larger hospital, Stobhill Hospital, 10s. 9½d., you have a fair idea of the economical administration, at all events.

21753. Now we come to the asylums ; you can tell us the average cost of Woodilee or Gartloch ?—At the present moment the rate is 12s. a week.

21754. Can you tell us what Glasgow pays at Larbert and Baldovan ?—£27 a year.

21755. That is a little more than 10s. a week. So, as a matter of fact, Larbert is cheaper at the present moment than Stobhill Hospital or either of your asylums ? —Yes.

21756. I do not quite understand what you base your argument on that there would be greater economy. I see the reasons for efficiency, but I would like to understand where the economy comes in ?—The economy, I think, is perfectly evident. I cannot off-hand put my finger upon the items, but I think it is perfectly clear that this 6s. 4d. rate that it costs us just now upon an equipped building very highly nursed with six patients per nurse, can be made a great deal cheaper without affecting anyone.

21757. I see your point, you base this opinion upon your experience at Woodilee ?—Yes.

21758. Woodilee differs from the other imbecile institutions in that there is no teaching there ?—We have all the facilities for teaching.

21759. But if you supplied teaching, the cost would be a great deal more, would it not ?—Nothing to speak of, considering the number of nurses.

21760. One would balance the other ?—Yes, entirely ; if we had teaching we would not require so many nurses.

21761. You advocate the compulsory detention of "ins and outs" ?—Yes.

21762. Primarily, because you say they are mentally defective ?—Yes.

21763. Where would you detain these persons ?—I would detain these persons in a department of the poorhouse separate from the other departments.

21764. In your opinion would it be objectionable to detain them in the common wards of the poor-houses ?— As a matter of classification and good administration they should be separate, I think.

21765. That could not be carried out in a smaller poorhouse, could it ?—No, but there are plenty of smaller poorhouses throughout the country that could be easily adapted to that class. That was to say, out of a total billet accommodation in Scotland of somewhere about 16,000, there are 3,000 vacant beds.

21766. In poor-houses ?—Yes.

21767. Again, you would advise combination for the purpose of dealing with these "ins and outs" ?—I think the Local Government Board ought to have power to combine parishes for that purpose—to make use of the existing stone and lime that is not occupied.

21768. You want large populations for the purpose of classification ?—Quite.

21769. Do you think it would be objectionable to have two classes in the same wards of the same poor-house, some compulsorily detained and others not ?—I would not be dogmatic on that. It is a new point, and that would depend upon the operation of the system for the first three or four years.

21770. You would like to try it both ways first ?— Undoubtedly.

21771. Regarding inebriates, are you aware of the fact that a large number of them are distinctly mentally defective ?—That is my opinion of those with whom I come in contact.

21772. You are aware of the fact that the Inebriate Acts put the burden of looking after these mentally defective inebriates upon the county and town councils in Scotland ?—Yes.

21773. What has been the result of that ?—The result of that has been that the Corporation of Glasgow has been mulcted in sums of from 10s. to 15s. and £1 per week for some of my old paupers that could be kept in the workhouse at 5s. a week.

21774. At all events, putting this mentally defective class upon the county councils and town councils has resulted in the transference of some ordinary pauper patients to a new authority ?—Yes.

21775. That is overlapping in the very worst form ?— Yes.

21776. And furthermore the town councils and county councils are not very much inclined to take on this new liability ?—No, they have got afraid of it since this experiment by Glasgow.

21777. Does that point out to your mind any reasons for making one Act dealing with local administration apply both to England and Scotland ?—Yes, that is one of the miseries of Scotch administrators in connection with the legislature, which tacks on to an English Bill the same provisions appertaining to Scotland without having any knowledge as it were of the forms prevailing in Scotland.

21778. This is one, the Inebriates Act, which does not fit into the Scottish circumstances. Can you tell us another—the Unemployed Act ?—Yes, the Unemployed Act is just another case in point.

21779. Putting relief upon an authority that never had relief work to carry out before ; is not that it ?— Yes ; the result was that we had to be called in to help them.

21780. There are one or two other classes of cases about which I should like to ask ; senile dements—you think these can be thoroughly and efficiently nursed and cared for in workhouses in special departments ?—Yes, set aside and licensed by the General Board of Lunacy.

21781. That is essential, but it is a class of case that requires nursing more than restraint ?—Yes.

21782. They could be very well taken care of in private hospital wards ?—Quite.

21783. For that again you want large population and combination ?—Yes, upon the same lines as the "ins and outs" and the children.

21784. There is still another class of case about which we had evidence last week and which I think you mention in your statement, that is prison cases—defective habitual offenders ?—Yes.

21785. Let us hear your opinions about that ?—I feel that it is a hardship upon the inmates of district lunatic asylums that cases such as these removed from Perth Criminal Asylum, Peterhead, and the Glasgow Prisons, should be dumped down among the respectable class of poor confined there.

21786. How do you propose to deal with them ? Have you any suggestion to make ?—They should be transferred to the place that I understood was always designed for them, namely Perth lunatic asylum.

21787. Which of course is not large enough to take them all in ?—I do not know.

21788. You would extend the criminal lunatic department to take them all ?—I think that is the way out of the difficulty.

21789. Have a State asylum to take them all in ?—Yes.

21790. Who is to pay for the maintenance there; have you any opinion as regards that ?—I do not care who has to pay for it; it comes out of the pockets of the public in the long run.

21791. But it does not all come out of the local funds at the present moment ?—That is immaterial. If these men and women are from my point of view paupers, then the Poor Law authority ought to pay for them, no matter where they are, just in the same way as we pay for boys and girls in reformatory and industrial schools.

21792. In your opinion the parishes would gladly pay for these patients in a State reformatory if they could get rid of them and get them cared for elsewhere ?—That is my opinion.

21793. That would be the best way to finance it ?—Yes, the simplest way.

21794. It brings these lunatics in line with the other lunatics in the country ?—Quite.

21795. (*Mr. Chadwyck Healey.*) Your evidence has been directed chiefly to the pauper class of defective ?—Entirely.

21796. Have you any suggestion to make about the class of defectives who are not paupers ?—No, I have not thought of that.

21797. (*Mr. Byrne.*) Of course you knowing Glasgow have considerable experience of the industrial school system which is much used in that neighbourhood; at the present moment feeble-minded children are theoretically excluded from those schools ?—Yes.

21798. And practically are excluded from them to a considerable extent ?—Yes.

21799. Do you approve of the system under which reformatory and industrial schools are run, do they do good in your district ?—They do.

21800. Are they economical ?—I cannot say that.

21801. You know how much they cost ?—Roughly speaking I know what we pay for our cases, but I do not know the total cost.

21802. Do you think it would be a good thing if industrial and reformatory schools could be made to include the defectives, or special schools started to include the defectives, either the morally defective or the mentally defective ?—I would rather see them apart.

21803. No matter how slight their defect was ?—That is so.

21804. Supposing you had them apart do you think an institution of the nature of a reformatory school would be a good thing for them, or would you prefer to have them in a place such as you have your idiots in—the £11,000 place ?—I would have them in practically the same place—but not in such an extravagantly built place.

21805. In a block ?—In a block, or preferably in small detached cottages in the country—a miniature farm colony.

21806. I was coming to that, because a reformatory school is that, is it not ?—No.

21807. Some of your reformatory schools are—Stranraer Reformatory School for instance ?—That is a very small one. Mossbank I know; that is simply one large building.

21808. It is that sort of thing you would like to see; not a palatial institution ?—I do not agree with palatial institutions.

21809. With regard to the feeble-minded people at home you say for our information that "The parish takes up and deals with all persons requiring relief" from so and so, "or insanity, under which latter head we include imbeciles, idiots, and feeble-minded persons where their parents or guardians are unable to continue to take care of them or provide for them in a proper manner." To what extent do you get to know about the existence of such children at home; in Scotland generally I mean, not in Glasgow where the education authority looks after them ?—Either the parent or a relative or the clergyman or a school master induces the parent to apply to the parish to get this child removed to some place of safety. That is the process.

21810. The only way to do it except by paying privately at Baldovan and so on, is to do it through the Poor Law ?—That is so.

21811. Is there any sentiment which prevents people from taking advantage of good advice given to them ?—No.

21812. The decent artisan fairly well off would get one of his people taken care of in a Poor Law institution ?—That is so. All these people pay the parish a reasonable sum per week in name of the Board.

21813. Still, they lose their vote, do they not, in Scotland ?—I cannot tell you.

21814. They are paupers ?—They are entered through our books and are classed in the same total of the poor chargeable.

21815. You would like us to gather that probably the people in Scotland see the utility of taking this step for their children and for themselves, and consequently there would be a larger proportion of such defectives being dealt with than there is in England ?—Probably, yes.

21816. With regard to the observation wards, most useful institutions, which you started at Barn Hill and afterwards at the Eastern District Hospital, is the Eastern District Hospital in the middle of the city ?—No.

21817. Is it available for the city ?—It is within ten minutes' car from the Central Chambers.

21818. It no doubt performs a useful function ?—Yes.

21819. It is so useful that you have said you would like to see it extended ?—I would.

21820. It would be very difficult to extend that in sparsely populated districts, would it not ?—It could be extended by combination on the lines I have already referred to in connection with "ins and outs."

21821. There is no power at the present moment to enforce such combination ?—No.

21822. You would recommend that such power should be given ?—Yes.

21823. And consequently power to some central authority to inquire how such people were dealt with in the district before you brought about the combination ?—Yes.

21824. With reference to your experiment with the epileptics at Stobhill, I suppose you do not consider that the right sort of place in which to keep epileptics permanently, do you. You later suggest an open-air colony ?—Undoubtedly, to take a certain number of cases necessarily we must put them somewhere; they are not reformable in any way. Out of the total number of sane epileptics, ninety-four, there were so many sent to this hospital, Stobhill, and so many we still have there for the purpose of being sent to a new Home about to be opened at Bridge-of-Weir. We were going to experiment in those that we thought to be curable by paying a rate to this philanthropic society, but, unfortunately, something has gone wrong with the water supply and they have not been able to take them off our hands yet.

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21825. There is no general system under which epileptic institutions can be started in Scotland; it must be part of the Poor Law ?—Part of the Poor Law, and that subject has been before the General Committee of the parishes of Edinburgh, Glasgow, and Govan in connection with the erection of suitable Homes for epileptics throughout the country. That subject has been laid aside till the Poor Law Commission reports on the matter.

21826. Have the Poor Law authorities in Scotland power, supposing they started an epileptic institution, to take in a paying person, a person of whom it could not be said for one moment that he was a pauper; say a person with many hundreds a year ?—No, we cannot take a case of that kind.

21827. It would be desirable, would it not ?—It would if the people were agreeable for their relatives to be sent to the institution.

21828. And the ideal institution would be an asylum for the rich person as well as the poor person ?—Undoubtedly.

21829. Your own aged feeble minded cost you 10s. or 12s. a week, do they not, except those you send to the Little Sisters of the Poor, for whom you pay 12s. a month ?—Yes.

21830. That is an example, I suppose, of religious and philanthropic extravagance ?—No, there are limitations to these, and exceptions. I do not call that a philanthropic institution, it is eminently religious.

21831. You distinguish between those ?—Yes.

21832. Your suggestion that economy might not be gained in that direction refers to philanthropic institutions, not to a religious institution ?—Yes; that is first and foremost a religious institution.

21833. A mendicant religious society ?—Yes.

21834. Is it an offence in Scotland under the Poor Law, Vagrancy Law, or any other Act, for a person by drunkenness to bring himself upon the rates ?—I am sorry to say it is not.

21835. Would you recommend that it should be ?—I would, strongly.

21836. If it were made an offence would you make it one of the offences for which a person should be committed for a considerable term of years to a reformatory ?—Yes. I am in favour of the penal clause of the German code, 301. I have not got it in my head at the moment, but it has been referred to elsewhere. If we had some provision like that in Scotland—at all events where a man goes away to play, drink, or debauchery, etc., etc., so that his wife and dependents become chargeable on public funds—so that he could be committed to a House of Correction for a given period, it would be useful.

21837. That is the case in many other countries as well as Germany, Belgium and so on ?—Yes.

21838. You would like to see that in England and in Scotland ?—Yes.

21839. Do you think a person who comes within that description is a person with respect to whom an indeterminate sentence seems called for ?—Yes.

21840. You think there is no use whatever in saying it is an offence for which he may get three months' hard labour; would that be any good at all ?—It would require two alternatives.

21841. You would like in some cases to be able to give hard labour ?—Yes.

21842. But you would like to have a power of giving an indeterminate sentence in an institution where he could be made to work ?—Such as a first offender—a first offender who has been before the Court for this given misdemeanour.

21843. It has been suggested to us that the first offender in that way is a person whom it is less desirable to deal with, because if you take him fresh you may possibly reform him and get him into habits of work and restore his manliness, whereas if you take an old offender there is no power by which you can reform him. Have you ever known a person who has been convicted 100 times reformed by any agency, in heaven or earth ?—No, I would lock that person up for life.

21844. Admitting that, do you think the indeterminate sentence might be tried with the defective in the case of a man, say of twenty-two, who had only thrown himself on the rates, say, three times in one year ?—Yes, I am in favour of that and probation for first offenders —both.

21845. According to the circumstances of the case ?—Yes.

21846. (*Dr. Dunlop.*) Mr. Byrne was asking about pauperising; when a person requires relief for an imbecile child, does not that pauperise the person in Scotland ? No, the name goes through our books. It depends on what you mean by pauperising.

21847. The child is receiving parochial relief ?—Yes.

21848. But the father of the child does not *ipso facto* become a pauper and lose his Parliamentary vote ?—No, and it does not affect his settlement.

21849. (*Mr. Byrne.*) Does not he become a registered pauper within the meaning of your return ?—The child's name appears in our books as a pauper.

21850. Not the father ?—Not the father.

21851. (*Dr. Dunlop.*) You have had large experience in starting new districts for boarding out; I think it would be of interest for you to tell us what you have done in Fife, for example ?—Previous to May, 1885, the borough and parish of Glasgow had practically no boarding out. After that period, to prevent the erection of additions to the asylums, and as we knew there were a number of chronic harmless cases quite fit to be boarded out, efforts were at once started to find suitable places. I am a native of St. Andrews and I knew that in the county of Fife there were a number of little hamlets or villages where weaving had been practiced for ages past, and I went there personally and sent my assistant to elicit the sympathy and good offices of the local medical gentlemen, and was able to board out, roughly speaking, what has now risen to a very, very large proportion of our insane at sums varying from 6s. to 7s. per week. The average cost last year is 8s. 8d. per week; the difference between that and keeping them in an asylum, roughly speaking, would be about £2,500 or £3,000.

21852. (*Chairman.*) Did you have any difficulty in getting the first ones boarded out there ?—None whatever.

21853. Of course, after the first few I suppose it was very easy ?—After the first few we could then pick and choose the best type of guardian.

21854. You have, of course, to be very careful what cases you do board out, first ?—We went through this particular asylum and found the class of inmates that were working about the farm, and on the land, and were otherwise suitable for boarding out; we selected them and got the medical superintendent to certify that they were fit to be boarded out and removed them accordingly.

21855. (*Dr. Dunlop.*) At the starting of it there was difficulty, but that was got over by your personal persuasion ?—And that of the medical gentlemen in the district. A striking example of that is Dr. Constable of the parish of Leuchars in Fife.

21856. (*Mrs. Pinsent.*) You have not built special houses for the purpose, you take the houses as they are ?—We take the houses as they are, and preferably with some aged couples whose family have gone off and left them with plenty of bed accommodation, and preferably in fruit-growing districts, such as the village of Balmullo in Fifeshire, near Leuchars Junction, and Ceres and Craigrothie further west, and especially the district of Lanark which was visited by members of the Home Relief Congress under the presidency of Dr. Charles Macpherson, the previous witness.

21857. I suppose the houses are first inspected ?—The house is first inspected by the inspector of poor; if it passes him, application is made to the General Lunacy Board, and Dr. Macpherson and his colleague then visit, and before we can put a patient in there it must receive their approval.

JOHN CARSWELL, Esq., L.R.C.P.E, F.F.P.S.G., J.P., called; and Examined.

21858. (*Chairman.*) You have been so kind as to give us a statement of your evidence, may we put that on our notes?—Certainly.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY JOHN CARSWELL, ESQ., L.R.C.P.E., F.F.P.S.G. J.P., CERTIFYING PHYSICIAN IN LUNACY TO THE GLASGOW PARISH COUNCIL; PHYSICIAN TO THE MENTAL DEPARTMENT, EASTERN DISTRICT HOSPITAL, GLASGOW; LECTURER ON MENTAL DISEASES, ANDERSON'S COLLEGE MEDICAL SCHOOL, GLASGOW; EXAMINING MEDICAL OFFICER TO THE CLASSES FOR MENTALLY DEFECTIVE CHILDREN, GLASGOW SCHOOL BOARD; LATE CHAIRMAN OF THE INEBRIATES COMMITTEE, GLASGOW CORPORATION; MEMBER OF THE GLASGOW JUVENILE DELINQUENCY BOARD.

Since 1878 I have been engaged in the practice of medicine, and have been specially interested in the department of lunacy. I was for two and a half years assistant medical superintendent of Woodilee Asylum, Lenzie, and subsequently was engaged in private practice in a large working class district of Glasgow, and at the same time held the appointment of certifying medical officer to the Barony parish of Glasgow, in which capacity I certified in lunacy, and I also certified applicants for admission to the poorhouse; in the latter capacity I medically examined considerable numbers of the pauper class, particularly of the class of habitual paupers known in Glasgow as the "ins-and-outs." For a number of years I have devoted myself entirely to practice in mental and nervous diseases. As a member of Glasgow Town Council for seven years I had opportunities of observing the operation of the provision made in model lodging-houses, and various other Homes and shelters for the homeless classes, and I was Chairman of the Inebriates Committee, under whom the reformatory for inebriate women is carried on by Glasgow Corporation.

In the course of my duties I see a large number of persons suffering from mental disorder, charged with petty offences or crime at the various police offices of the city.

I examine on behalf of the school board the children admitted to their special schools; and I am familiar with the class of children who come within the scope of the operations of the Juvenile Delinquency Acts, being a member of the board of directors.

I have for many years advocated hospital wards or reception houses for the treatment of temporary or undefined and incipient insanity, and I am physician to the wards for that purpose established by the Glasgow Parish Council.

I shall be prepared to answer questions on points which may be within my knowledge arising in connection with any of the departments just indicated. I may, however state some general conclusions which my experience has led me to adopt.

WHAT IS FEEBLE-MINDEDNESS, AND WHO ARE THE FEEBLE-MINDED?

The term feeble-minded, for the purposes of this inquiry, seems to be held to apply to all persons who show mental infirmity of any degree, from idiots and certifiable lunatics up to a certain undefined class of persons who are facile in their thinking and habits.

So far as certifiable lunatics are concerned I am not aware of the existence of any complaint that such persons are inadequately or improperly cared for in Scotland. No doubt improvements might be effected. but most of, if not all, such alterations are within the powers and at the discretion of the General Board of Lunacy, and of the local authorities concerned.

Idiots and imbeciles are on the whole well cared for under the sympathetic interest of the General Board of Lunacy, private charity, and the parish councils; but there is room for extension of the existing provision, mainly I think in the direction of provision for the custodial care of imbeciles after they pass school age.

I desire to state clearly and explicitly that no such state of matters exists in Glasgow, as regards the care and education of imbeciles and idiots, as Miss Dendy has described as existing in Manchester, and, I think, also elsewhere in England. The school board is vigilant in ascertaining the number of imbecile and idiot and mentally defective children of school age in Glasgow, and all the cases unsuitable for education in the special classes are reported to the Parish Council who quite readily undertake the obligation of making provision for them. If any children are not provided for, it is because the parents will not consent to their removal from home. I do not consider compulsory powers of removal of an imbecile child from its parents necessary under existing circumstances, because the cases in which such powers would be advisable are extremely rare.

John Carswell, Esq., L.R.C.P.E., F.F.P.S.G., J.P.

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If the term "feeble-minded" be limited in its application to the two classes of (*a*) registered lunatics, and (*b*) idiots and imbeciles, we may estimate with tolerable accuracy the nature and the prevalence of such feeble-mindedness; and my opinion is that in Scotland it is only in the case of idiots and imbeciles that further provision is necessary. I think that small parishes might with advantage receive special assistance from the Imperial Treasury, towards the cost of maintenance of imbecile children in training schools.

But there exists a large class of feeble-minded persons who do not come within the scope of existing lunacy legislation, the character and degree of whose mental infirmity is not easily defined, and for whose proper control and care no satisfactory provision exists, although they are nevertheless a burden upon the community, being found in special schools, industrial schools, reformatories, poorhouses, prisons and similar institutions.

It is impossible to define satisfactorily the term "feeble-minded" as applied to the group of persons I have indicated. At the same time I think that the mental characteristics and habits of the persons referred to are sufficiently known to make it possible to frame such a definition of the term "feeble-minded" as would satisfy the requirements of any statutory provision that might be suggested for their better care and control.

FEEBLE-MINDED CHILDREN UNDER SCHOOL AGE.

Although this is not a numerous class, (and as a rule parents do not ask for public assistance for them), yet there are many cases where an idiot or epileptic infant in a poor family living in a small house is a serious burden. These cases come under the class of imbecile children for whom extended provision is necessary, which has been already alluded to.

FEEBLE-MINDED CHILDREN OF SCHOOL AGE.

According to the last published returns of the Glasgow School Board there were in the Glasgow School Board area, (total population at all ages 621,692).

Between ages 6 and 14, estimated number of children	100,961
Between ages 6 and 14, at school	97,682
	3,279

being 96·7 per cent. at school.

"This difference is to be accounted for by (*a*) children who, owing to their family circumstances, have been exempted on condition of their attending an evening school (*b*) infirm children; (*c*) children belonging to Glasgow who are in institutions outside the School Board area; and (*d*) children being educated at home."

Imbecile children in institutions	123
Mentally defective children in special schools	202
	325

being 0·32 per cent. of children of school age known to be feeble-minded or imbecile.

It is probable that further systematic efforts towards bringing mentally defective children under official cognisance and the provision of special schools in new centres would result in an increase in the number of such children, but there is no reason to suppose that it would reach more than 1 per cent. of the children of school age.

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There are many children of poor mental capacity, and others who manifest delinquency, all of whom are in a sense "defective," but the majority of such children are not inherently feeble-minded and would respond in increased mental tone if properly cared for and properly fed. The results of boarding-out of pauper children by the large parishes in Scotland prove that. It would be wrong in my opinion to classify those children under the term "feeble-minded," not only for the reasons indicated, but also because to do so would obscure the true dimensions of the case for the care of feeble-minded children, and divert attention from the consideration of social questions of wider relations. They are the children of poor, frequently inefficient, and even defective parents, but it does not follow that they are defective or feeble-minded children. 2,645 Glasgow children of school age are in various reformatories and industrial schools, and are mostly the children of inefficient parents, yet in spite of the physical and social disadvantages of their early years, there is the satisfaction of knowing that the great majority of these children do well.

Extended provision for the teaching of mentally defective children in special schools, and of accommodation for the care and training of imbecile and idiot children to the extent of 1 per cent. of the school age population ought to meet the requirements of Glasgow, and both can be provided by the local authorities under the present law. The results of teaching in the special schools are as satisfactory as may be expected, and I give two typical lists tracing the after history of the children.

GROVE STREET SCHOOL DEFECTIVE CLASSES.

Pupils who have Left School.

February, 1906.

Name.	Date of Birth.	Date of Leaving.	Remarks.
1. J. McH.	25th Nov., 1889	June, 1904	Working with his father, a master plumber.
2. W. R.	11th Oct., 1889	Sept., 1903	Comes to school sometimes. Cannot keep a place—a regular loafer.
3. R. H.	5th Dec., 1892	Sept., 1904	Removed to Braid Street School.
4. G. McL.	3rd Jan., 1891	May, 1905	Carries milk, etc. Poor sort of home.
5. J. R.	27th Sept., 1892	Sept., 1904	Removed too far to come to this school.
6. J. G.	1st June, 1890	Mar., 1903	Well behaved, but stupid. Was tried in plumber's, but was of no use. Working with fruit barrow.
7. J. B.	9th Sept., 1892	Oct., 1904	Removed to Henderson Street School.
8. F. B.	17th Apr., 1889	Oct., 1902	Removed to Rochvilla School.
9. J. O.	17th May, 1892	Sept., 1902	Removed to poorhouse.
10. A. B.	17th Jan., 1889	Dec., 1902	„ „
11. W. A.	29th June, 1891	Aug., 1902	„ „
12. C. B.	22nd Aug., 1890	June, 1905	Helping at home; very soft.
13. K. McG.	26th June, 1891	Mar, 1905	Doing odd jobs; would need supervision. Poor sort of home.
14. M. C.	18th Dec., 1892	Feb., 1903	Unfit for class.
15. K. T.	17th Sept., 1891	Mar, 1903	Removed to St. Aloysius' School.
16. A. G.	15th July, 1892	Mar., 1903	Boarded out by Parish Council.
17. K. I.	13th June, 1890	June, 1904	In care of Arlington Home. At present in service in Dennistown.
18. A. G.	5th Feb., 1889	Feb., 1903	Have not seen or heard of him.
19. J. J.	5th Mar., 1894	Jan., 1903	Removed to Kerr Street Cripple Class.
20. R. C.	20th Mar., 1894	Oct., 1902	Removed to Larbert.
21. J. J.	2nd Jan., 1887	Dec., 1904	At home—well cared for. Mongshan.
22. W. McN.	31st Mar., 1890	Aug., 1904	Not able to work—poor sort of home.
23. M. C.	5th Jan., 1895	June, 1905	Removed to Falkirk.
24. A. W.	26th May, 1887	June, 1905	Cretin. Not able to work.
25. R. McK.	24th Nov., 1890	Mar., 1905	Finds it hard to get work.
26. A. McK.	9th Sept., 1896	Mar., 1905	Removed from district.
27. A. W.	24th Dec., 1890	Dec., 1904	Went to Coatdyke.
28. C. R.	26th June, 1899	Dec., 1904	R.C. Removed to St. Aloysius' School.
29. D. McN.	6th June, 1893	Aug., 1905	Removed to Stobhill Hospital. (Fits.)
30. S. McE.	26th Dec., 1895	June, 1905	R.C. Removed to St. Joseph's School.
31. M. C.	26th Dec., 1895	Mar., 1905	Removed to Scotstown.
32. W. W.	(Dead)		
33. G. W.	(Dead)		
34. J. D.	21st Feb., 1891	Sept., 1906	Not able to work—well cared for at home.
35. J. H.	Transferred to ordinary class, and doing well there.		
36. S. McK.			
37. J. H.			

FINNIESTON SPECIAL SCHOOL.—MENTALLY DEFECTIVES.

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Children taken off Roll, 1901–1906.

Name.	Date of Birth.	Date of Leaving.	Remarks.
D. J.	Oct., 1887	Nov., 1901	Tried various places as errand boy, but lost all his jobs. Taken advantage of by bigger boys on the street, and gave up to them whatever they asked. Tried brass-finishing, unsuccessful at that. Now at home. Very decent people.
L. D.	Mar., 1891	June, 1902	Sent to Larbert Inst.
D. McG.	Jan., 1890	Sept., 1902	Priest interfered, and had him sent back to R. C. school.
T. W.	Nov., 1889	Aug., 1902	Promised to apply for admission to Larbert. Still at home, Nov., 1905.
J. M.	April, 1892	Oct., 1902	Sent to Larbert Inst.
M. S.	June, 1886	Aug., 1902	Went to work with his father in a bottling store. Is still there earning 6s. a week.
D. McI.	Nov., 1891	June, 1903	Sent to Larbert Inst.
J. M.	July, 1889	Aug., 1903.	Still at home with grandmother, who won't hear of his being sent away. Seems in consumption. Has lately been left a small legacy. Had pilfering habits.
A. McD.	July, 1887	Sept., 1903.	Mind gave way completely and was for a time in Gartloch. Now at home, and not able to do any work.
W. W.	June, 1892	Dec., 1903	Imbecile—taken off roll. Father would not hear of his being sent to Larbert, and gets someone to teach him at home. His sister has lately been enquiring about proposed Home (After-Care Committee). Would send him there.
D. F.	Nov., 1890	Mar., 1904	Exempt under 14, as family was in needy circumstances, and D. was offered a job at 6s. a week. Family removed from district.
G. M.	April, 1898	June, 1904	Family removed from district, and could not be traced.
R. T.	May, 1889	Aug., 1904	Left school to become a fish-cadger. Has lately hawked briquettes, and got into trouble with mother for withholding part of his wages. Struck his mother and got 7 days' imprisonment for assault. At school showed temper occasionally.
H. M.	Dec., 1888	Feb., 1905	Left-sided paralysis. Went to be a message boy, but lost job owing to another boy coming back. Has since been idle.
J. S.	Jan., 1897	Nov., 1905	Mother out working all day, and could not look after children. Both, along with a younger child, sent to Baldovan Inst.
G. S.	June, 1900	Nov., 1905	
M. C.	Dec., 1889	May, 1901	Removed to Paisley.
J. McS.	May, 1888	Aug., 1902	Eye defect. Was very deaf at school. Deafness increasing. Working in Carlaws (ticket packing) 4s. a week.
M. L.	April, 1891	Aug., 1902	Removed—present address unknown.
A. B.	April, 1891	Aug., 1902	Removed to Kilbowie.
I. McC.	Aug., 1899	Nov., 1902	Trained in Girls' Home, Renfrew Street. Cannot find out present whereabouts.
J. McI.	July, 1887	Feb., 1903	Was very delicate at school. Now working in fancy-box makers, 4s. or 5s. a week.
M. L.	May, 1890	Aug., 1903	Removed to Clydebank.
J. R.	Dec., 1891	Sept., 1903	Sent to Baldovan Institute.
R. C.	Oct., 1886	Nov., 1903	Trained in Girl's Home, Renfrew Street, and is now in service.
M. D.	Oct., 1889	Mar., 1904	Was working for sometime in Carlaw's (with J. McS. above), but was paid off at slack time. Now idle.
S. G.	Aug., 1895	May, 1904	Family admitted to poorhouse. Children boarded-out.
M. C.	Mar., 1897	Sept., 1904	Removed to Dumbarton.
J. O.	Aug., 1893	May, 1904	Removed to Partick.
M. H.	Mar., 1887	April, 1905	"Silly" in appearance and conduct. Learnt very little in class. Now at home. Mother says will be kept at home.
J. A.	Nov., 1895	May, 1905	Removed to Mt. Florida, where tried in ordinary school.

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FINNIESTON SPECIAL SCHOOL—MENTALLY DEFECTIVES—*continued.*

Children taken off Roll 1901–1906—*continued.*

Name.	Date of Birth.	Date of Leaving.	Remarks.
R. H.	July, 1890	May, 1905 Transfer.	Left when 14. Father says he is going to keep her at home, and refuses to hear of her being sent to an institution. She is very defective.
L. L.	June, 1893	Mar., 1902	Transferred to Finnieston ordinary school. Makes very fair progress.
C. E.	Aug., 1891	May, 1903	Transferred to Finnieston ordinary school. Made good progress. Now at home.
A. E.	Jan., 1891	Aug., 1903	Transferred to Kent Road school. Have had good reports of him from there.
W. McL.	Jan., 1893	Jan., 1904	Transferred to Finnieston ordinary school. Makes fair progress.
J. H.	June, 1896	—	Sister of R. H. alone, died September, 1905.

ADOLESCENT FEEBLE-MINDEDNESS.

If feeble-mindedness always manifested its existence during the period of childhood it would be a comparatively simple matter to devise measures for the control of the majority of the feeble-minded, as much that has been written on the subject seems to imply. It is a fact, however, that only certain congenital defects of brain growth and certain brain diseases of infancy which interfere with the nutrition of the brain show their presence in early life. In my opinion the period of adolescence is the starting point in the life history of the individual of a large number of cases of true feeble-mindedness, although it may not be associated with any apparent intellectual defect.

The adolescent insanities are well known; but short of actual insanity there exist many conditions of moral defect and perversion and general incapacity that can only be considered to be pathological.

I am of opinion that all adolescents who are found to be habitual offenders, or inebriates, or paupers, should be carefully examined as to their mental condition, and, if found to be defective, should be committed to a labour colony until such time as it may be considered safe to discharge them. I know of no figures which would enable us to estimate how many persons of this class exist in the community, but it is probable that they bear a definite relation to the number of persons who become insane during the age period fifteen to thirty. During each of the last five years in Glasgow parish the number of persons who became insane (pauper lunatics) during the age period fifteen to thirty was as follows:—

Year.			Proportion per 10,000	
	M.	F.	M.	F.
1901	52	59	5·9	6·9
1902	76	51	8·5	5·9
1903	45	39	5·0	4·5
1904	57	58	6·2	6·5
1905	64	62	6·9	6·8

The number of persons living at those ages averaged about 90,000 males and 88,500 females.

THE FEEBLE-MINDEDNESS OF LATER LIFE.

These are of two classes, (*a*) the premature failure and (*b*) the senile feeble-mindedness.

(a.) *Premature Failure.*

A large number of persons who have spent their lives in an industrial community become social derelicts at ages forty to fifty. Most of them are given to drink, and, as a rule, sympathy and occasional assistance fail to save them. Those who become paupers should be compulsorily detained because they wander in and out of the poorhouse and have no capacity to better themselves; those who fall into criminal ways should be committed to labour colonies.

(b.) *Senile Feeble-Mindedness.*

The number of aged people sent to asylums is increasing, and I am of opinion that more provision should be made for feeble-minded aged people, and if possible outside asylums.

In Glasgow parish during the last five years the number of persons sent to the asylum for the first time at ages fifteen to forty-five has been equal to a proportion of about 8 per 10,000 persons living at these ages, and there is no indication of any tendency to increase, whereas the proportion of persons over forty-five sent to the asylum for the first time has been about 13 per 10,000, and there is a distinct tendency upwards.

The conclusion I draw from that is that public assistance in the maintenance of feeble-minded people who cannot contribute to their own support is being sought in increasing measure, not because mental failure is becoming more frequent at those ages, but because people are more readily accepting public assistance, and the conditions of the labour market are becoming more unfavourable to the employment of feeble-minded people.

HABITUAL INEBRIETY AND FEEBLE-MINDEDNESS.

The majority of habitual inebriates are feeble-minded or confirmed neurotics, particularly those who have reached the stage of being "habituals" while still in the adolescent period of life. The hopes entertained of reforming *young* inebriates have been sadly disappointed by actual experience.

I am strongly in favour of further powers of compulsory control over the person and property of habitual inebriates; and I think that such compulsory powers should be extended to the case of the habitual drunkard who is a danger to himself and others, but who may not have committed any police offence or crime. "Habitual drunkard" should include "habitual user of narcotic drugs."

OBSERVATION WARDS OR HOSPITALS FOR THE CARE AND TREATMENT OF INCIPIENT OR UNDEFINED INSANITY.

The Glasgow Parish Council provided two wards for the care and treatment of early cases of insanity, and I have had medical charge of the patients since the opening of the hospital in June, 1904. I submit a return showing the number of patients treated and the results of treatment from the opening on 15th June, 1904, till 18th February, 1906.

OBSERVATION WARDS, EASTERN DISTRICT HOSPITAL, GLASGOW.

	M.	F.	T.
Admitted:—			
Delirium tremens	156	69	225
Delirium (non-alcoholic)	27	11	38
Excitement	52	73	125
Depression	74	87	161
Mental confusion	91	70	161
" " (puerperal)	–	16	16
Stupor	15	9	24
Hysteria	2	14	16
Cerebral disease	5	2	7
Epilepsy	17	15	32
General paralysis	14	3	17
Dementia	25	12	37
Delusional states	19	14	33
Various	37	7	44
Total under treatment	534	402	936—936

	M.	F	T
Discharged:—			
Cured	242	171	413
Relieved	96	64	160
	338	235	573—573
To asylum	133	116	249
To other asylums	7	9	16
Died	34	30	64
	512	390	902—902
Remaining at 15th	22	12	34—34

Note.—During the period reported upon ninety admissions were re-admissions.

The system has worked satisfactorily, and has been greatly appreciated by the patients and their relatives. Under proper safeguards for the separation of respectable patients from the degraded or criminal class of defectives it would be possible to utilise the wards, or additional wards, for the purpose of systematic and extended observation of persons supposed to be feeble-minded who may have fallen into criminal ways.

J. CARSWELL.

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21859. (*Dr. Dunlop.*) You have had experience, I think, in practically every aspect of the subject which this Commission is considering?—I have had experience in a great many directions.

21860. Might I ask you to go through a few of the classes dealt with? First of all about school children; you estimate the number of school children defectives as 1 per cent. of the total?—That is an estimate only; it is not based on any actual investigation beyond taking the number of children chargeable to the parishes included in the school board area of Glasgow as imbecile and idiot children and provided for in institutions *plus* the number of children in special classes in the Glasgow school board area. I think probably further investigtaion would increase that number, but I do not think it would increase it beyond 1 per cent. That is inclusive of what are called defective children, and idiot and imbecile children.

21861. But 1 per cent. in your opinion is quite an outside figure?—I think so. I should be surprised if actual investigation showed it to be higher.

21862. In Glasgow at the present moment, dealt with in various ways, there are about 400 between the imbecile asylums and the special schools?—325.

21863. Do you think that total would be more than doubled?—I think it is likely.

21864. Regarding special schools, what is your impression of the result of teaching in special schools? You do not cure imbecility, do you?—No.

21865. To what extent is it relieved or improved?—Imbecility is not removed, but the aptitudes which even imbecile and defective children have are educated up to a certain point, and that education enables them to live a somewhat more rational existence, and makes them more amenable to association with other children and other people.

21866. It makes them more human?—It makes them more human.

21867. It does not make them self-supporting, they cannot compete with normals?—Not imbeciles. If you distinguish between imbeciles and the children in defective classes, a certain number of children in defective classes have come to be able to earn a little. There are cases, even out of imbecile institutions, where children have come to earn a little, but they are comparatively rare.

21868. You are aware of the distinction made in the English Act, simply dull and backward, imbecile, and something intermediate?—I am aware of that and am expected to apply it in the examination of the Glasgow school children.

21869. Is it not the fact that the dull and backward may be made to be useful members of society, but after you get past that into any lower grade than the dull and backward the chances or real successful training are very small?—That is so.

21870. Special schools are very expensive, are they not?—I cannot tell you the cost, but there is a special grant, I understand, given by the Exchequer for these special schools, and presumably on account of their extra expense.

21871. Do you know how much per head it costs in Glasgow?—I cannot tell you that. The teachers are specially selected, they are better paid than the ordinary teachers, and the size of the class is limited to twenty for each teacher.

21872. All that means much more expensive teaching?—Yes.

21873. Do you think the results justify that large amount of expensive teaching?—it is early yet to speak of justification of such expenditure. It will require something to justify it.

21874. In Glasgow it has not been going long enough?—I would not like to express an opinion on that point. I think it is a humane and proper thing to do and a scientific thing to do, and I do not think the expense is so very great that the ratepayers need complain of it.

21875. Take 1,000 children in Glasgow, which is the maximum number you give?—That includes idiots and imbeciles who would require to be in institutions.

21876. Let us call it 500 for the special classes. The evidence in England is to the effect that it costs about £10 per head; that means about £5,000 per annum. Do you think Glasgow could spend that sum better in institutions?—I am not enamoured of institutions if they can be avoided.

21877. As regards imbecile institutions or asylums in Scotland, you state that powers exist now for the establishment and maintenance by parishes?—That is so.

21878. As a matter of fact, barring this one small institution at Woodilee Asylum, it is not done by parishes directly?—It is not.

21879. Can you tell me why that is, or is that a point more for the central authority to express an opinion on?—I do not think the question of the care of imbecile children in Scotland, certainly in Glasgow, has been so very urgent a question hitherto as to force the question to the point of serious consideration and decision. It is always a question that has been discussed, considered, and talked about, but I do not think that the difficulties have been such as to create a public opinion forcing the question to a decision.

21880. Is that condition of affairs not rather due to the fact that Glasgow is the only city in Scotland which does very much for its imbeciles—is active in dealing with its imbeciles—and that there is consequently room in the philanthropic institutions for the Glasgow children?—Probably. I daresay many causes have operated.

21881. It is a fact that the district asylums must provide asylum accommodation?—District boards must provide district asylums for the accommodation of the lunatics of the district.

21882. Imbeciles are lunatics in Scotland, are they not?—That is so—that is to say, certifiable imbeciles.

21883. But the district boards have not provided special accommodation for these imbeciles of young ages during the trainable period?—No, they have not provided training schools at all; the case of Woodilee is the case of the provision of a children's department of an asylum for the care of uneducable idiot and imbecile children, but they have not provided training schools in the sense of Larbert and Baldovan.

21884. In your opinion they should, however, provide training schools?—I think that the provision should be made; whether made by the parishes or contributed to by the parishes is a question of administration.

21885. But you say it should be as compulsory on the district boards or parishes to provide training schools for imbecile children as it is to provide asylums for lunatics?—I think that the two cases are equally a suitable requirement of the local authority.

21886. It should be compulsion in one case as much as it is compulsion in the other?—Quite so.

21887. We have had a good deal of cross evidence as to the reasons for removal into imbecile asylums. Have you any opinion to give as to what are the indications for

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removal into imbecile asylums? Would you take all imbeciles; would you make the compulsory removal of imbeciles the law?—As I understand your question it is directed towards the elucidation of contrary opinions that have been expressed here; or there is something involved in the question which I do not apprehend.

21888. I want your own personal opinion. What cases would you remove to imbecile asylums; would you take all cases or only selected cases, and if you select them on what ground would you select them?—I am not clear what you mean by imbecile asylums. We have no such imbecile asylums as you have in England at all.

21889. Institutions comparable to Larbert. What cases would you send to such institutions?—Every child who was manifestly imbecile and who required, or who would be likely to be benefited by, institution care and training, and whose parents were willing that he should go.

21890. Would you send imbeciles who are sufficiently cared for at home?—I think there is now and again a case. I have seen cases, not a great many, where compulsion on the parents would be a wise thing in the interest of the child.

21891. Such a condition of affairs does happen; that ought to be one reason?—Yes.

21892. Another possible reason is where parents are not in a position to take care of them, the mother has to go out to work, or there is a large family, and they cannot take care of the child; do you think such a parent is entitled to claim relief?—I think so, and I have read in the notes of evidence that have been supplied to me that in some places in England instances were given, for example in Manchester, where application has been made to the Guardians for the relief of such a case and has been refused. I know of no such experience in Glasgow. I know of no parish council refusing to discharge its public obligation by relieving the parents of such a child.

21893. Of course you cannot answer for the other parishes in Scotland?—I do not know the practice of the other parishes in Scotland.

21894. In Glasgow, as far as you are aware, these cases are not refused?—They are not refused.

21895. There is one point of difference between the Larbert class of institution and the idiot asylum in England. The idiot asylum keeps them after eighteen, the Larbert asylum discharges at eighteen. Which is the sounder course?—I like both, but separately. I think it would be a pity for Larbert to lose its boarding-school character, if I may put it in that way, for imbecile children, by the accumulation of adult imbeciles, but I see no reason why a training school and an adult imbecile custodial institution should not be run under the same authority; with separate buildings, of course.

21896. Is there any objection to the present procedure of dealing with imbeciles as lunatics in Scotland and sending them to asylums or boarding them out or dealing with them in other ways?—I would prefer personally (it is perhaps only a little sentiment) to see the imbeciles kept together in an imbecile institution instead of being sent into the wards of asylums where there are chronic maniacal and epileptic persons. Frequently these adults are childish, tricky, and provoke the hostility sometimes, just as children do, of older people, and get into trouble. I do not think it is a very serious matter, but I am always sorry when I see adult imbeciles in the ordinary wards of the asylum.

21897. You prefer separate institutions for them?—I do, if it can be done, and provided there are a sufficient number.

21898. Or separate blocks in an asylum?—Yes.

21899. You would not separate, say, dements, and imbeciles who are degraded?—No.

21900. With regard to the mental wards of which you are in charge, what are the useful purposes of these?—I think the figures that I have submitted pretty well indicate the purposes that they serve. These wards serve—and were intended when they were established to serve—mainly the purpose of a curative establishment, not an asylum. It is a wrong thing to assume that we send people there because they are more amenable to management than in an asylum. The question always is, are they amenable to treatment, and if the patient is amenable to treatment we take the patient into our hospital without regard to the question whether they are difficult to manage or not. The result is that we can show that out of 936 cases which we have admitted in twenty months during which it has been in operation we have been able to send away cured and relieved 573, and we have only had to send something like 260 to asylums.

21901. That advantage of the mental wards is rather beyond the subject with which this Commission is concerned; that implies acuteness, does it not?—Yes.

21902. When we come to more chronic cases and the congenital cases—chronic defect—these wards serve a useful purpose, do they not?—They serve a useful purpose in a certain number of those congenital and feeble-minded cases; many of them present somewhat acute symptoms for a short time, say a mild maniacal outburst, and they can be quite well disposed of; otherwise they go to an asylum. The little excitement that brings them within our purview passes off in a week and then we can place them, board them out, or return them to relatives if the relatives desire to keep them at home, and in many ways perform a useful function even for people who are not up to the standard in mental condition.

21903. And they are useful in diagnosing too?—Yes; there are cases in which it is difficult to be sure that the patient is really insane and we take them there. Of course we have no power of compulsory detention.

21904. Do you ever feel the want of that power?—I do not know that we feel the want of it. I should not like to have it.

21905. They have been going for some years now and you do not find you want it?—In a great majority of the cases the people are willing to come.

21906. Regarding inebriates, in your experience how many of these are mentally defective?—My experience, I think I may venture to put it, coincides with that of those who have had larger experience than my own—my own has been considerable; I think Dr. Branthwaite's view, and I rather gather also your own view and others, is that looking back upon our experience in dealing with inebriates a very large percentage (I would not like to put a number upon it) are really defectives and neurotics and that the inebriety is more an incident of their mental life than the cause of their mental condition.

21907. Do you think the present Inebriate Acts meet the requirements of these mentally defective inebriates or not?—I do not think so at all.

21908. In what respects would you suggest amendments?—I should suggest—on the lines of a report I made to the Glasgow Corporation two years ago when I retired from the position of Convener of the Inebriates Committee—amendment in various directions. First of all I would suggest—and it has been embodied in a Bill—that persons who have not been convicted of offences before a police court, but who are habitual drunkards, should be dealt with compulsorily under due safeguards in a legal manner. I would also recommend that parish councils in Scotland (I do not speak for England) be made an authority under the Act, because our experience is that probably 70 per cent. of the people who turn up in the police courts as repeated offenders coming within the first schedule of the Act, are really people who are known to the parish authorities, who have already been a burden upon the rates, who are indeed a constant burden on the rates, or on the police rates, or who on account of their physical or mental condition require care such as the parish is best fitted to afford. These are the two main amendments that I suggest, but there are a number of subsidiary ones.

21909. Do you think that the three year limit of treatment is a sound thing? Do you think it is right to turn them out at the end of three years knowing they are so defective as not to be able to take care of themselves, and bound to go wrong immediately, or should they be subject to permanent detention?—I certainly think they should be subject to permanent detention or at least to some condition that would prevent their becoming again a trouble to the community as they usually do.

21910. What are your views as to the compulsory detention of inebriates of both the monied classes and

the pauper classes—non-police cases?—My view is that there are a large number of cases of people who take alcohol and who take drugs in various forms, who are habitual inebriates, whose habitual inebriety is of the nature of a mental obsession or disorder, and who ought to be placed under compulsory control for their own welfare and for the peace and welfare of the family and the community.

21911. You think that a husband or wife or child of an habitual inebriate should have power of obtaining that compulsory power?—Most assuredly.

21912. And in the same way an inspector of poor should have power of applying for and obtaining compulsory power over paupers?—Over habitual paupers who are also habitual inebriates; that is the suggestion I made in that report.

21913. And that is a most desirable alteration of the law at the present moment?—I think it is.

21914. Have you any views as to the licensing and inspection of all inebriate retreats where these people may be detained?—I am not aware that any question has arisen as to the efficiency of the present supervision of retreats.

21915. A great number are not licensed or inspected at all?—I see your point. There are a large number of places into which people go for a payment for the care and so-called cure of inebriety, and the keepers of these houses apply for a license and are not under official cognisance. I think that should be altered.

21916. You would not put a person under compulsory detention in any institution that was not duly, fully, and properly inspected?—I would not; with one possible exception; it is an idea of my own, and I do not know that it has the backing of public opinion, but I think there are many inebriates who go off into a bout of inebriety at comparatively long intervals, six or twelve months; the bout lasts only a few weeks; I would be very sorry to see such a person placed under care for months or years. I think it would be a very desirable thing if the medical man could in some way certify that that person requires care at the outset of such a bout, which comes on just like an epileptic attack, and put him under care for a period not exceeding four weeks. Probably four days would cut the whole thing sort, and the person would escape the recurrence of the attack, and I think each period of care would lessen the chance of occurrence. I am not clear that I would compel such people to be placed in licensed retreats, necessarily. They might be placed in nursing Homes and elsewhere, but they should be intimated, just as patients under the six months' lunacy certificate can be intimated, to the Commissioners.

21917. But the habitual chronic inebriate you think requires permanent detention?—Yes.

21918. The other class I want to ask about is the mentally defective prisoner. There are a considerable number of these in the country?—Yes.

21919. Have you any suggestion as to how these should be dealt with?—I think they fall under two categories; first of all an offender who is mentally defective, and in any proper view of the case really a lunatic, but who under the present interpretation of what insanity means is not recognised just now as a lunatic. I think those people ought to be cared for and ought to be certified and committed, but probably to a special institution under the care of the State.

21920. You think it would be an advantage from the local administration point of view that there should be an extension of the State asylums?—I think so, to deal with these cases. But then there is the other class to which I alluded, a class of offender who begins in adolescence, begins with small pilferings, gets into trouble and goes through the penal gamut from a few months' imprisonment up to penal servitude, and at forty years of age is found to be a chronic offender. I think when they are caught repeating offences after short sentences there ought to be an examination of such persons, and, if need be, a committal to an institution for the care of such—not an asylum, and not a prison.

21921. Something intermediate between them?—Yes, I should look upon all such people as mentally defective.

21922. The asylums, in the parish you know so much about, do not like to take cases out of prison and mix them with the non-prison population of Glasgow?—No, it is an undesirable addition.

21923. Locally it would be looked upon as an administrative advantage to have them put elsewhere?—It would be.

21924. (*Mr. Burden.*) I think I understood you to say just now that you think it would be advisable to place inebriates under permanent detention?—Some.

21925. Do you think the country would stand that?—I do not.

21926. Do you think it would meet your views if provision were made to recommit a person who had been in an inebriate reformatory on such person being found guilty of inebriety within twelve months of discharge from the inebriate reformatory?—That would meet my views if the country were satisfied.

21927. (*Mrs. Pinsent.*) I have been looking through this list of cases who have left the special classes. They seem to be very similar to the after-care lists of other towns. Can you tell me at all what percentage of these children you think become self-supporting? I see only about seven or eight are reported as wage-earners?—These two lists are taken from two schools in two different districts, and just used as typical of the rest. I have not supplied lists from the other schools; they are practically similar to what I daresay would be produced from the other schools; I do not think that the number of children who have passed through these special schools who will ultimately become self-supporting can be ever expected to be anything but a low percentage. I would not like to put a figure upon it, but I would be surprised if it reached 20 per cent.

21928. I think in that you agree with other people who have given us evidence before, but you would not say the sole end of a special class was to make people self-supporting? You would say, I suppose, that the training given is of very great value in other respects?—I have just tried to say that, in the earlier part of my examination.

21929. Have you any idea in your mind as to the means of getting these people transferred from the special class to labour colonies—those who are not going to be self-supporting or self-standing citizens?—Of course theoretically that is the proper thing. Personally I am always slow to recommend the multiplication of institutions. It will come to it, I daresay, that such colonies will be necessary, but I am not one who feels justified in being an enthusiastic advocate of the after-care colony for all the children who pass through these schools.

21930. May I put it in another way, whether you would consider it advisable that those among these children who are not going to be self-supporting or self-controlled should be boarded out on the Scotch system which other gentlemen have been explaining to us to-day?—Many of them would be very suitable for that. I should think 50 per cent. of them would be very suitable for boarding out.

21931. (*Mr. Greene.*) Does the School Board of Glasgow ascertain only the condition of mind of persons who are of the humbler classes, or do they take pains to ascertain from all classes whether they have imbeciles in the family?—They take pains to ascertain from all classes, but the provision made for the special education of defective children has up to this point been mainly for the humbler classes, and suggestions have been made that among the better classes (and by the better classes in Glasgow I understand people earning from £200 a year to £300, £400, or £500 a year) provision should be made for their children. The figures that are here given, that I submit in my statement, are taken from the School Board returns, and I daresay almost entirely, if not entirely, refer to children of the humbler classes.

21932. Has the education authority knowledge that in the class above what you call the humbler classes there are a good many children living at home with their parents who are feeble-minded?—They have that knowledge.*

21933. Do they keep a record of them?—If I might refer you to my statement,* there is a quotation from the

* *Vide* page 61, col. 2.

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last school attendance report of the School Board which shows that 96·7 per cent. of the school children of Glasgow of school age, are at school, leaving 3,297, or 3·3 per cent. unaccounted for. You will notice that they account for them thus—((*b*) infirm children, and (*d*) children being educated at home; and I daresay under those two headings the defective children of better class parents are included.

21934. So that they have knowledge of them, but do not think it necessary to provide for them?—They are not being specially provided for.

21935. Is there any provision you know of for establishments in which people place their feeble-minded and defective children of the well-to-do classes?—The well-to-do classes find accommodation for their imbecile children at any rate in the Larbert Institution.

21936. Are there any private homes or private asylums or establishments in which the richer class of people keep their children?—There are teachers and others throughout the country who provide Homes for such children.

21937. Are those Homes under any inspection?—Not that I am aware of.

21938. Have you come across such Homes yourself?—Yes.

21939. Have you found them satisfactory in all respects?—Yes, so far as I can see—for only two or three children; it is not an institution by any means, it is merely a family care.

21940. Are there any institutions, or any place, where they can keep more than five or six?—No, not that I am aware of.

21941. Would you recommend inspection, or would it be possible to institute inspection for them if the Statute provided that they should be inspected?—I would be reluctant to suggest that.

21942. You would let anybody start the care of feeble-minded persons without any sort of inspection or control, making it merely a matter of whether the parents or guardians or friends are satisfied with the treatment?—I think the satisfaction of the parents would be quite sufficient.

21943. You do not think the State has got any interest in the unhappy defective, to watch over him?—I think the State has no obligation to interfere so long as the parents are discharging their duties in a way that does not call for any public interference.

21944. But take the case of an adult?—I am thinking of children; my answers only referred to children.

21945. Do you know any establishment for adults who are feeble-minded?—Unlicensed and not under inspection?

21946. Yes?—I know some people take in patients Dr. Macpherson, who was here to-day, could answer better than I can. I am speaking under correction, but I think there are people licensed under the Board of Lunacy to receive cases, boarded-out cases, not more than four; but I understand in some of those cases they have perhaps one or two who are feeble-minded, who are not licensed. They are not under official cognizance or inspection.

21947. Do you think it would be possible or desirable that all persons who are maintained by another person for profit should be in some way protected, or have the arm of the law round them, by inspection or the licensing of the keeper of the place, or reports from time to time by the friends, or that in some way or another the existence and care of those persons should be made known to the State?—The Scottish law provides that no person who is a lunatic shall be detained for profit.

21948. We are not dealing in this Commission with lunacy?—I know; but it all depends upon what the interpretation in the individual case is, of "lunatic." If you consider that this supposed person ought to be certified, then it is open to the Commissioners in Lunacy to call for the certification of that person; but so long as the person is not certified and no question arises, I think it is a pity to interfere unnecessarily.

21949. Take the case of a person who, although a doctor might be reluctant to certify him, is yet practically unable to manage his affairs, is so weak in will and so defective in mind that he cannot really control himself or direct his expenditure properly. He is put by friends under the care of some person who has to keep him for profit. Ought not the State in some way to be able to protect that man?—I think he ought to be under the protection of the State.

21950. Would you suggest that the keeper of an establishment receiving such a person should either have to take out a licence or that there should be inspection?—I would be reluctant to say anything in answer to a general question on the basis of our actual experience. I think our actual experience does not call for such interference as the general question suggests.

21951. Have you ever heard whether in Scotland people of feeble mind are sufficiently protected from assault, or injury of any sort, or seduction, or any moral defilement, or how the law might be strengthened in their favour?—I know of no facts which would call for any strengthening of the law in those cases.

21952. You hear of no feeble-minded women being taken advantage of and going into maternity wards?—That is a different branch altogether. I do not think that the number of actually defective women who are victimised in the way suggested is, in Glasgow at any rate, very great. In view of coming here I made inquires at the maternity hospital and at our lock hospital, and we have matrons in both institutions, very experienced women, and the matron of the maternity hospital where they receive some 800 patients a year indicated her general opinion that not more than 2 per cent. of the women who came there would be classified as mentally defective, and in the case of the lock hospital the matron put it at something like 7 or 8 per cent.

21953. Then in point of fact, from whatever may be the cause, feeble-minded women are not placed at any very great disadvantage in Scotland, and you cannot suggest that they require any statutory protection?—It is very difficult to suggest statutory protection; there are a considerable number both of feeble-minded women, and women going about who ought to be under control, particularly in the relations indicated by your questions; but it is exceedingly difficult to suggest a method of control short of certification as lunatics, or short of committal to an institution for feeble-minded people, such as has been suggested in the course of this inquiry, but how they would come within the scope of the machinery provided by law for their committal, unless they committed some offence, it is somewhat difficult to see.

21954. (*Mr. Byrne.*) Towards the end of your statement (*page* 64, *col.* 2) you say: "The hopes entertained of reforming young inebriates have been sadly disappointed by actual experience." I would like to ask some questions about that, because, as I understand it, that happens to be in direct contradiction to the view of our inspector under the Inebriates Act in England?—I am not aware of that.

21955. I would like to have it cleared up a little. As I understand Dr. Branthwaite's report it was to the effect that if the administration of the Inebriates Act is to aim at reformation and not merely at keeping people out of mischief, the sooner they are committed to the three years term of reformatory treatment the better, because, as the figures show, the sooner you get them the better is the reformation, and the older you get them the more hopeless. If you take a woman who has been in and out of the police court, asylum, and prison, for ten or twenty years, nothing can reform her. If you get a woman of the same type at perhaps the fifth conviction, probably you can cure them?—I differ from that, if that is what Dr. Branthwaite says; but I do not understand Dr. Branthwaite to say that.

21956. If you think there is no difference between your views will you explain?—I do not care to explain Dr. Branthwaite's views.

21957. May I put it in this way: Is your opinion here based on statistics of your own, or statistics published by any official, and if so, by whom?—It is based upon my experience as Convener to the Inebriate Committee of the Glasgow Corporation, and upon my experience in certifying thousands of people insane.

21958. The inebriate experience of Glasgow is small, is it not?—It is comparatively small, but I have wandered all over the country and have read all that has come my way on the subject, and I have come to the conclusion

that the adolescent—and what I am speaking of here is the emergence of mental defect and perversion in adolescence—a person who between fifteen and thirty becomes a habitual inebriate—has reached the stage by that time—is in the majority of cases an adolescent lunatic of the inebriate type.

21959. So that the inebriety is a mere symptom of a deep-seated mental defect ?—Yes.

21960. So there is no contradiction there ?—No.

21961. You would not contradict Dr. Branthwaite if you take it from me that he did say that in the reformable cases, that is to say, cases in which there is no latent defect, the sooner you take them the better ?—Clearly.

21962. There is no contradiction there ?—No.

21963. (*Dr. Dunlop.*) Does not Dr. Branthwaite's statement point to earliness in the course of inebriety rather than to a young age ; you will agree with that ?—Yes.

21964. (*Mr. Byrne.*) You say in your statement that extended provision for the teaching of mentally defective children is necessary, and the results of teaching in the Glasgow special schools are satisfactory ; do you think that still leaves a great gap, that is to know what to do with them after school age ?—That is a very difficult question.

21965. What do you recommend ?—I would recommend, to begin with, an extension of the period. They should be kept longer under tutelage.

21966. To eighteen, or so ?—Yes.

21967. Then should they go out as a matter of course, or should they go out under some supervision ?—I think the names and addresses of all such children should be communicated confidentially to the chief constable of the district, and to the inspector of poor of the district, so that, should they turn up subsequently, there will always be a register of persons which can be referred to—should they turn up either as paupers or offenders. I would also suggest that those who have not proper homes, and who cannot be properly cared for and are unable to earn their living, should be either certified insane and sent to asylums, or should be provided for in some institution suited to their requirements.

21968. And all this should be decided on the approach of the age when they are about to be released ?—Yes.

21969. They should not be simply sent out because they are eighteen, but they should all go out under certain directions or conditions ?—They should all go out under certain directions and conditions, and certainly a register should be kept by the two officials who are most likely to have their care in future should they turn up as delinquents in some form or other. I must also enter a proviso that I am very unwilling that any such provision should be so exclusive as to compel people to go into institutions if they can be provided for otherwise.

21970. If you thought there was anything like a fair chance of their being looked after decently in their own homes you would let them go until they did something to bring them into the hands of the State again ?—Yes.

21971. Then you would deal with them ?—Yes ; or until their friends considered they ought to be under care.

21972. Could you give any idea of what proportion of the children discharged from the special schools might be expected to require detention, and what proportion might go home ?—I would not like to say that, especially in the view I have indicated, that the period should be extended. At eighteen years it is possible to decide the disposal of a person with very much more accuracy than with a boy of fourteen.

21973. Is it not possible to decide with perfect accuracy and certainty ?—Yes, I think so.

21974. It is not a question of deciding, it is a question of knowing ? The managers of the institution, guided by medical advice, must know everything that is required to form a judgment ?—At the age of eighteen.

21975. What proportion, roughly speaking, should you think required further detention in their own interest and the interest of the community ?—Do you mean institutional care ?

21976. I mean institutional care ?—Removal from home, and institutional care ?

21977. Yes. I do not mean to say asylum care—supervision you can call it ?—I would not like to put a figure upon it, I would be disappointed if it exceeded 50 per cent.

21978. You think it might approach 50 per cent. ?—It might. My experience is this, that if you provide such special institutions you will gradually educate the public into using them, and that very soon it would come as a matter of course that the bulk of them would come into such institutions.

21979. And that would be the inclination of the heads, the teachers and doctors of the special schools ; they would think it a tragic thing that a child who had been much improved by institutional life should go out into the dangers of the world ?—Yes.

21980. That should be guarded against ?—That should be guarded against.

21981. Wherever you could you would give them a fair chance of earning their own living at home ?—I certainly would.

21982. (*Chairman.*) Is there anything you would like to add ?—Perhaps the only thing I would like to add is just in favour of the control of the "ins-and-outs." They are really mental defectives ; they have not hitherto been considered lunatics who would be properly certified, but from any scientific point of view their psychology is certainly morbid, and I think they ought to be under control.

21983. Would you certify them ?—It all depends. If the legislature asked me to certify them as people who require care and treatment, just as I certify lunatics, I should be prepared to do so.

21984. (*Mr. Byrne.*) You would do the same for the "ins-and-outs" of prisons ; whether you caught them in the workhouse, prison, or asylum, you would certify them ?—I would.

21985. It does not matter much what institution they are in ?—That is so. I am very strongly for an expert examination and report upon all cases of adolescent offenders. I think it is a pity to allow a lad to begin a course of crime and to find in ten or fifteen years that he is a chronic inmate of a penal prison when we have sufficient knowledge of the subject to know that these people can be prevented from running the course and can be controlled, guarded, and made tolerably happy under institutional care.

21986. (*Chairman.*) Have you any suggestion to make about the old people ? You say the number of aged people sent to asylums is increasing ; some provision should be made for feeble-minded aged people, and, if possible, outside asylums. Where ?—Poorhouses and similar institutions. I have no great objection to philanthropic institutions. If they can be cared for and provided for in such institutions I think it is a pity to have them needlessly sent to asylums. In Glasgow I can give you the result for the last five years of the recurrence of insanity, at ages between fifteen and forty-five, and at ages after forty-five. During the last five years in Glasgow the first attacks of pauper insanity have averaged 8 per 10,000 of the population, leaving out those ages between fifteen and forty-five, but over forty-five and particularly in the later periods of life they have averaged 13·8 per 10,000 of the number of persons living. The tendency for the ages between fifteen and forty-five is to keep steadily the same ; each year it runs 8·8, 7·1, 8·2, 7·9, an average of 8 ; whereas over forty-five and in the later periods it goes on fluctuating : 12·7, 13·3, 16·11 and 16·2 last year. Any increasing tendency to the production of insanity that exists in Glasgow, and I think the same is true of the whole country, is in that later period of life. I do not think there is any increase in the stable period of life between fifteen and forty-five, but in the later period of life there is a greater tendency to the increase of lunatics and feeble-minded people. That is not because more are being produced, but because advantage is being taken of institutions for care, and the commercial conditions, the conditions of the labour market, the restrictions upon the employment of people, workmen's compensation, and things of that sort, have restricted the field for the employment of people advanced in years of somewhat feeble intellect, and the tendency is to get them into institutions, and the handiest is the asylum.

R. D. CLARKSON, Esq., M.B., C.M., B.Sc., called; and Examined.

A Plan of the Larbert Institution and a set of Application Forms, and Forms of Medical Certificate as used in the Private, Elected, and Pauper cases admitted to the Larbert Institution will be found in the Appendix Papers, pp. 330–330c, post.

R. D. Clarkson, Esq., M.B., C.M., B.Sc.

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21987. (*Chairman.*) Would you kindly tell us how long you have been Medical Officer at Larbert?—Twelve years.

21988. Before that, had you any particular association with imbeciles or feeble-minded people?—No; as Medical Officer to the Imbecile Institution I have no definite charge of it. I am merely supposed to attend the people in the institution. I have a large general practice outside.

21989. You have been so kind as to give us a statement of your evidence; may we put that on our Notes?—Yes.

STATEMENT OF EVIDENCE PROPOSED TO BE GIVEN BY R. D. CLARKSON, ESQ., M.B., C.M., B.SC., MEDICAL OFFICER OF THE SCOTTISH NATIONAL INSTITUTION FOR THE EDUCATION OF IMBECILE CHILDREN AT LARBERT, STIRLINGSHIRE.

The terms "idiot," "imbecile," and "feeble-minded" are in common use to indicate three degrees of intelligence from complete stupidity or *amentia* on the one hand to normal intelligence on the other. It is not possible to draw definite lines of distinction between the three groups, though well-marked examples of each are easy enough to recognise; and one has to distinguish some cases of the higher class from the normal simply by their inability to earn a living, in the struggle for existence, against the competition of their normal fellows. It is, however, of the utmost importance to determine the existence of feeble-mindedness long before there is any question of earning a living, and it is, I think, impossible to frame a definition for children that will not include, for some years at all events, those that are merely backward. From the point of view of administration and of public safety it is not important to recognise such cases before school age. For the first five years of life they are the natural care of their mothers, and it is not, perhaps, greatly to be regretted that a larger proportion of them die very young. Between the ages of five and seven it is easy, in most cases, for an experienced teacher to determine the existence of such a defect as renders a child incapable of benefiting like its fellows from her instruction. Whether such cases are due to permanent mental defect, or merely to late development, they require special schools or special classes in schools for their effective treatment. Mere backwardness slowly disappears as age advances, and by the time fourteen is reached such a child will be able, at the least, to pass the fourth standard. Those who reach this very modest level of intellectual attainment may as a rule be safely trusted to fend for themselves; but for those who do not, some supervision is required for the rest of their lives. The whole class then of defectives may be defined as those who are unable to pass the fourth standard at the age of fourteen, though special pains have been taken with their education. Some may nearly reach the standard, some will be very much below it, but all are persons of unsound mind, and for their own sakes, and for the benefit of the community, they should be prevented from assuming the *status* and duties of citizens.

If such a definition were accepted there would fall within it in the Burgh of Falkirk twenty-two persons. Twelve of these are females, ten males, and they are distributed throughout all ranks of society, as nearly as I can judge, in proportion to the numbers in each rank. Of the females seven are in the poorhouse, one in the asylum, and the rest live with their relatives. The majority of those in the poorhouse have come there by way of the streets, and several of them have borne illegitimate children, but not one of these children survives. Of those outside one lives with her mother and is known to have had two illegitimate children, and the other three are living with their parents, and are being looked after in a quite unsatisfactory, and indeed a dangerous, way.

The existence of these cases is perfectly well-known to the parochial authorities; but they are not interfered with unless dangerous or troublesome, and if they become destitute or are unable to work on account of motherhood they are associated with the dregs of the population in the poorhouse, in spite of the law which provides that no "person of unsound mind" shall be admitted to such a place.

Of the ten males the majority are partially supporting themselves by unskilled labour, but three are difficult to control, and lead idle, useless, vicious lives on the streets, where they pick up a livelihood by hawking matches, running messages, and the like.

Besides these adults there are ten children of school age. Two of these are in well-to-do families being quite satisfactorily taught at home, one is in the institution at Larbert, two go to a board school where they are allowed to sit with the crowd they know best and do nothing, while the remaining five are allowed to stay at home and do as they please. The school board ignores them, and as long as their parents can support them the parish council will have nothing to do with them. Two of them at least would be greatly benefited by education in a special institution.

I know also of several idiot or imbecile children below the age of five; but as I have already said, these are sufficiently provided for and require no special protection.

As Falkirk is a burgh with 32,000 inhabitants, and contains a mixed population fairly typical of the rest of the country, it is probable that there are between four and five thousand imbeciles in Scotland, and that two-thirds of these are at present not satisfactorily supervised and are a source of danger to themselves and of expense and degradation to the community.

The present provision for imbeciles in Scotland consists of special day-schools in Glasgow under the Glasgow School Board, of a special block for ineducable idiots in Woodilee Asylum under the Glasgow Parish Council, and of the institutions at Larbert and Baldovan.

Glasgow differs from the rest of the country, not only in having special schools, but in having a school board that recognises its responsibility for these children, and that makes every possible effort to have them educated either in the special schools or in the institutions. The school boards in the rest of the country ignore such children, and the attendance officers wink at their absence from school as soon as it has been shown that they are incapable of benefiting from the instruction given there. They may be allowed to attend to keep them out of their parents' way, as in the two cases that I know of in the Falkirk schools, but they are generally allowed to stay away on such occasions as the visit of an inspector.

As the parish councils also ignore the existence of such cases, unless they are very mischievous or troublesome, or so burdensome to the parents that they become chargeable to the rates, their detection and treatment is left to their parents, and these, as a rule, are poorly fitted for the task.

I have, unfortunately, no definite statistics to give, but in my experience of twelve years at Larbert I have come to the conclusion that the number of our cases, in which one or other parent is quite unfit, by reason of mental unsoundness, to have charge of or to bring up children, is very large. I am sure that the proportion of our cases, in which a family history of mental disease could be obtained, must be very nearly the 90 per cent. given by Dr. Tredgold.

From what I have just said it follows that the cases sent in to the special institutions in Scotland are not selected because of their fitness for education, but more frequently because of their unfitness, and that many of the cases that could be benefited greatly are kept at home under conditions that make any hope of improvement impossible.

Both the Scotch institutions began as charitable foundations; that at Baldovan in 1852 and that at Larbert in 1861. Both were and are supported by contributions from the charitable and by fees obtained from children of the wealthier classes or from parish councils. Together they can accommodate about 420 children. At Larbert the pupils are divided into two classes as to treatment, and into three classes as to the mode of their admission. About a fifth of our number are private pupils whose relatives pay for their board £40 to £100 per annum; about a fourth are elected by the subscribers who annually give about £2,000 for their support; and the rest are the cases sent in by parish councils, who have to pay £30 a year exclusive of clothing for each case. Many of the parents of the elected children

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contribute according to their ability towards the maintenance of their children, and the parish councils also in a good many cases recover part of the board paid from the parents. The pauper and election cases are drawn from very much the same ranks of society and are educated and accommodated together. The private pupils, of course, obtain benefits proportionate to the boards they pay.

It has been the custom to take in any child whose relatives could pay a good board, and any child sent in by a parish council. These cases are kept as long as the board is paid, or till the pupil is eighteen years of age. The elected children are admitted for a period of five years, and at the end of that time they are returned to their relatives, unless the directors consider them specially hopeful, in which case they may be recommended for a further period.

The private pupils and the election cases have to obtain a medical certificate that they are of unsound mind, and are likely to benefit from education in the institution. The pauper cases have to obtain two such certificates. No sheriff's warrant is required, but the application and the medical certificates have to be submitted to the General Board of Lunacy and their consent obtained before the child can be admitted.*

In the last twenty-five years, 1,297 children have been admitted to Larbert Institution in one or other of the three ways described, and at the beginning of the period there were 124 pupils in the house. Of these 325 died in the institution, 801 have been removed, and 295 are left as the present population. Of the 801 that have been discharged, only forty-two were, in the opinion of the superintendent, able, partially or wholly, to maintain themselves on dismissal, and we now know of only four that are certainly entirely maintaining themselves without supervision. Fourteen of the forty-two are employed in the institution, and as they make themselves very useful in looking after others, or working in the garden or stable, they certainly earn their keep and a small wage. It must be admitted, however, that outside of the institution it would be impossible for most of them to obtain employment. The rest of the forty-two are doing useful work for small wages, and so are partially maintaining themselves.

Of the rest of the discharges, 517 were handed over to relatives, 85 were boarded out under the supervision of the Commissioners in Lunacy, 123 were sent to asylums, 27 to lunatic wards of poorhouses, and 7 were transferred to institutions similar to that at Larbert. The unsatisfactory part of this return is the large number handed over to their parents to live henceforward without any other supervision. It is difficult to trace them, but we know that a good many are either dead or in asylums, and we know of three girls who have had illegitimate children. Sixty-five of the 517 were under the charge of parish councils during their stay in the institution, and were entrusted to their parents simply to save expense. Whether that object was attained may be doubted, for without adequate care some of the boys have doubtless drifted into the criminal classes, and some of the girls, besides those we know of, have been ruined, and come upon the streets.

It has been alleged that great expense may be incurred in supporting the offspring of such people, but I can only say that I do not at present know of a living child of an imbecile woman, and as I have had personal knowledge of at least a dozen such births there must be a very large mortality among the children.

In Scotland, apart from Glasgow, recognition of feeble-mindedness, and application for special teaching or care, is left entirely to the parents of the children. If the parents do not act, and if the child is not so mischievous as to be dangerous to others, or so helpless as to overburden its mother, and make her apply for relief from the rates, no steps are obliged to be taken for its education or subsequent care. In consequence of this the educational institutions are filled by large numbers of ineducable cases. These require only to be kept clean and warm and to be fed, and this could be done much more cheaply in some such additions to asylums as the Glasgow Parish Council have at present at Woodilee, or perhaps even better in one or two large establishments specially erected for the purpose. If this were done, there would be room in the present institutions for most of those capable of being educated, and requiring to be educated in boarding-schools. For the rest, special schools, or special classes in the schools of the towns would meet the case.

There remains the question of provision for those who, having passed through the special schools, are capable of doing a little work under supervision. For many of these the boarding-out system is admirable, and it might be extended with advantage. But after all that is possible has been done in this way, there will remain a considerable number of cases that can only be well treated in an industrial Home. As their work is of some value, the expense of such an arrangement should not be very great.

I would suggest that the detection of feeble-mindedness should not be left to the discretion of the parents, but should be a duty imposed on the educational authority. The great majority of the cases would then be detected in the infant rooms of our public schools. It is not possible in this way to detect defects in the children of well-to-do parents, who insist on having them educated at home; but in such cases little or no damage would be done. The children selected by the infant teachers as abnormally backward would have to be submitted to expert medical examination in order that, in the first instance, cases due to adenoids, deafness, myopia, &c., might be separated from those due to mental defect. If the educational authorities were raised to something like the *status* of the county councils, and if the area over which they ruled were greatly increased, there can be little doubt that they would appoint a medical expert to advise them as to medical matters in connection with their schools. Such a medical expert, it seems to me, should examine all doubtful cases in the first instance, and should certify those that are feeble-minded as requiring education in special day schools or boarding-schools, as the case might be. From the time a child was certified as requiring education in a special school it should be under the supervision of the Lunacy Commission. The boarding-schools are at present visited twice a year by one of the Medical Commissioners, and it is necessary that the home conditions of the children attending the day schools should be under the same supervision. It would be well to have the children attending the day schools certified in the same way as those at present boarded in the institutions. All the special schools should, of course, be subject to the inspection of the Education Department and should be capable of earning the special grant. If this grant were earned, and if the Government could allow each case, supported wholly or partially out of charitable funds, the sum of £10 8s. per annum, which is at present given to parish councils sending children to institutions, and if parents were made to contribute according to their ability, I think that, with the aid of the charitable public, sufficient funds would be got to provide every possible arrangement for educating all the educable cases in the country in a satisfactory way. The chief difficulty is to provide for the cases that after years of special tuition are still unfit to be trusted to work without supervision. For some of these industrial Homes are required, and the cost of establishing these would necessarily be considerable. It would appear desirable that they should be placed in the neighbourhood of the boarding-schools, and that, if they were not under the same management, at all events their staffs should co-operate in the endeavour to find healthful and remunerative occupation for this sadly afflicted class. A considerable number of these cases should be boarded out, and the arrangements both for these and for the cases in the industrial Homes, should be subject to the approval of the Lunacy Commissioners. All experience shows that in making arrangements for this helpless class it is desirable that the decisions of those who have to find the money should be reviewed by some authority, such as the Lunacy Commissioners, who can have no object in view but the welfare of the patients.

Finally, further provision requires to be made for the ineducables. As teaching is hopeless, cure cannot be expected, and restraint is needless, these cases can probably be more cheaply provided for in asylums of their own than in teaching institutions or asylums for the treatment of the insane; but as many of them are bedridden and dirty in their habits they require a great deal of nursing. Much of the rough work of such an institution could be done quite efficiently and very cheaply by imbeciles trained to it in the schools.

* Dr. Clarkson subsequently wrote that this sentence only applies to Pauper cases.

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If some such arrangements could be carried out, all the feeble-minded who require protection would be protected, and the expense to the commuity would probably not be much greater than it is at present.

21990. (*Mr. Byrne.*) You say: "I am sure that the proportion of our cases in which a family history of mental disease could be obtained must be very nearly the 90 per cent. given by Dr. Tredgold"; may we take that as based on very caretul statistics which you have kept?—Unfortunately I have no statistics; it is merely an impression. I do not like to rely on impressions too much. In almost every case where I have been able to go thoroughly into the family history I have found a history of insanity or mental unsoundness of some sort—epilepsy, or something of that kind—in a direct line.

21991. Your institution, and the one at Baldovan, were started by philanthropy; I gather from what you say that, partly for that reason, they are not entirely satisfactory, you have to take some children whom you cannot benefit?—Exactly.

21992. Have you many absolute idiots?—A good many.

21993. Children who have to be washed, dressed, and nursed?—Washed, dressed, and nursed just as babies.

21994. What proportion of those have you?—10 to 15 per cent.

21995. A considerable proportion also who are very little better?—Yes.

21996. That must interfere a good deal with your teaching?—It interferes a good deal with it.

21997. Do you think that institutions of your type are good things, or would you prefer to have the idiots more separated?—I think the idiots should be separated from the educable cases. With regard to whether the institutions are good things or not, I doubt it very much, because we educate a considerable number of cases up to a point where they are useful, and they are taken out by their friends in order to be made use of, and then they get into bad habits, and they sink into the ranks of the criminal.

21998. If the education of defective children in classes were universal over Scotland, would it take many children from you, or wou'd you not require it for many children?—You mean if the Act of 1899 were made compulsory on all school boards; then I think there would still be need for us.

21999. How many and what proportion of your children would you have there? Supposing idiots were excluded and supposing those who ought to be in the special classes of the elementary school were excluded, would you have half your present numbers?—I think we would have half our present numbers probably.

22000. So that you think there would always be room, even if Scotland were adequately provided with institutions for the idiot and with institutions for the possibly backward and possibly defective children, for such institutions as yours?—Yes, especially in cases where the home conditions were unsatisfactory, and in cases in the country districts where you could not have special schools.

22001. In fact, if you were free from the idiots, you might act as a special school for a group of counties?—My suggestion was that the two schools together, Baldovan and Larbert, would provide sufficient boarding school accommodation for all the educable cases that require it in Scotland.

22002. For all those that require boarding school education?—Yes, that is if special day schools were provided for those that require that.

22003. On what theory do you state that?—There are no statistics that you can get at which are of any use on that point, and I have only a very little bit of actual knowledge, the actual knowledge of the Burgh of Falkirk, where I am in private practice, and by knowing all the medical men, and all the ministers, and all the school teachers, I have a fairly good idea of the number that are there, and of the home conditions under which they live. I think, taking that as a basis, that is about how it works out that, the institutions would provide sufficient boarding school accommodation for the country.

22004. That is taking about ten out of the thirty-two in Falkirk?—There are not ten who would require boarding school accommodation; it is only two or three, I think.

22005. Two or three of each class, I gather. However, it is only a small proportion?—Yes.

22006. Then to go to the other side of the defects which you regret in your present institution, namely that you cannot deal with them after a certain age: with what class of your children do you find that worst—not with the idiots?—The idiots do not matter; they are certified as lunatics, and sent to asylums as a rule if they are under the charge of parochial boards.

22007. You turn them out; they must go somewhere?—Unfortunately a good many are sent into the care of their parents and they only come under the charge of the parochial board if the parent becomes chargeable to the rates; finds the duty too great a burden.

22008. Having regard to your discharges over a course of years, do you think there are a good number of idiots living in homes in Scotland uncertified and unknown to the authorities?—I do not think there are many idiots uncertified and unknown to the authorities, but there are a good many imbeciles.

22009. Pretty low grade imbeciles?—Yes.

22010. Imbeciles who can work?—Yes.

22011. Do you consider that inexpedient?—Highly inexpedient.

22012. You think it ought not to be allowed to continue?—It ought not to be allowed to continue, I am sure. These children ought to be certified and known to the Commission in Lunacy, and their ultimate condition ought to be inspected by the Commissioners just as they inspect the boarded-out lunatics.

22013. At the present moment, when you are discharging children, what do you do?—If their parents have sent them in, we simply send for the parents and tell them that they must take them away, they are over age—that is, if the parents are paying for them. If they have been elected, then when the five years of their election period expires, their parents are sent for and told to take the children away. If they are sent in by the parish council, the inspector of poor is informed that so and so is over age and is uneducable, or suitable for boarding-out, and they must take him away.

22014. There is no duty on you to inquire what becomes of them afterwards?—There is no duty thrown on us.

22015. If an independent authority started such a place, would you recommend there should be such a duty?—It is expedient that these cases should be under control all their lives.

22016. They ought not to be discharged just because their time is up; they ought to be discharged under such conditions as their state requires?—Yes.

22017. (*Mrs. Pinsent.*) You suggest that the detection of feeble-mindedness should not be left to the discretion of the parents, but should be a duty imposed on the education authority. You would consider that the education authority has the best chance of finding out their defectiveness?—Of finding out their defectiveness and finding them out as early as treatment can be of any use.

22018. If there were special schools throughout Scotland and the attendance officers were working properly, you would feel tolerably certain that no defective would escape the education net?—I think not.

22019. Therefore a complete register of the names of all defectives would be kept throughout the country?—Except the well-to-do class, who do not generally send their children to Board Schools.

22020. After all, from the social point of view that does not matter?—That does not matter; they are always looked after.

22021. That would make any system of special registration by a medical officer useless; it would not be wanted if the education system worked properly?—School Boards would require a medical officer.

22022. Yes, but it need not be done in any way outside that?—No.

22023. I suppose you have the same system of attendance officers that we have ?—Exactly, I believe.

22024. They do not always work quite perfectly ?—They could be made to work quite perfectly. I think there would be no difficulty if the boards recognised that they were responsible for these children, and that they had to provide them with education somehow. The attendance officers would work all right.

22025. If the attendance officers realised that they had to give an account of every child, defective or otherwise, in their district, there would be no difficulty ?—There would be no difficulty; the whole of the imbecility would be taken in by them.

22026. And the education authority is eminently the authority to do that ?—That is my opinion.

22027. Because sooner or later all these children must come before them ?—Yes.

22028. That would necessitate the establishment of special classes throughout the whole country ?—Special classes would have to be established in all towns where there were more than 30,000 or 40,000 inhabitants.

22029. And they would act as a kind of sorting-house for these children ?—Yes; I do not think it is possible to discriminate between feeble-minded and backward and imbecile children at that early age.

22030. You refer to that in your first paragraph (*page* 70). I gather you think that even if a child who is merely dull and backward is placed in a class for the mentally defective for a time, it does that child good rather than harm ?—It does that child good, I think.

22031. You would feel there is no difficulty in that way at all ?—I do not think so.

22032. They would soon be found out by an experienced teacher ?—Experienced teachers would very soon detect them.

22033. And they would be taken off the register ?—Yes. I think a very large number of that backward class are really children who are living under hopelessly bad conditions at home. Therefore I think that all children who get into special classes should be notified to the Commissioners in Lunacy, and that the Deputy Commissioners should visit their home, and if the home conditions are not satisfactory, that the Deputy Commissioners should have power to advise their removal to a boarding school, or elsewhere.

22034. Or the teachers themselves might take the initiative and say: "this case is not a case for a special class, it ought to go to a boarding-school," and apply to the Commissioners ?—That would do.

22035. The teachers of special classes ?—Yes; the teachers of special classes sometimes do not inspect the home conditions, and I do not think they are quite such good people to inspect the home conditions as the Deputy Commissioners who have all these years experience of boarding out of persons of feeble intellect.

22036. It should be possible for the education authority, either through their visiting officer or through their teachers, to apply to some authority ?—Yes, and say they are not suitable for a special school but a boarding school, because the home conditions are undoing all the day school is doing.

22037. (*Dr. Dunlop.*) You have had dealings with a good many parish councils in Scotland ?—We have had them in from parish councils all over the country.

22038. Is it fair to state that Glasgow is more active and more thorough in dealing with the imbecile classes than any other parish ?—Yes, as far as my experience goes, much more.

22039. The evidence we have had regarding Glasgow cannot apply all over the country ?—It certainly does not apply.

22040. Definitely not ?—Definitely not.

22041. The cases in the Larbert Institution are not technically certified ?—That is so.

22042. They are not certified upon the statutory form ?—No.

22043. And there is no power of detention ?—There is no power of detention.

22044. Has it ever been missed ?—Never.

22045. It is not wanted ?—No, we have never needed it.

22046. You would advise no change in that respect ?—I do not think there is any need for any change.

22047. You are aware of the form of certificate under the Idiots Act in England ?—Yes.

22048. Is there such a thing wanted as that in Scotland ?—I do not think so.

22049. It would serve no useful purpose, would it ?—I do not think there would be any useful purpose served.

22050. Regarding results of treatment, I see you report that forty-two out of 801 are more or less useful, is that it ?—Yes.

22051. And out of forty-two, one-third, that is fourteen, get their employment in the institution itself ?—Yes.

22052. So that of the cases who are not cared for ultimately in the institution there are only twenty-eight out of 801 ?—That is so.

22053. It is not a very high percentage of success ?—I do not think it is a percentage of success at all.

22054. You cannot expect more success ?—I do not think you can expect more success.

22055. The practical conclusion of that is——?—That once an imbecile always an imbecile, and they require care all their lives.

22056. Do you think special schools will ever turn out a better result than that ?—So far as I know the special schools are educating the same class that we get in Larbert, mixed with a few backward children.

22057. But when once the defect is more or less decided ?—When there is mental defect they ought to be under care all their lives, and I do not think special schools will make any better result of it than we do.

22058. The special school may be useful for the training of the dull and backward, but whenever you get definite mental defect the success is practically an infinitesimal proportion ?—Yes.

22059. You are aware that special schools are very expensive institutions; it means thousands and thousands a year. Do you think they are worth it ?—I think that if they are used judiciously they are worth it; I think there are a great many cases that would be the better for passing through the special schools.

22060. The dull and backward ?—Yes.

22061. The class excluded by the Education Act ?—Exactly.

22062. For a genuine case of mental defect, is the amount of improvement they get worth the expense of thousands a year ? To put it in another way, would a system of day nurseries for these mentally defective classes, where they could be taken care of and kept clean in the day time, serve the same purpose ?—No. I think there is a considerable class of imbeciles who can be taught to do a certain amount of work, and who have great pleasure in doing it, and I think it is worth while educating them up to do it.

22063. Even at the cost of thousands and thousands ?—I do not think the cost is so very great.

22064. In London at present it is about £50,000 a year. Perhaps you had not considered it from that point of view ?—I had not considered it from that point of view.

22065. The result of the best training you can give is that the percentage of useful ones afterwards is extremely small ?—Yes.

22066. You talk in your Report of a Government grant of £10 8s. per annum; what do you refer to there ?—That is the grant the parishes get when a case is sent in through the parish council. An allowance of 4s. a week is made.

22067. Do you imply that they ought to get a grant from the Education Board in addition ?—Yes.

22068. That is two Government grants per child ?—Yes.

22069. If that were done it would naturally reduce the local expenditure ?—Of course it would reduce the local expenditure, but it would enable the charitable funds which we have at present to educate and care for a very much larger number of children.

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22070. The practical point of that suggestion is that the education grant should be given for children in the institution ?—Should be given for the children in the institution. The institution should be under the inspection of the Board of Education.

22071. Are you anxious that that should be so ?—I think it is very necessary the school should be under the Board of Education.

22072. Do you think the training of imbeciles is an educational matter ? Is it not rather a thing for medical relief —I think it is an educational matter.

22073. You would like to have it under a double inspection ?—I think it would be worth while.

22074. And a double grant ?—Yes. Then a very large number of our cases are elected cases, and the elected cases are drawn from the same class of population as the pauper cases, and I think they should have the same grant of 4s. a week as the pauper cases.

22075. It would be really a financial advantage to come under the educational board ; that is the principal part of it from your point of view ?—It is one, but I think the school would be more effective, better organised, and better managed, if the Board of Education inspected it.

22076. How long do you keep your elected cases in the institution ?—Five years.

22077. Is that the average or the maximum ?—That is the maximum ; they may be elected for a further period, but only a small proportion is elected for that.

22078. Have you any opinion to offer as to the advantage of a philanthropic institution *versus* a parish one ?—No, I know philanthropic institutions which are very well run and very well managed, and I know parish institutions which are not. I do not think it matters in the least ; if you get a parish council which is intelligent and does its work, it is a good thing ; so is a board of directors who do the same. You sometimes get a parish council which is inefficient, and sometimes a board of directors which is inefficient.

22079. Do you think it is likely that philanthropic effort would meet the requirements of Scotland in that respect ? —I do not think so.

FORTY-SIXTH DAY.

Friday, 9th March, 1906.

PRESENT.

The Right Hon. The Earl of Radnor (*in the Chair*).

W. P. Byrne, Esq., C.B.
C. E. H. Hobhouse, Esq., M.P.
C. E. H. Chadwyck-Healey, Esq., C.B., K.C.
The Rev. H. N. Burden.
W. H. Dickinson, Esq., M.P.
H. B. Donkin, Esq., M.D.
J. C. Dunlop, Esq., M.D.

Hartley B. N. Mothersole, Esq., M.A., LL.M. (*Secretary*).
E. A. H. Jay, Esq., M.A., LL.B. (*Assistant Secretary*).

Sir George Plunkett O'Farrell, M.A., M.D., called; and Examined.

Sir George Plunkett O'Farrell, M.A., M.D.

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22080. (*Chairman.*) In order that we may have it on the notes, would you tell us how long you have been Inspector of Lunatics and Lunatic Asylums in Ireland?—Since 1890.

22081. You have been so kind as to give us a statement of your evidence; may we put that on our notes?—Certainly.

Statement of the Evidence proposed to be given by Sir George Plunkett O'Farrell., M.A., M.D., Inspector of Lunatics and Lunatic Asylums in Ireland.

I. EVIDENCE RELATING TO LUNACY IN IRELAND.

A Statement of the Law relating to lunacy in Ireland has been furnished by my colleague, Dr. E. Maziere Courtenay, and myself. From this statement it will be seen that in Ireland, as in England, the institutions provided for the accommodation and treatment of the certified insane (exclusive of the criminal lunatics in Dundrum Asylum, which serves the same purpose as Broadmoor in England) are of three classes, viz.:—

(1.) Public (district) asylums, *i.e.*, those maintained partly out of the local rates and partly by a Government subsidy in the form of a capitation grant. Some of these asylums serve only one county or county borough, and others serve several of such areas. There are twenty-four of these asylums for twenty-three lunacy districts—the Metropolitan district, which includes three counties in addition to the Metropolis, having two asylums.

(2.) Private hospitals and institutions for the insane, which are partly supported by endowments or charitable contributions, the balance of the cost being defrayed out of the patients' own property or by their relatives. There are four of these institutions.

(3.) Licensed houses, *i.e.*, private asylums, kept for profit by the licensees, the total cost of maintenance therein being paid out of the patients' own property or by their relatives. There are twelve of these institutions.

In addition to these, a large number of persons who are classified as lunatics or idiots (approximately 3,300 at present) are kept in union workhouses.

Although special wards are set apart for the accommodation of the mentally affected inmates of workhouses, they are not certified as insane, but occupy in all legal respects the status of ordinary paupers.

The procedure for admission to public asylums in Ireland, however, differs altogether from that in England, as the initiative does not rest in Ireland with the local Poor Law authorities, save as regards cases actually in union workhouses.

The necessary action must be taken by a relative or friend of the lunatic, and, as this involves the payment of a fee to the certifying medical practitioner, it presents a serious bar, in the majority of cases, owing to the poverty of the parties concerned.

In consequence of this, recourse is had to the quasi-criminal procedure of swearing informations and taking the lunatic before two magistrates, with the view of obtaining an order committing him or her to the asylum as a "dangerous lunatic," under the Act 30 and 31 Vic. cap. 118, Section 10. Under this procedure the magistrates call in the dispensary medical officer of the district for the necessary certification, and his fee is paid out of the local rates, the actual conveyance of the lunatic to the asylum being carried out by the police, thus relieving the relatives of all expense.

The result is that the Act quoted, which was only intended to apply to a very limited class of dangerous cases, is utilised in the great majority of cases, *e.g.*, in the year 1904, of 3,910 admissions, no less than 2,396 were committed as "dangerous lunatics" under the Act mentioned.

The ordinary admission form, which was intended to be used generally but has been supplanted by the Dangerous Lunatic Warrant, is not specifically prescribed by any Act, but by regulations framed under the Acts 1 and 2 George IV., cap. 33, Section 5, and 61 and 62 Vic. cap. 37, Section 9 (6); and, as these regulations can be varied from time to time, the form at present in use corresponds generally with that used in England, and is practically in accordance with modern ideas. On the other hand, the form of admission to private asylums was specifically laid down in the Act of 1842, and as this still remains the principal Act dealing with private asylums, the form is not such as would nowadays be considered sufficiently ample.

For instance, it merely requires two certificates that the person is insane and a proper person to be confined, and lacks the very essential provision for a statement of the facts indicating insanity actually observed by the certifying medical practitioners.

On the 1st January, 1905, the total number of the insane in Ireland, of which we had official cognisance, was 22,996.

The following Table shows the numbers resident in the different classes of institutions on the 31st December of each year since 1880:—

TABLE A.

SHOWING THE NUMBER AND DISTRIBUTION OF LUNATICS UNDER CARE IN IRELAND ON THE 31ST DECEMBER OF EACH YEAR FROM 1880 TO 1904.

Years.	District Asylums.			Central Criminal Lunatic Asylum, Dundrum.			Private Asylums and Institutions for the Insane.*			Workhouses.†			Prisons.			Single Chancery Patients in Unlicensed Private Houses.‡			Total.*		
	M.	F.	T.	M.	F.	T.	M.	F.	T.	M.	F.	T.	M.	F.	T.	M.	F.	T.	M.	F.	T.
1880 - - -	4,685	3,982	8,667	140	37	177	236	386	622	1,414	2,099	3,513	2	1	3	—	—	—	6,477	6,505	12,982
1881 - - -	4,860	4,118	8,978	144	29	173	238	397	635	1,380	2,160	3,540	—	—	—	—	—	—	6,622	6,704	13,326
1882 - - -	5,022	4,249	9,271	144	29	173	254	396	650	1,390	2,220	3,610	—	—	—	—	—	—	6,810	6,894	13,704
1883 - - -	5,196	4,346	9,542	139	33	172	247	389	636	1,428	2,203	3,631	—	—	—	—	—	—	7,010	6,971	13,981
1884 - - -	5,322	4,365	9,687	146	32	178	244	395	639	1,457	2,216	3,673	1	—	1	—	—	—	7,170	7,008	14,178
1885 - - -	5,402	4,470	9,872	144	29	173	243	389	632	1,438	2,192	3,630	—	—	—	—	—	—	7,227	7,080	14,307
1886 - - -	5,493	4,584	10,077	139	33	172	233	369	602	1,471	2,267	3,738	1	—	1	—	—	—	7,337	7,253	14,590
1887 - - -	5,734	4,765	10,499	140	29	169	239	386	625	1,501	2,352	3,853	1	—	1	—	—	—	7,615	7,532	15,147
1888 - - -	5,888	4,937	10,825	140	28	168	240	361	601	1,583	2,374	3,957	—	—	—	—	—	—	7,851	7,700	15,551
1889 - - -	6,037	5,143	11,180	146	30	176	259	372	631	1,600	2,438	4,038	1	—	1	—	—	—	8,043	7,983	16,026
1890 - - -	6,194	5,294	11,488	150	29	179	253	368	621	1,566	2,395	3,961	2	—	2	—	—	—	8,165	8,086	16,251
1891 - - -	6,359	5,374	11,733	124	19	143	266	366	632	1,656	2,524	4,180	—	—	—	—	—	—	8,405	8,283	16,688
1892 - - -	6,601	5,532	12,133	128	21	149	275	369	644	1,701	2,497	4,198	—	—	—	—	—	—	8,705	8,419	17,124
1893 - - -	6,818	5,616	12,434	130	26	156	281	361	642	1,718	2,326	4,044	—	—	—	—	—	—	8,947	8,329	17,276
1894 - - -	7,002	5,769	12,771	140	21	161	293	353	646	1,686	2,390	4,076	—	1	1	—	—	—	9,121	8,534	17,655
1895 - - -	7,287	6,045	13,332	140	23	163	305	358	663	1,724	2,388	4,112	1	—	1	47	39	86	9,504	8,853	18,357
1896 - - -	7,680	6,361	14,041	145	20	165	318	358	676	1,636	2,356	3,992	—	—	—	45	47	92	9,824	9,142	18,966
1897 - - -	7,945	6,653	14,598	150	20	170	325	366	691	1,657	2,373	4,030	1	2	3	49	49	98	10,127	9,463	19,590
1898 - - -	8,323	6,966	15,289	148	21	169	327	387	714	1,674	2,365	4,039	2	—	2	48	43	91	10,522	9,782	20,304
1899 - - -	8,607	7,302	15,909	141	21	162	318	381	699	1,634	2,355	3,989	1	—	1	55	48	103	10,756	10,107	20,863
1900 - - -	8,912	7,492	16,404	140	22	162	325	384	709	1,590	2,215	3,805	—	—	—	47	42	89	11,014	10,155	21,169
1901 - - -	9,133	7,747	16,880	146	24	170	323	409	732	1,560	2,186	3,746	—	—	—	55	47	102	11,217	10,413	21,630
1902 - - -	9,508	8,072	17,580	149	20	169	335	410	745	1,458	2,081	3,539	—	—	—	53	52	105	11,503	10,635	22,138
1903 - - -	9,791	8,303	18,094	133	20	153	341	432	773	1,479	2,181	3,660	—	—	—	59	55	114	11,803	10,991	22,794
1904 - - -	10,089	8,526	18,615	139	20	159	351	443	794	1,267	2,053	3,320	—	—	—	54	54	108	11,900	11,096	22,996

* Exclusive of a gradually diminishing number of "Government Patients" located in the Stewart Institution.
† The numbers under this heading are exclusive of certain patients located (under sec. 9 of 38 & 39 Vic. c. 67) in Workhouses, but who belong to and are included in the population of the District Asylums.
‡ These cases were not included prior to 1895.

This Table shows that the insane under care have increased from 12,982 at the end of 1880 to 22,996 at the end of 1904—an increase equivalent to over 77 per cent. in twenty-four years.

Unfortunately, the population of the country has been steadily diminishing during all that time, so that the ratio of the insane to the general population has been increasing in a twofold degree.

The following Table shows the proportion of the insane *under care* per 100,000 of the population *estimated* to the middle of each year from 1880 to 1904:—

TABLE B.

Years.	Estimated Population.	Number of Lunatics under care.	Proportion per 100,000 of Estimated Population.
1880	5,202,648	12,982	250
1881	5,145,770	13,326	259
1882	5,101,018	13,704	269
1883	5,023,811	13,981	278
1884	4,974,561	14,178	285
1885	4,938,588	14,307	290
1886	4,905,895	14,590	297
1887	4,857,119	15,147	312
1888	4,801,312	15,551	324
1889	4,757,385	16,026	337
1890	4,717,959	16,251	344
1891	4,680,376	16,688	357
1892	4,633,808	17,124	370
1893	4,607,462	17,276	375
1894	4,589,260	17,655	385
1895	4,559,936	18,357	403
1896	4,542,061	18,966	418
1897	4,529,917	19,590	432
1898	4,518,478	20,304	449
1899	4,502,401	20,863	463
1900	4,468,501	21,169	474
1901	4,445,630	21,630	487
1902	4,432,274	22,138	499
1903	4,413,658	22,794	516
1904	4,402,182	22,996	522

From this Table it will be seen that the number of the insane under care has increased from 250 per 100,000 of the population in 1880 to 522 per 100,000 in 1904.

If to the number of the insane under care on the 31st December last be added the number of lunatics and idiots at large, according to the last census, the total (26,864) represents 610 per 100,000 of the population.

As regards the increase of freshly occurring insanity in Ireland, however, it is right to note that, during the last few years, at least, the number of first admissions shows no tendency to increase.

On the 31st December, 1904, there were in all the Irish asylums 1,120 cases (621 males and 499 females) suffering from epilepsy, and 114 cases (105 males and 9 females) suffering from general paralysis of the insane. These two classes are much less numerous in Irish than in English asylums, as the following comparative Table shows:—

TABLE C.

Yearly average of the total number of patients admitted to English Asylums during the five years (*) 1899–1903, inclusive.			Of the total number of patients admitted to English Asylums during the five years (*) 1899–1903.						Proportion (per cent.) to the total of the yearly average number of patients admitted to English Asylums during the five years (*) 1899–1903.					
			Yearly average of the number of Epileptics.			Yearly average of the number of General Paralytics.			Epileptics.			General Paralytics.		
M.	F.	T.	M.	F.	T.	M.	F.	T.	M.	F.	T.	M.	F.	T.
10,160	10,574	20,734	920	671	1,591	1,104	228	1,332	9·1	6·3	7·7	10·9	2·2	6·4
		Similar	particulars regarding			Irish asylums for the year 1904.								
2,230	1,925	4,155	99	67	166	56	2	58	4·4	3·5	4·0	2·5	0·1	1·4

(*) The figures in the case of the Irish asylums are given for the one year (1904), and *not* the average of five years.

As above shown the proportion of epileptics in English asylums is almost double the proportion in the Irish asylums, while the proportion of cases of general paralysis of the insane is over 4½ times as great in the English as in the Irish asylums.

The following statement, taken from the general report of the Commissioners for the census of 1901, shows the number of lunatics and idiots in Ireland in 1851, 1861, 1871, 1881, 1891, and 1901, at large, in asylums, in prisons, and in workhouses, as returned in the census forms:—

TABLE D.

Years.	Lunatics.					Idiots.					Total Lunatics and Idiots.
	At large.	In Asylums.	In Prisons.	In Workhouses.	Total.	At large.	In Asylums.	In Prisons.	In Workhouses.	Total.	
1851 - -	1,073	3,234	273	494	5,074	3,562	202	13	1,129	4,906	9,980
1861 - -	1,602	4,613	273	577	7,065	5,675	403	21	934	7,033	14,098
1871 - -	1,343	7,141	5	1,274	9,763	5,147	410	2	1,183	6,742	16,505
1881 - -	943	7,547	–	1,284	9,774	4,548	1,896	–	2,195	8,639	18,413
1891 - -	893	11,265	–	2,787	14,945	4,077	996	–	1,170	6,243	21,188
1901 - -	596	16,587	–	2,651	19,834	3,272	763	–	1,181	5,216	25,050

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As above shown, according to the last census the number of idiots in Ireland, which may be taken approximately as including many imbeciles and feeble-minded persons, was 5,216, viz., 1,181 in workhouses, 763 in asylums, and 3,272 at large.

The condition of the idiots and imbeciles in workhouses is, with few exceptions, deplorable, and this part of the question will be dealt with by my colleague, Dr. Courtenay.

As regards those in asylums, however, while there can be no doubt that the condition of the younger inmates might be greatly improved, if they could be sent to institutions specially adapted for their training and education, it must be admitted that, in the great majority of asylums, every effort is now made by the medical superintendents to afford the younger imbeciles such means of improvement as the institutions permit. There has, on the whole, been a marked improvement in this respect since 1890. The following extract from our report on the first visit which we paid to Belfast workhouse, exemplifies the way in which imbecile children were formerly treated :—

"An epileptic child—C. C., æt. 8—with congenital weakness of one side, although she could walk well, was for a great part of each day in bed because she was troublesome and destructive, and has never been in the open air since May, 1886.

"Many epileptics appeared to be kept in bed because they suffered from frequent fits.

"We may here remark that the bedsteads in use for epileptics appeared too high, and unsuitable for the treatment of such cases.

"Mechanical restraint would appear to be made use of indiscriminately, in many instances without sufficient reason for its use, and for periods of time beyond what was required.

"We saw a small child—C.M.—with arms constantly tied because she attempted to bite and scratch those about her. This child was also without shoes and stockings."

These children were afterwards transferred to the district asylum, with what result the following extract from a subsequent report on the inspection of the workhouse will show :—

"The little girl, C. M., mentioned in our previous report, whose arms were constantly tied because she at times attempted to bite and scratch those about her, has been an inmate of the Belfast lunatic asylum since December last, and I was informed that it was found practicable to dispense with restraint even previous to her transfer from the workhouse, and since her admission into the asylum the only treatment found necessary to restrain her occasional dangerous propensities is to give her apples to eat. Similarly I found the epileptic child, C.C., also mentioned as having been kept almost continuously in bed for six years for, in our opinion, no sufficient reason, was now running about among the patients."

The following particulars of idiots and imbeciles who were transferred from a workhouse to one of the large district asylums will show the improvement which can be effected by better care and nursing, even in institutions which are otherwise very ill-adapted for the detention and treatment of such cases :—

ASYLUM CASE-BOOK NOTES.

"A. McD. (imbecile) age 25, Admitted 1-2-1898, in a strait jacket. Duration of attack, three weeks. Medical certificate states that she refused to take her food, threatened to strike, stripped off her clothes, beat the attendants and other patients.

"1-2-98. Dull, stupid, disinclined to talk, looks about in a vacant way, takes food fairly well.

"3-2-98. Takes food well, not speaking or answering questions.

"4-2-98. To-day employed at needlework, and taking food well (three days after admission).

"1906. The patient works well. Is a happy, restless person with no impulsive symptoms whatever."

"A. McA. (imbecile), age 22. Admitted 5-7-1898 in a strait jacket. Duration of attack one week. Medical certificate states—strikes attendants, spits at attendants, tears her clothing, and screams. Uses filthy language. Refuses to wear her clothing, and strikes other patients.

"6-7-1898. As patient was brought here in a strait jacket, one must naturally conclude that she has recently been excited and violent. Since admission here, however, she has been fairly quiet. She sits by herself, occasionally she starts laughing very loudly; when questioned she makes long rambling statements having no obvious relation to the questions asked.

1906. The patient has never caused any trouble since admission, with the exception of attacks of bad temper, she works, is quiet, and happy. Very fond of reading. Her sister is also a patient here.

"M.P. (idiot), age 20. Admitted 25-1-1901. Duration of attack two days. Medical certificate states singing and throwing stones around her. Shouting a good deal. Talks nonsense. Tried to strike other patients. Nurse reports her noisy, singing, clapping her hands, struck at attendants. 1906.—The patient, since admission, has always been a quiet little person, who dresses herself well; clean in habits, so much so that she looks after the cleanliness of other patients, taking them to the lavatory when she thinks it necessary. She feeds other helpless patients with a spoon. Never struck any one. Never noisy, and yet can't utter any distinctly formed words other than 'Belfast,' 'Baby,' 'Yes,' and 'No.'

"L.C. (idiot), age five. Admitted 28-8-1902. Duration of insanity, three months. Medical certificate states patient is continually muttering and singing. Is very noisy and filthy in her habits, attempting to bite the attendants. Spits continually. Speaks only incoherently Nurse states that patient has repeatedly bitten other patients. Is very filthy in her habits. Is violent and cannot be controlled. 1906.—This patient is a happy and cheerful child, who runs about laughing everywhere. Cannot speak at all, further than 'Tommy,' and 'Money.' Is not clean in habits, but has never attempted to bite any one or ever caused the slightest trouble."

Although we have no official knowledge of the cases (numbering 3,272) which are shown by the last census as being at large, we fear that the condition of many of them is certainly no better than that of their fellow sufferers in the workhouses.

In addition to these, there is one particular class well known in Irish workhouses, which I may specially mention. I refer to those women amongst the wastrels and ne'er-do-wells, who, through mental defect, are easily misled, and who spend their time in and out of workhouses, giving birth to illegitimate children, and thus perpetuating the social canker. I think that some legal means should be devised by which such women—on being proved mentally defective, although not certifiably insane—should be placed in institutions where they could no longer be the means of swelling the ranks of the submerged tenth.

In our Annual Parliamentary Reports we have frequently called attention to the great want of institutions for the training and education of imbecile children.

In the first report which we made after our appointment in 1890, we stated as follows—

"*Idiot and Imbecile Children.*—One of the greatest requirements in connection with lunacy in Ireland is the establishment of a national institution for the training and education of idiots and imbeciles, such as are the Larbert and Baldovin institutions in Scotland, and the Royal Albert and Earlswood Asylums in England. We may estimate roughly that there are not less than 3,000 idiots and imbeciles in Ireland, of whom probably 500 are under fifteen years of age, and at least half of these would be improvable, and derive benefit from the special training in idiot schools; but, apart altogether from improvement by training (as pointed out in the case of Scotland in one of the early Scotch reports), there is a great want in Ireland of an establishment especially adapted for the reception of young idiots, where they would be removed from the neglect and cruel usage they so frequently experience at home, or from the contaminating influence of association with the adult lunatics in asylums, or the pauper inmates of workhouses.

"The existing lunacy laws were not made for imbeciles, and we find in Ireland no less than 418 of this unhappy class occupying in district asylums accommodation properly intended for different forms of insanity, mimicking the shameless indecencies which are brought before their eyes, their moral degradation completing their mental deficiency; while no less than 1,888 are scattered over the workhouses, where the provision made for them

is often inadequate, where their very presence exercises a painful and demoralising influence on the other inmates, and where in some cases (as pointed out in our reports on particular institutions) they live in mechanical restraint to prevent their mischievous and destructive habits. The great majority, however, remain as hopeless wanderers, exposed to want and suffering, residing in homes where they can only in rare instances obtain the treatment suitable to their condition, while often they are grossly neglected. A case recently came to our knowledge where a poor woman, residing in one of the thoroughfares of Dublin, and occupied at work during the day, having an imbecile child and no means of caring for him, has been obliged to chain him to her bedstead while she is absent at her daily work.

"So long ago as 1851 the Census Commissioners addressed the Irish Government in these terms:—

"'We respectfully suggest to Your Excellency the propriety of taking some steps towards the education and moral improvement of idiots and imbeciles, a subject which at present engages the attention of the philanthropic both in England and on the Continent, where several establishments for the purpose have been erected, and are supported by the State, and in which the susceptibility of this class to a certain amount of education has been demonstrated.'

"A generation has passed away since then (we are quoting the words of a most philanthropic Irishman, the late Lord O'Hagan), and the great work of charity which was urged by the Commissioners has gone on successfully abroad, so that admirable institutions have long existed in Belgium and elsewhere, as well as in Scotland and England, redeeming unhappy children from darkness and misery, and restoring them in numbers to comparative intelligence, and the power of at least assisting by their labours in the business of life; but Ireland has had almost no share in this happy progress.

"It is true that Section 4 of 41 & 42 Vic., cap. 60, enables the Guardians of any Union to provide, at a cost to the rates of not more than 5s. per week, for the reception of pauper idiots in suitable institutions; but, with the exception of Dr. Stewart's establishment near Lucan, in which a few imbeciles are maintained by private charity, no such institutions have ever existed in this country."

Owing to the comparative absence of wealth in Ireland, the resources of private benevolence are very limited, while, having regard to the poverty of the country as a whole, and to the fact that many of the ratepayers are themselves steeped in poverty, and already heavily burdened with lunacy charges, they cannot justly be expected to bear any further heavy impost for founding or supporting institutions for the training of imbeciles and feeble-minded persons. It appears to me, therefore, speaking as a private individual, that the only remedy is for the Imperial Government to come to the assistance of a sadly afflicted class, by providing and largely maintaining, say, one institution in each of the four provinces for the training and education of the feeble-minded and imbecile classes, and a central colony for the whole of Ireland for epileptics.

I submit that Ireland has in this connection a special claim on the Irish Church Surplus, and, if that surplus be now exhausted, then—having regard to the terms of the Irish Church Act, 1869, and the promises given at the time of its passing—provision for the relief of the afflicted classes referred to should be largely made out of Imperial funds.

Mr. Gladstone stated that it was written in the Church Bill "in letters of iron" that the Irish Church Surplus (1st) should be devoted exclusively to Irish purposes, (2nd) that these purposes were the relief of unavoidable calamity and suffering.

Mr. John Bright, in a historic speech on the second reading of the Bill, expressed this resolution so eloquently that his words deserve recall. He said:—"As to the uses to which these endowments are put. If I were particular on the point as to the sacred nature of the endowments, I should even then be satisfied with the propositions in this Bill—for, after all, I hope it is not far from Christianity to charity; and we know that the Divine Founder of our faith has left much more of the doings of a compassionate and loving heart than He has of dogma. I am not able to give the chapter, or the verse, the page or the column; but what has always struck me most in reading the narrative of the Gospel is how much of kindness and how much of compassion there was, and how much also there was of dealing kindly with all that were sick, with all that were suffering. Do you think it will be a misappropriation of the surplus funds of this great Establishment to apply them to some objects such as those described in the Bill? Do you not think that from the charitable dealing with these matters even a sweeter incense may arise. . . . We can do but little, it is true. We cannot relume the extinguished lamp of reason. We cannot make the deaf to hear. We cannot make the dumb to speak. It is not given to us—

'From the thick film to purge the visual ray
And on the sightless eyeballs pour the day.'

"But at least we can lessen the load of affliction and we can make life more tolerable to vast numbers who suffer."

When the Bill was going through Committee, the actual appropriation of the surplus among specified charities was omitted, but Mr. Gladstone stated that the Government bound themselves "to the principles on which the available residue would be administered." This clear declaration of intention ran through the debates, and it is embodied in the 68th Section of the Act, which runs as follows:—

"Surplus.

"68.—And whereas it is further expedient that the proceeds of the said property should be appropriated mainly to the relief of unavoidable calamity and suffering, yet not so as to cancel or impair the obligations now attached to property under the Acts for the relief of the poor: Be it further enacted, that the said proceeds shall be so applied *accordingly*, in the manner Parliament shall hereafter direct."

Millions of the Irish Church Surplus have been distributed since the passing of the Act; but, so far, none of the surplus has gone to the relief of lunatics or idiots or the other charities to which it was consecrated; and it is difficult for one who is not a lawyer to trace the connection between "the relief of unavoidable calamity and suffering," and the grant, for instance, to the National Teachers' Pension Fund of £1,300,000; to Intermediate Education of £1,000,000; to the Department of Agriculture and Technical Instruction of £70,000 a year for fifteen years; or to the Professorial Endowment of the Royal University of £20,000 a year.

It is equally difficult to reconcile the principles on which the Bill was recommended to Parliament with the fact that by Section 40 the amounts previously payable out of the Consolidated Fund, or out of moneys provided by Parliament for the endowment of the Presbyterian Church in Ireland (Regium Donum, etc.), as well as those payable to the College of Maynooth, were compounded for the capital value of the interest which they represented, and such capital value was paid out of the Church surplus, in relief of the Imperial taxpayer.

I submit that these provisions show the reasonableness of the demand that the Imperial taxpayers who were thus relieved should now provide the money required for the relief of unavoidable calamity.

The foregoing refers to feeble-minded paupers whose powers of injuring themselves or others is limited by their poverty; but when such mental deficiency is found in persons possessed of means, a fresh difficulty arises. I refer to the case, say, of a person who, although weak minded is not certifiable as insane, and who, while a minor, is under the care of the Court of Chancery. Such a person on attaining his majority may have a considerable amount of wealth at his absolute disposal, and becomes the easy prey of the designing and parasitical adventurer who is to be found in every community. The unfortunate victim in such a case may, in a few years, squander a sum which would otherwise have afforded him a competence for life, and may contract vicious and intemperate habits, which ultimately lead him to become a burden on the public rates, by his gravitation to the asylum, or prison.

Owing to the sparse distribution of wealth in Ireland, such cases are few, but they are sufficiently numerous to justify some action being taken for their protection.

It appears to me that this could be done by a slight extension of the powers of the Lord Chancellor, who is intrusted by virtue of the King's Sign Manual with

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the care and commitment of the custody of the persons and estates of persons found idiot, lunatic, or of unsound mind, and whose powers in this respect, exercised by the Registrar in Lunacy, have been, within our period of office, carried out with conspicuous care and ability.

GEO. PLUNKETT O'FARRELL, M.A., M.D., T.C.D.
February 27th, 1906.

II. EVIDENCE RELATING TO INEBRIATES IN IRELAND.

I have submitted a statement of the law relating to Inebriates in Ireland, which, with the exception that the Licensing Act of 1902 does not extend to Ireland, and that the functions of the Secretary of State are exercised in Ireland by the Lord-Lieutenant, is practically the same as the law in England.

Up to the present, however, the only institutions established in Ireland under the Acts have been a State Inebriate Reformatory at Ennis, County Clare, to accommodate fifty-four patients (twenty-seven of each sex), and a small Retreat for fifteen Protestant females in a suburb of Belfast.

The former, which was opened in June, 1899, is under the management of the General Prisons Board, who report thereon as follows :—

"As it has now been clearly proved that the reformatory treatment has in many cases succeeded beyond expectation, it is a matter of much regret that more of the habitual inebriates for whom the institution was established are not sent there, and also that in the cases of some of those who are sent, the term of committal is so short as not to afford a fair opportunity of applying the remedial influence of the reformatory. There was an improvement shown in this respect last year, as compared with 1903, inasmuch as while in 1903 three sentences of less than eighteen months were passed, only one such was passed in 1904. This latter, however, was for the very short term of six months—a period in the opinion of all those who have any experience of the institution, altogether too short."

The reports of the governor, chaplains, and medical officer, extracts from which are published in the Appendix, are very encouraging. The following remarks of the governor are specially noticed :—

"The methods of treatment adopted in the reformatory are hygienic in character, being directed to the moral and physical restoration of the inmate. This is sought to be accomplished by means of a plentiful and nourishing diet, a regular healthy life, by training in habits of thrift, and instruction in trades, by discipline, total abstinence from intoxicating drink, and the good advice and influence of the chaplains and staff. The change that takes place even in the appearance of the inmate when some time in the reformatory is very noticeable. Inmates who on their reception were sullen, unkempt, and sickly, in a little while become cheerful, tidy, and healthy."

And the following remarks of the medical officer :—

"In no case has any inmate on reception been suffering from *acute* alcoholism ; but, on the other hand, each and every one has evidently been addicted to intemperance for a long period, as exemplified by the countenance, demeanour, etc., on admission.

"It is very remarkable the improvement, in this respect, which has taken place in every instance. And from my experience after over four years' intimate connection with the inmates while in the reformatory, besides reading the favourable reports concerning the majority of those who have been discharged, I have no doubt whatever that the principle on which the reformatory is conducted is eminently successful.

"This is all the more apparent when it is considered that every case hitherto sent here has been one of *chronic* intemperance. And I am completely at a loss to understand why those in authority do not more frequently take steps to have the reformatory availed of. I cannot avoid again emphasising the fact that short sentences are not only perfectly useless in effecting any prospect of a "cure," but that instead of being a kindness to the inmate and his relatives, they have a contrary result."

The Prisons Board having followed up the after-history of every discharge from Ennis State Reformatory during the seven years of its existence, are able to state that more than 50 per cent. of the reformations are permanent so far.

The Belfast Retreat was licensed in May, 1903. The following are extracts from the only report regarding it which has so far been presented :—

"The origin of the institution is as follows :—

"The Irish Women's Temperance Union, a philanthropic association, whose efforts in the cause of temperance are deserving of the greatest praise, determined a few years ago to establish a voluntary Retreat for females.

"The necessary funds for this purpose having been voluntarily subscribed by the members of the Union and their friends throughout the country, steps were taken to secure "The Lodge" which is an ordinary villa, situated in a good residential district in the eastern suburbs of Belfast.

"From the date of the licensing of the Retreat up to the 31st December, 1904, twenty-two patients were admitted ; three were re-admitted ; and fourteen were discharged, leaving eleven resident at the end of the year 1904.

"Sufficient time has not yet elapsed to comment on the after-history of the discharged cases, but even already there are indications that, in a number of cases, the treatment has had a good effect.

"It is recognised that the only hope of the complete reformation of a confirmed inebriate is prolonged abstention from alcoholic liquor, and it is evident, therefore, that the power of compulsory detention is a vital necessity for effective treatment.

"The patients are divided into two classes, according to the rate paid for maintenance, viz., the "better" and the "working" class. Each class dines separately and the former do no housework, as the latter do.

"The rates charged range from 5s. to £2 2s. per week.

"Having regard to the great need for institutions of this kind throughout the country, it is to be hoped that, at no distant date, others may be established for males as well as females.

"A great number of them have been established in England and Scotland, where they are reported to be doing good work, and, when it is remembered how widespread is intemperance in the use of alcohol, it will be apparent how ineffective to grapple with the evil is one small establishment for the detention of Protestant females only, in the whole of Ireland."

Experience has proved how unavailing fine or imprisonment is to effect any reformation in the habits of the confirmed drunkard, and, having regard to the fact that quite 50 per cent. of the crime committed in Ireland can be traced to alcoholic excess, and that it is the cause of much of the insanity of the country, it is sad to reflect how trivial have been the efforts made to deal with what may be pronounced to be the greatest national evil of Ireland. The Executive have, however, it is just to say, done everything in their power by starting, under Section 3 of the Act of 1898, an institution which has never yet been filled, and which is capable of immediate expansion, if necessary. They have also adopted the Home Secretary's regulations for the certified inebriate reformatories, and have endeavoured to induce local authorities and philanthropic bodies to start certified houses under Section 5 of the Act. I am glad to state that a movement in this direction is astir, and that one certified reformatory is now being opened at Waterford by a religious Brotherhood. Unfortunately, the Treasury Grant, which enabled these institutions to be started and fostered in England, has now been reduced. Having regard to the poverty of Ireland, it is not unreasonable to expect that the same Grant as was originally given in England should be made to the similar Irish institutions ; at least, until they have passed out of the experimental stage. Local bodies in England, who now, I understand, contribute liberally to certified inebriate reformatories, naturally declined to do so until the experiment had proved successful.

I may add that, according to the Returns for 1904, 7·9 per cent. of the total admissions to Irish District asylums in that year were stated to be due to the abuse of alcohol—the percentage being 11·1 amongst the males, and 4·2 amongst the females.

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22082. (*Mr. Byrne.*) From your very striking statement we gather that there are a very large number of defectives in Ireland known to the State—a larger proportion than in England or Scotland ?—Yes.

22083. Is that attributable to the drainage of the healthier elements of the population ?—No doubt it is; it has been attributed largely to that cause, but it is right to mention a very curious fact that in the States of America to which the Irish principally emigrate they find in the asylums a very large proportion of people of Irish birth—a much larger proportion than that of any other nationality.

22084. And that notwithstanding their sifting them on their landing ?—Yes.

22085. I notice that in your 54th Annual Report it is stated that the proportion of lunatics to population is largest in certain counties which, as far as I know, are of a purely rural character ?—Yes.

22086. And there is not such a proportion in large centres of population like Belfast and Londonderry and so on. How do you account for the excess in places like Meath and Kildare ?—First there has been a very large emigration from Meath; and also to the fact that a good many people emigrate to the larger towns—the more active and energetic members of the community.

22087. Do you impute it at all to the neglect of the existing defectives, and their marriage and having children ?—To some extent it would be so I suppose. I am not prepared to say how far. It is a curious fact that in certain remote districts in Ireland, certain secluded districts where there is a good deal of insanity and where there is very much intermarriage, those districts I am told send a larger proportion than other districts to the asylums. There is the Black Valley in Kerry; I was told by the superintendent of Killarney Asylum that there was a very large number of lunatics having regard to the population of the Valley; also in one district of Connemara.

22088. Is there any healthy feeling in Ireland about the non-marriage of defectives ?—I cannot say there is.

22089. Is there the reverse ? Do the higher grades of imbeciles freely marry ?—I presume they do, but I cannot speak positively.

22090. The number of lunatics and imbeciles who are not known to you may be very considerable, may it not ? —It may be.

22091. Has there ever been any formal investigation in Ireland on the subject, or in any part in Ireland ?—Not that I am aware of. There was an inquiry made years ago by Sir Francis McCabe when he was Local Government Inspector, but I cannot say how far that inquiry went.

22092. What was the nature of the inquiry recently instituted by the Lord-Lieutenant about borderland cases ? —A small committee was appointed to inquire into certain borderland cases which were passing between prisons and criminal lunatic asylums, and in that case the question of criminal responsibility arose.

22093. That report would bear very closely on the work of this Commission. Do you think we could have a copy of it by applying to His Excellency ?—I have little doubt you can. I will communicate with the Irish Office and ask if I may furnish you with a copy. (*The Report was subsequently sent in to the Commission.*)

22094. If an inquiry of a fairly minute character were made in any part of Ireland it might produce even worse results than we gather from the published papers. Do you think it would ?—Not to any great extent. Most of these people in Ireland come under official knowledge. There is a great tendency in Ireland now for the poor people to send their dependant relatives to asylums. Admission is easily obtained into an Irish asylum, and there is a great tendency to send such people to asylums; they consider asylums are more comfortable homes than workhouses, so the tendency is rather to send them to asylums when they can.

22095. I gather from the comments of yourself and your colleagues in this report that the condition of the lunatics in some of the workhouses is very deplorable ?—Yes, it has been so.

22096. What remedy do you suggest for that state of affairs ? Do you think the Poor Law should be allowed to deal with defectives ?—I think it would be better to bring them all under one system of control and administration, to deal with them in separate establishments. It is only fair to state that the Irish Local Government Board has made very serious efforts to improve their condition. Their inspectors have done all they could, I think, to improve the condition of these people.

22097. Do you think that, if everything that is reasonably possible is done, you would still have to have a number of little workhouses with five or six imbeciles in them ?—I think it is the very worst system possible, having a few in detached workhouses.

22098. You think that ought to be put a stop to ?—I think it ought to be put a stop to.

22099. Regardless of the fact that people would have to be taken away from their friends ?—Yes, I do not think there is much feeling on that subject with these people; they are apt to be forgotten.

22100. Will you tell us something about the cost of asylums in Ireland ? I notice from your report, speaking generally, that they differ a great deal—the charge in respect of land and buildings differs very much ?—When my colleague and I were appointed as inspectors of lunatics in 1890 there was a very great deficiency of accommodation in Irish asylums, and there is still a deficiency, but we have induced the local authorities to provide 8,630 beds for 8,630 patients since our appointment. In two cases we have built entirely new asylums; one at Antrim, and a second asylum for the Dublin district.

22101. Where is that ?—At Portrane.

22102. Is that a recent asylum ?—Yes; and Antrim.

22103. One of them cost £330 a bed, and the other cost £168 a bed ?—That £168 includes the buildings (temporary and permanent) at Richmond and Portrane. It does not refer exclusively to Portrane.

22104. Antrim, £331 ?—That is practically right.

22105. Richmond and Portrane, £168 ?—That is not the correct figure for Portrane only. I think the figure for Portrane new asylum should be about £288.

22106. This return is used a great deal in England and referred to; would it be possible to have the Irish part of it checked to see that it represents the substantial facts ?—Yes; Antrim is practically correct.

22107. (*Mr. Hobhouse.*) What are your figures for Portrane ?—The figure I have got here is £288 a bed. The local authorities have provided accommodation for chronic and quiet patients in connection with some of the asylums at a very cheap rate. At Belfast they have built four villas accommodating fifty each, for £100 a bed.

22108. (*Mr. Byrne.*) Are these villas self-contained?—They are self-contained villas; but there is no laundry.

22109. There is a general laundry ?—Yes.

22110. Do the attendants for each villa live in the villa ?—Yes.

22111. And do their own cooking ?—Do their own cooking, with a small kitchen; they are simply ordinary villas.

22112. They have their own separate rooms for hospital cases ?—They are not hospital cases, they are quiet and healthy female patients, but if a patient were sick she would remain there.

22113. They are practically self-contained villas?—Yes. In Downpatrick the provision of accommodation for workhouse cases, and also for other chronic and quiet patients, had to be considered, and the question arose whether it would be better to build in connection with the county of Down asylum at Downpatrick, or whether it would be better to put them into a separate institution such as a disused workhouse, if they could get one. After investigation, the county council of Down determined to build two blocks in connection with their existing asylum, and they provided these blocks for 179 patients at £90 10s. per bed. There are some other cases to which I need not refer.

22114. Have you a return which you can hand in ?—Yes.

22115. Does it contain anything which does not come

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in the annual report?—No, I think it is all in the annual report. This gives the number of beds provided since 1890, and also the cost of these special blocks; it is contained in one of our annual reports. I will get this corrected and handed in afterwards. *The Return was subsequently sent in, and is as follows:—*

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RETURN SHEWING THE SLEEPING ACCOMMODATION PROVIDED SINCE 1890 IN THE DISTRICT LUNATIC ASYLUMS IN IRELAND BY THE EXTENSION OR ALTERATION OF EXISTING ASYLUMS OR THE ERECTION OF NEW ASYLUMS.

Asylums.	Number of additional beds provided.	Cost per bed in cases where new Asylum or separate blocks were erected.	Remarks.
		£ s. d.	
Antrim	400	347 8 0	New Asylum with administrative offices for 600 patients.
Armagh	196		
Ballinasloe	433		
Belfast	390	100 0 0	Accommodation in the form of villas for 100 patients.
Carlow			
Castlebar	300		
Clonmel	225		
Cork and Youghal	1,079		
Downpatrick	389	90 10 0	New blocks for workhouse and chronic cases.
Ennis	60		
Enniscorthy	176		
Kilkenny			
Killarney	209		
Letterkenny	410	126 10 0	New block for 200 patients.
Limerick	451		
Londonderry	164	256 4 5	Accommodation in the form of villas for 100 patients.
Maryborough	200		
Monaghan	160		
Mullingar	524		
Omagh	286		
Richmond Portrane	2,184	288 0 0	Portrane New Asylum for 1,240 patients.
Sligo	174		
Waterford	220	92 0 0	New blocks for 126 patients.
Total	8,630		

22116. I gather from your actual report that there is no such thing as the boarding-out of lunatics, in Ireland?—No.

22117. Has it ever been tried?—It has never been tried. On principle, I am certainly in favour of the boarding-out system, but Ireland is not a country very well suited for it; I do not think it could be adopted on a very large scale there. It is difficult to find suitable hosts; the people have rather a fear, an objection, to insanity close to them in their homes. There are other causes. What they call in Scotland "sexual accidents," in Ireland would create a tremendous sensation. There would be much difficulty attending any extensive adoption of the boarding-out system, although I am quite in its favour, as I know it works very well in Scotland

22118. With regard to the mental defectives who are not lunatics, who do not come directly under the Lunacy Acts, of whom a large number appear to be at large in the country, do you think we may dismiss boarding-out as not being a very useful way of dealing with them?—It would not be a very useful way, in my opinion.

22119. Roughly speaking, the industrial and reformatory school system is much the same as in England?—Yes.

22120. Do you think those schools might be utilised with advantage for some of the defective children?—Yes.

22121. At present they are professedly excluded from such schools?—Yes.

22122. Would you like to see a special industrial school started for the purpose of receiving them?—Yes, I should be very glad to see that.

22123. Under the system that is working now, local authorities or philanthropic institutions starting the system and receiving a weekly grant from the Government?—Under the present system.

22124. With power of detention, nominally until the age of eighteen?—I think when they got to eighteen you would have to draft them into a different institution; I do not think it would do to mix the children with the others.

22125. You would use reformatory and industrial schools for this purpose up to eighteen, and if they were still unfit to be at large then you would send them to something like a colony?—Yes.

22126. A place where they could be kept to labour and kept out of mischief?—Yes.

22127. Do you think an institution such as that might be worked economically?—I think so.

22128. Land is very cheap?—Land is very cheap in Ireland, in parts; when you get out of the neighbourhood of towns it is very cheap.

22129. Could fairly lucrative work be done on the land, either in the way of reclamation or growing produce?—In some of the asylums in Ireland they do a great deal of excellent agricultural work.

22130. What would be your best hopes of the results from an excellently devised institution? What would you bring down the cost of maintenance to?—I have not thought it out and I should not like to name a figure, but you might bring it down to something like 5s. or 6s. a week. That is a mere rough estimate.

22131. You say in your statement it should be for the Imperial Government to come to the assistance of a sadly afflicted class by providing and largely maintaining say one institution in each of the four provinces for the training and education of the feeble-minded and imbecile classes. Could you tell us in general what is the extent of the evils which you seek to remedy by that proposal? Are there conspicuous evils in Ireland on account of this class not being dealt with?—Yes, there are. The idiot children wander over the country undergoing the greatest privation and suffering, buffeted and kicked about in some cases, and they ultimately drift into the workhouses. They have by that time contracted the most degraded and revolting habits. They have no proper method of dealing with such people in Irish asylums. I should like to see established in each province in Ireland a block for these children in connection with the existing asylums so as to cheapen administration, not in the asylum buildings but on the same estate or under the same administration at all events.

22132. Would you consider that land for them to live upon and cultivate is an essential of such an institution?—Certainly.

22133. The Dundrum asylum is a criminal lunatic asylum?—It is the Broadmoor of Ireland.

22134. I notice in your report about that asylum that you have quite a number of persons described as congenital idiots. How is it persons who can be described as congenital idiots can have been allowed to commit crime?—They have been at large in Ireland.

22135. So that illustrates the evil?—That is the best way of illustrating it.

22136. About inebriates; you speak of the favourable reports concerning the majority of those who have been discharged?—I am speaking here for the Irish Prison board. I have nothing to say for that institution, the reformatory, but I have visited it and am acquainted with it and I am quoting their words regarding it.

22137. I notice generally your evidence is very favourable to this institution?—Yes.

22138. The favourable result concerning the majority of those who have been discharged is based on actual figures?—The Prison Board have informed me they have made the most careful enquiries from the clergymen, police, and responsible persons, and on the whole the results are very promising.

22139. It is a well-considered opinion?—It is after most careful enquiry in the case of long period detentions. The short sentences, six months, are perfectly useless; they leave the institution and relapse at once.

22140. Can you tell us, roughly speaking, how many inebriates in Ireland show themselves to be feeble-minded?—I believe a large number.

22141. Have the figures been got out by the Prison Board?—I cannot say.

22142. You say in regard to certain persons that reformation is practically impossible?—Yes, I should think so.

22143. What would you do with the confirmed drunkard who showed himself not amenable to the reformatory discipline of existing institutions?—I should send him to a labour colony.

22144. The same sort of place as you would use for the adult feeble-minded?—Yes.

22145. Would you see any objection to his being dealt with on the same estate?—No, I should see no objection; under the same administration.

22146. Would the same sort of life and *régime* be useful for him?—I think it would. As regards a large class of epileptics there is no objection; on the same estate you may have an epileptic block.

22147. You think with proper segregation they might be all dealt with on the same estate?—Yes, on the villa colony system.

22148. Allow me a few questions about the law to supplement this very useful tabular statement. The first is with regard to the first column of Table A, "lunatics under the Lunacy Acts; the Lord Chancellor may appoint a guardian of the person and property of persons shown to be of weak mind and temporarily incapable of managing their affairs." The word "temporary" surely limits the utility of that very much. Persons of weak mind, you would think, would be generally incapable of managing their affairs, or generally incapable, but why the word "temporarily"?—As far as I am aware that is people who pass temporarily into a condition in which they are not able to manage their own affairs and the Lord Chancellor can place them under control for six months; take charge of their affairs for six months.

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22149. (*Chairman.*) Does it apply chiefly to old people?—No, I think not. Dr. Colles will be able to answer that question more satisfactorily.

22150. (*Mr. Byrne.*) You suggest a slight alteration of the powers; I was going to ask what it was?—That was a special class of these people to whom I referred there.

22151. You have urgency cases dealt with in Ireland. Suppose a policeman or a private individual finds a person gibbering about the streets, not under proper control; what does he do?—Makes an information before a magistrate.

22152. Can he take the person before a magistrate then and there?—An information is sworn, then he is brought before the magistrate, then they commit; that is what we call a "dangerous lunatic," under the Act 30 and 31 Victoria.

22153. Can a policeman take the person straight off and deposit him in a police station until he gets the two magistrates?—He practically does so.

22154. That is done, and the papers are put right afterwards?—Yes.

22155. The absence of a proper system of dealing with emergency cases looks to an English eye rather defective?—Yes, the Dangerous Lunatics Act was intended to apply to a very limited number of lunatics in Ireland, as it does in Scotland, but the Irish people saw it was a very ready way of getting rid of the lunatic, they had no expense of transferring the lunatic to the asylum, which might be a long distance away, and they had not to pay the doctor's fee, and so they quickly saw that by swearing this information under certain circumstances they could have them taken charge of by the police, relieving them of all responsibility and expense. The result is that the Dangerous Lunatics Act has been the great Act in Ireland for committal to the asylum. It is really a great abuse of the Act, but it has become the ordinary method of admission to asylums.

22156. And it is convenient?—And it is convenient.

22157. It is much more difficult in Ireland to get authority for the detention of a pauper than it is for the detention of a person that is not a pauper?—Yes; the Private Asylum Act is a very old Act and it is not very effective.

22158. Do you consider that elaborate system for getting an Order for the detention of a pauper lunatic with a double certificate stating "facts observed by myself and facts reported by others" is necessary in regard to the idiot and imbecile classes?—No, I do not think it is necessary, but it is very hard to see a way out of it; it is difficult to recommend the facts should not be stated and should not be set forth. They can be very simple, but I think they should be stated by the examining medical men.

22159. You have nothing in Ireland corresponding with the Idiots Act, 1886?—No.

22160. You know the terms of that certificate?—Yes, I do generally.

22161. "Idiot or imbecile, but capable of benefit by instruction in such an institution." Would you like that in Ireland?—Yes.

22162. If you had a law enabling you to do it, would you apply such a certificate to a large number of the defectives or would you like them all to be certified under the Lunacy Acts?—I think it would be better to have them certified under the Lunacy Acts.

22163. For what reason—to satisfy the public?—Yes, to satisfy the public and prevent any possible abuse.

22164. I see in column 7 of the same Table you speak of discharges and you remark at the end that in all

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the above cases except (*a*) and (*e*) recovery of the patient is not a *sine qua non* for discharge. I observe from your Report there are a very large number of recommittals of lunatics to asylums. Does that evil arise from the premature discharge ?—It does in some cases.

22165. Have you any practical recommendation to make for dealing with that matter; It has been before us pretty constantly in regard to England ?—The subject is very hard to make any recommendation on, but I certainly think there should be a larger discretion allowed as regards the detention of many of these people.

22166. Will you tell us, generally, what are the causes which press upon a committee of management in thinking of a discharge now ? Is there a want of space, and do they discharge for that reason ?—They are very often discharged for that reason.

22167. Have they got the theory that if a person has been for weeks and months tranquil, and free from delusions, that person is not insane and should be let go, even if they know that under the stress of the outside world he or she will become a lunatic again in a few weeks ?—They are not sure they will relapse, and, not being sure, they are bound under the existing law to discharge them.

22168. The people must go, even if in their own minds they know there is the risk ?—Yes, they are still bound to discharge.

22169. Are you satisfied with the continuance of that system ?—I think there should be a much larger discretion allowed with regard to the treatment of recurring cases.

22170. Would you like the medical superintendent, or the committee of management, in cases like that, to be able to report to the Lunacy Board and say, "We have a person who is now tranquil and free from delusions, but if she is let out we fear from what has happened in the past that she will get into trouble; may we apply for your instructions as to what we shall do" ?—Yes.

22171. What powers would you like the Lunacy Board to have ?—Power to sanction the detention for a definite time of such a patient.

22172. And a renewable period ?—Yes.

22173. Do you think that is strongly called for ?—I think it is strongly called for.

22174. (*Dr. Donkin.*) Is it your opinion that there are a considerable number among the congenitally feeble-minded people of Ireland whom it would be difficult, for many reasons, to get certified under the Lunacy Act ?—I do not think there is very much difficulty in Ireland in getting them certified. That difficulty does not arise, though I understand it arises in England. In Ireland persons are very freely certified.

22175. With the higher grade of imbeciles, for instance, who come into the prisons guilty of various crimes, and the girls who become prostitutes, would there not be a difficulty in certifying many of them under the present law? Would it be easy to get the doctors to certify them ?—No, I do not know that that class would be certified. There might be a risk in being too free; you would have to be rather careful of that. There is a class of that kind who are well known in Irish workhouses; in certain parts of Ireland they produce the only illegitimate children you find in the country. In the west of Ireland illegitimacy is very rare, except among these women. You see these women, when they are in the workhouse, in the separation wards, then you go on to the schools and you see their children stigmatised in the schools with the stigma of degeneration about them. They are a class by themselves. I think it would be useful if there were some power of detaining these women.

22176. You think there should be, in order to detain them, some further powers ?—Yes.

22177. But you could not certify them under the Lunacy Act as at present worded ?—No.

22178. There are a good many of those in some parts of Ireland ?—Yes, there is a certain number in nearly all the workhouses.

22179. Have you any knowledge of families in Ireland with several members more or less imbecile ?—Yes, I have knowledge of some families. You see them in the asylums a good deal. You see the parents and children in the asylum, sometimes, together.

22180. From your experience among the feeble-minded class in Ireland, have you formed any views as regards the tendency of mental deficiency to run in families ?—I believe entirely in the heredity theory.

22181. You believe, from what you have seen, that there are many cases in which there is a tendency for defect to reproduce itself ?—To run in families.

22182. (*Dr. Dunlop.*) About that point you were just mentioning, the certification of feeble-minded maternity cases; where is the difficulty of certification ? Presumably you are only referring to cases which are mentally defective ?—They are defective, but they are not certifiable.

22183. Is any hard and fast line drawn ?—No, there is no hard and fast line drawn; in some cases they would be, and in some cases they would not be certified.

22184. Wherever there is mental defect, there is surely some fact you can fill in in the certificate ?—Where there is marked defect there is a feeble mind, a defect in controlling power, which I think would justify in some cases their detention on sociological grounds during child-bearing period, but I think that should be very carefully guarded and should only be applied by some responsible judicial authority. I do not at all believe in the indiscriminate certification or committal of these people.

22185. Do you think all imbeciles or congenitally defective persons should be certified ? I suppose not ?—No.

22186. It is only those who require care and treatment ?—Yes.

22187. Surely these persons about whom we are talking are essentially those who require care and treatment, as well as being defective ? They come within the terms of the certificate, do not they ?—Yes, but still at present they are not certified as a matter of fact.

22188. But there is no practical reason why they should not be ?—I think in some cases there would be a difficulty in certifying.

22189. Where would the difficulty be ?—That you cannot get the medical man to take your view.

22190. The medical men are defaulters in the matter, but what about the magistrates ?—The magistrates have so little to say to it in Ireland; they are absolutely dependent on the medical certificate.

22191. The magistrate does not criticise the certificates in Ireland in the way he does in England and overruled them ?—No, he does not. The magistrates commit under the Dangerous Lunatics Act which constitutes the great bulk of the admissions into asylums; the magistrates are the committing authority; they commit the patient and they have power of doing it on a medical certificate stating that the patient is a dangerous lunatic. There are certain facts alleged to prove that the patient is dangerous, but as a matter of fact in some cases the Dangerous Lunatics Act is applied to children of five years or six years old.

22192. Could it not be applied to these maternity cases ?—No, because they are very often not at all violent.

22193. A child five years old is not violent ?—It may be troublesome; it may bite or scratch. That constitutes the danger in the opinion of some magistrates.

22194. Do you think it would be wise to bring the lunatics and defectives into two classes and style the one certifiable and the other not ?—I think it would be better to bring them all under one authority.

22195. Do you not think the sound administration would be that wherever there is defect in any form, combined with necessity for care and treatment, that *ipso facto* ought to be the certifiable quantity ?—I think so.

22196. In Ireland is any administrative difference made between congenital and acquired defect, or are they all dealt with and classed as lunatics ?—They are dealt with and classed as lunatics.

22197. Do you think it would be advisable to divide them into two classes ?—No, I think it should be one authority.

22198. And the authority to look after all defectives and lunatics is the Lunacy Board ?—There is no Lunacy Board in Ireland. We are the central authority.

22199. I see in Ireland there are two local authorities taking charge of defectives and lunatics, the Guardians and the County ?—The County Council are responsible for providing asylum accommodation, and they entrust their powers as regards the management of the asylums to an asylum committee; that is one authority. The other authority, the Guardians, have no control over a lunatic. A lunatic in a workhouse is simply there as a pauper. He happens to be a lunatic, but he is regarded as an ordinary pauper.

22200. At the present moment we have this double form of relief, the Guardians taking charge of a large number in the workhouses, and the county authority taking charge of a large number in the asylums ?—Yes.

22201. That is most unsatisfactory ?—Yes.

22202. It is over-lapping, is it not ?—Yes.

22203. Have the asylums any power of selecting cases; are they in a position to refuse to admit cases, or not ?—As I said before, so many of the patients are sent in on a magistrate's warrant. They have to receive them; it is a compulsory warrant.

22204. That is under 30 and 31 Victoria ?—Yes, Chapter 118. Two-thirds of the lunatics in Ireland go in under that Act, the local authority must receive them. They claim a power to refuse those sent in on an ordinary form, the house form. There is very often a dispute between them and the Boards of Guardians as to their power of refusal.

22205. The asylums have it in their power to refuse these cases ?—Yes, they claim the authority; they say we are full, we cannot receive them.

22206. The managers of the asylums are the admitting authority ?—Yes, as regards the ordinary forms.

22207. Those that come in under the ordinary forms instead of going before the sheriff as in Scotland ?—It is two justices in Ireland.

22208. But the managers of the asylum are the final admitting authority ?—Yes.

22209. Is that a satisfactory state of affairs ?—Yes, I do not see any objection to it. It should be exercised through the resident medical superintendent, of course.

22210. Would you give the medical superintendent that power to refuse a case ?—No, I should not.

22211. He is the only expert in the management ?—He is the only expert and the committees are guided by his advice.

22212. It is a very wide power to give him ?—It is a very wide power to give him.

22213. Is it advisable that that should be retained ?—I think I should entrust it to him; he is a responsible officer.

22214. Would you explain the mode in which a lunatic is, in practice, looked after ? Let us take a suppositious case of a servant girl becoming insane. Suppose I had a house in Dublin and my housemaid became insane ?—She is very likely violent, she threatens suicide or assaults somebody or does some ordinary lunatic act. The master of the girl would go and swear an information that she had threatened to kill herself, and the police would come and bring her, in Dublin before a police magistrate, in the country before two local magistrates, who would call in the nearest available medical officer of the district, who would examine her, and on his certificate they would in the vast majority of cases commit her to the asylum.

22215. Take an attack of melancholia. An attack of melancholia is no ground for poor relief in Ireland; you get no assistance from the Guardians ?—The Guardians will not enter into it.

22216. Is that legal ? Are they not bound to take charge of all the sick poor ?—As a matter of fact it does not come before the Guardians in any shape or form. There is no law of settlement; there is no parochial system in Ireland as regards the lunatics. The lunacy laws were passed before the Poor Law.

22217. And do not fit in with the Poor Law ?—No.

22218. Talking about the boarding out of lunatics; in reply to Mr. Byrne's questions, you said you were rather afraid of it in Ireland on account of the risk of sexual accidents ?—That is one of the reasons why I think you could not use it in Ireland to any great extent, but I am in favour of the system in principle, though I think in Ireland you would have difficulty in applying it except to a very limited degree.

22219. Sexual accidents in Scotland, when the boarding out is with non-relatives, are very few and far between, and in the more moral Ireland they would be still fewer, so is that really a genuine objection ?—It is only one objection, but I think it is genuine to a limited extent. One case of that kind happening in Ireland would create a very great uproar. In Scotland you do not seem to think so much of these things.

22220. The risk is a very small one, is it not ?—It is not a great risk. Another difficulty in Ireland is the difficulty of finding suitable houses.

22221. It has not been tried, has it ?—No; many of these people are sent to the asylum to get them out of the homes, and you would send them back under the boarding-out system. The surroundings are bad and the people often want to go to work and they cannot look after these people.

22222. Not to their own homes but to other homes ?—Yes, but I think it would afford very limited relief in Ireland.

22223. Would you go to the length of saying it is a procedure which is worth giving a trial to ?—Yes; I am in favour of giving it a trial.

22224. You are not sanguine of it, personally ?—I think it would be limited, but I think it would give relief in certain localities, and we have stated that before now.

22225. Imbecile and defective children are very much neglected in Ireland ?—Yes.

22226. The institution of training schools for them is a crying want in the country ?—Yes.

22227. You made some remark about senile cases, that some of those go unnecessarily to the asylums ?—There is no other place to which they can be sent.

22228. Is there any reason why they should not go to asylums ?—No.

22229. Is not that the natural home for a person who is insane ?—Certainly. They tend, of course, to fill the asylum; they take up a great deal of accommodation; otherwise I think it is the most suitable place for them. If you can provide separate blocks for them I think it is the most satisfactory way of dealing with them.

22230. Do not you think they ought to continue under the lunacy administration rather than under the ordinary Poor Law ?—Yes, under the lunacy administration.

22231. In Ireland is it not the fact that your central Board do all the building of asylums ?—Not since the passing of the Local Government Act in Ireland. They did before that. A body called the Board of Control up to that time were responsible for buildings, acquisition of land, and the erection of asylums, but since the passing of the Local Government Act the Board of Control has ceased to exist and their powers have passed to the county council.

22232. So they are no longer being built by the central body ?—No.

22233. Do you think that is a change in the right direction or the reverse ?—I am in favour of extending the local powers so far as I can. I do not know that it has worked very well in some parts of Ireland; I think the local authorities are afraid of the expense. The districts in some cases are poor, and they are afraid to face the expense of providing the necessary buildings, and in that way I think it is not quite satisfactory.

22234. The previous method was for the central people to do the building, charging the local authority for it ?—They had absolute power.

22235. Did that work smoothly or not ?—It created a good deal of friction.

22236. Another point of difference between Ireland and England and Scotland, is that the criminal lunatic department is directly under the lunacy inspectors; is that a good arrangement ?—Yes, it works fairly well; but I certainly should be in favour of transferring our jurisdiction over Dundrum Criminal Lunatic Asylum to the Prison Board.

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22237. For what reasons ?—A criminal lunatic asylum is really more a prison ; it partakes of a prison character ; the great question is security there ; I think that question comes more appropriately under the Prison Board.

22238. I see your criminal lunatic department take in non-criminal cases ?—Yes, they are legally regarded as criminal lunatics, but they have been acquitted on the ground of insanity.

22239. Nb ; I refer to the Army and Navy cases ?—Yes, that is a defect of the Act in which the word " person " instead of " prisoner " was used ; it would be very wrong to put such persons under the Prison Board, but that Act no doubt would be amended.

22240. Regarding the inebriates, you talk about a 50 per cent. recovery rate. Can you tell me on what number that statement is based—it is a very striking figure ?—It is a very limited number. It is not my figure, it is a Prison Board figure.

22241. Can you give us some conception ?—There have been so few cases. At the State inebriate Home at Ennis there are only about thirty cases ; the governor says they have had 50 per cent.

22242. Can you tell me whether it is based on half a dozen cases ?—A small number.

22243. So small a number that probably it is not dependable ?—Very likely. Time is a large element, I need not tell you, in these cases, and the time is still very short ; it was only opened in 1902.

22244. (*Chairman.*) Do you wish to say something more about the Irish Church surplus fund ? You suggest in your statement that this money might be used for dealing with the feeble-minded. Would you suggest using the money for building institutions ?—Yes, I should. I may say that this church surplus fund, which represented a sum, Mr. Gladstone said, of £311,000 a year, was dedicated to the feeble-minded, among other classes of people in Ireland needing relief, people subject to what was called in the Bill, " unavoidable calamity and suffering." It was dedicated in the most solemn way, and we got a most solemn Parliamentary promise that this £7,000,000 or £8,000,000 of money should be given to the struggling charities of Ireland. As a matter of fact the surplus has been devoted to a great many objects since the passing of the Act, but not one shilling has come to any of the bodies which were ear-marked as its most just application. I should think we have a claim for anything remaining of it, that this money should be devoted to building for such classes as the feeble-minded. Then I think also we should get a capitation grant for their maintenance. The ratepayers of Ireland are so poor that they cannot afford to start, or entirely maintain, separate charitable institutions. I think we have reached the limit of our tax-bearing capacity as regards institutions, and that we must get very substantial relief from the State if they are to be provided at all.

22245. You suggest that unless money is forthcoming from the Imperial Exchequer there would be no chance of providing institutions, such as are necessary, in Ireland ?—In my opinion there would be no likelihood of providing them, and in my opinion the local authorities, having regard to the very heavy taxation they have to bear, and the poverty of the country, are fully justified in refusing to start further institutions.

JOHN MAYNE COLLES, Esq., LL.D., called ; and Examined.

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22246. (*Chairman.*) Would you be so good as to tell us how long you have been Registrar in Lunacy ?—Twenty years.

22247. You have been so kind as to give us a statement of your evidence with regard to the law in Ireland, may we put it on the notes ?—Certainly.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY JOHN MAYNE COLLES, ESQ., LL.D., REGISTRAR IN LUNACY (IRELAND).

THE JURISDICTION " IN LUNACY."

Lunatics so found.—The jurisdiction arising from the Royal Prerogative has, since the Lunacy (Ireland) Act of 1901, been delegated by the King's Sign-Manual not only to the Lord Chancellor of Ireland, as formerly, but also to the Master of the Rolls and the Lords Justices of Appeal, or any one of them. In practice the jurisdiction is exercised by the Lord Chancellor alone, the other judges named in the King's Letter acting only in the Lord Chancellor's absence.

Independent of legislation, the jurisdiction thus conferred extends only to " such idiots and lunatics and their estates as are and shall be found by inquisition."

By the Lunacy Regulation (Ireland) Act, 1871, " lunatic " is defined to mean " any person found by inquisition idiot, lunatic, or of unsound mind and incapable of managing himself or his affairs."

Orders for inquiry are made either on the petition of a relative or other person interested in the alleged lunatic, or on the report of one of the Lord Chancellor's Visitors. In cases where a jury is unnecessary the inquiry is held by the Lord Chancellor himself, who has in every case the assistance of a report from one of his Visitors. If the alleged lunatic is out of the jurisdiction, or himself demands that the inquiry should be had before a jury, a commission is issued—usually to the Registrar in Lunacy—under which a jury is empanelled to try the question of insanity. Appeal from the Order of the Lord Chancellor lies only to the King in Council. The finding of a jury can be traversed in the King's Bench Division.

The " Chancery patients " thus found lunatic by inquisition include a large proportion of feeble-minded persons who could not be certified as proper subjects for detention in an asylum. For some years the word " lunatic " has been dropped out of all proceedings in lunacy in Ireland, and the subject of the proceedings is designated a " person of unsound mind." This change of title has had a marked effect in lessening the disinclination of the patient's family to invoke the jurisdiction, and of the patient himself to submit to it.

According to the practice in Ireland, the person to whom the custody of the person of a lunatic is granted can exercise only such control as may be expressly authorized by the Lord Chancellor's Order.

In the cases of " lunatics so found " there is of course complete jurisdiction both as to person and property.

Lunatics not so found.—(*a*) Under the 68th section of the Act of 1871, when it is established to the satisfaction of the Lord Chancellor that any person is of unsound mind and incapable of managing his affairs, and that his property does not exceed the sum of £2,000 in value, or that the income thereof does not exceed £100 per annum, the Lord Chancellor may, without inquisition, make such Order as he may consider expedient for the purpose of rendering the property or income of such person available for his maintenance or benefit or for carrying on his trade or business.

This procedure under this section is inexpensive and simple. It has the disadvantage that no direct control is given over the person of the alleged lunatic, but indirect control resulting from the administration of the property is usually adequate; and although the patient can be discharged from asylum control without the permission of the Court, asylums are required to give previous notice to the Lunacy Office of intended discharge, in order that provision may be made for the future care of the patient.

Orders under this statutory power are made in many cases in respect of persons who are not certifiable.

The subject of the application has due notice and can appear by counsel or solicitor on the hearing of the petition, but the decision of the Lord Chancellor is final. If no objection is lodged, no formal application is made in Court ; the Lord Chancellor reads the petition and makes such order thereon as he thinks expedient.

(*b.*) Section 70 of the same Act confers power to deal with the property of a person in whose case a " special verdict " has, on indictment, been found under 46 & 47 Vict. c. 38. This confers no control, direct or indirect, over the person.

Persons of weak mind.—When it is established to the satisfaction of the Lord Chancellor that any person is of weak mind and temporarily incapable of managing his affairs, the Lord Chancellor is empowered by section 103 of the same Act to appoint a guardian of the person and property of the person of weak mind; and by the Order making such appointment, the nature and extent of the powers to be exercised by such guardian are to be specified.

Such an Order remains in force in the first instance for a period of six months only. It can be renewed for a second period of six months, but no longer.

A person of weak mind is defined by the Act as any person from any temporary cause or sickness affecting his mental capacity incapable of managing himself or his affairs.

An Order under this section gives (while it lasts) complete control over the person and a limited jurisdiction as to property.

County Court Jurisdiction.—The County Court Jurisdiction in Lunacy (Ireland) Act, 1880, enacts as follows: "From and after the passing of this Act every Civil Bill Court in Ireland shall have and may exercise with reference to persons who reside within the jurisdiction of such Civil Bill Court, and whose property or the net estimated value of whose property does not exceed the sum of £700 sterling in respect of the *corpus* thereof, or the sum of £50 sterling per annum in respect of the income thereof, all the jurisdiction, power, and authority in lunacy of the Lord Chancellor of Ireland for the time being intrusted by the Queen's Sign-Manual with the care and commitment of the custody of the persons and estates of persons found idiot, lunatic, or of unsound mind."

The jurisdiction in lunacy exercised under this Act has not been found satisfactory. There is considerable difference of opinion among county court judges as to the nature and extent of the jurisdiction conferred by the Act—such difference of opinion leading to difference of practice. The county court has, moreover, no machinery for the requisite supervision of either person or property.

Supervision and Inspection of Chancery Patients.

The medical inspection of Chancery patients is carried out by medical Visitors, locally appointed by the Lord Chancellor as occasion arises, who are paid by fees out of the property of the patient inspected; or, where such property is very small, out of the Lunacy fund. Persons found lunatic by inquisition must be so visited not less than four times a year if in private care, and not less than once a year if in an asylum. The medical visitor makes a report to the Lunacy Office of each such visit. Persons whose affairs are under the control of the Court by virtue of any of the statutory powers above mentioned are medically inspected as the nature of the case may require. Cases of difficulty are referred to consulting Visitors, of whom there are two in Dublin, one in Belfast, and one in Cork, or to the medical superintendent of the nearest district asylum, if the patient is not confined in such asylum. The Registrar in Lunacy is also required to visit every district asylum once a year, and every private asylum twice a year.

General Supervision.

A return is made to the registrar in lunacy of every admission to a private asylum in Ireland and of every admission to a district asylum of a patient known or believed to be possessed of means. Inquiries are then made as to the patient's affairs, and such action is taken as may seem necessary for the protection of the patient or his property.

By the Act of 1871, already mentioned, "alleged lunatic" is defined to mean any person stated to be, or treated as if he were a lunatic, or any person as to the fact of whose lunacy the Lord Chancellor shall think fit that inquiry should be had; and by section 11 of the same Act the Lord Chancellor is authorised to direct one or more of the medical visitors to visit any alleged lunatic and report as to his mental condition and surroundings.

These powers of investigation enable independent action to be taken through the general solicitor for minors and lunatics in Ireland, in cases where there is no member of the patient's family able or willing to present a petition. This applies chiefly to cases of patients with small means, and it is found feasible to deal effectively with all such cases, no matter how small the amount involved may be.

The Feeble-minded in Asylums.

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A tabular statement showing the law as now in force in Ireland relating to the admission and discharge of asylum patients has, I understand, been furnished by the inspectors of asylums. In practice, patients are usually admitted to private asylums on the order of a relative supported by two medical certificates under the provisions of the Private Asylums Act; while as regards district asylums, pressure on the available accommodation has resulted in the practical disuse of all forms of admission save the warrant of a magistrate under section 10 of 30 and 31 Vic. c. 118. The admissions to one of these asylums thus constitute a procession of patients suffering from every kind and degree of insanity and dementia, including senile dements and imbecile children, each of whom has been medically certified to be a "dangerous lunatic" and is sent as such to the asylum under a magistrate's warrant.

This leads to observation on a class of patient very frequent in district asylums and common enough in private ones—the patient, namely, who is sane in the asylum and insane at home. As certified lunatics, these people are apparently outside the scope of the present inquiry, but they become relevant as representatives of the large class of the mentally unstable whose sanity is contingent on favourable surroundings. Once the balance has been upset by deprivation or domestic worry, the choice lies between continuous detention of a sane person, and oscillation between home and asylum. In either alternative, the patient is miserable—and, sane or insane, he is a serious social danger.

The perplexities of asylum superintendents in dealing with these cases might be relieved by a power of boarding-out, coupled with adequate power to recover the cost of maintenance from the patient's relatives. If, however, the uncertified class is to be dealt with as a whole, either for protection or restraint, some scheme might be devised which would obviate an addition to the number of institutions of various kinds already existing in Ireland.

It would be possible to confer on some judge or tribunal the power of appointing a guardian of any feeble-minded person, specifying the nature and extent of the powers to be exercised by such guardian, in analogy to the procedure in weak-mind cases which has been already described. Periodic supervision would, however, be indispensable, and this presents great difficulty unless it could be carried out by assistants under the direction of the inspectors of asylums, performing duties similar to those of the inspectors of boarded-out patients in Scotland. If it were possible to arrive at any satisfactory definition of the prodigals or morally insane whose liberty of action might justifiably be curtailed by the State, I see no reason why cases of this kind should not be similarly dealt with. In palliation of the obvious defects of these suggestions it may be pointed out that conditions in Ireland hardly admit of such heroic measures as are advocated for England.

In this connection it is to be noted that for insane or feeble-minded persons with small incomes (under, say, £50 per annum) there is practically no suitable accommodation in Ireland.

Feeble-Minded Children.

Although the treatment and training of children is outside the sphere of my official duties, yet, as I have for several years acted as chairman of the managing committee of an industrial school, and have devoted some attention to the subject, I ask permission to make a brief reference to it.

The work done by the Stewart Institution—the only establishment in Ireland for the training of such children—is admirable within its possible limits, but in quantity the work so done is inconsiderable when the general problem is faced.

The dim or deadened intelligence and stunted physical condition of many of the children admitted to the school I am connected with, suggest the extent to which they would have descended in the social scale if the conditions of ill-feeding, hardship, and exposure, had been prolonged. The qualifications for admission to an Irish industrial school are:—

Mendicancy.

Wandering, and not having any home or any settled place of abode.

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Wandering, and not having proper guardianship or visible means of subsistence.

Destitute, and an orphan, or with a surviving parent in prison.

Frequenting the company of reputed thieves, or living with reputed prostitutes.

Under the sole care of a mother convicted for the second time of crime.

of which the mendicancy clause is in abeyance. The condition of the children who come in contact with the police under these clauses indicates the existence of a very large class in whom the feebleness of mind is deeper, though not beyond the reach of training.

Following the analogy of industrial schools, and subject again to a mental reservation regarding the multiplication of institutions, I suggest that if schools for the training of *improvable* children were provided by voluntary effort, feeble-minded and imbecile children found in unsuitable surroundings might be committed by order of a magistrate, the working expenses being partially met by capitation grants from the Treasury and the local authorities. Subject to the conditions that such schools be closely and adequately supervised, that the committing magistrates be specially selected, and that the period of detention be somewhat longer than that in industrial schools, it might be hoped that the training of such children would have an appreciable effect upon the populations of prisons, asylums, and workhouses.

J M. COLLES.

22248. (*Dr. Dunlop.*) Will you give us a little information about your present appointment? What are the duties of the Registrar? To what body is he attached?—The duties of the Registrar are practically the duties of the Master in Lunacy in England, *plus* the duties of registration and admission of patients who are not pauper patients.

22249. The registration is conducted by the inspectors?—Yes, but every asylum is bound to return to the Registrar's office the admission of every person who is not expressly admitted as a pauper patient, and the discharge.

22250. They are reported and registered in two places?—Yes.

22251. I see you mention the existence of a general solicitor for minors and lunatics?—Yes.

22252. What are his duties?—Practically the same as the duties of the Official Solicitor in England. He takes whatever proceedings are directed by the Court wherever it is necessary for the Court to take the initiative.

22253. Does he deal with pauper cases as well as the monied classes?—Very seldom. He can deal with them because there is power to pay his costs out of the lunacy fund which in Ireland is still under the control of the Lord Chancellor. In England it is not.

22254. He does not concern himself with general administration of lunatic paupers?—No, only cases specially referred to him from my office.

22255. The general public have no power of getting his opinion in the matter of lunacy?—No.

22256. I gather from your statement that you are strongly in favour of boarding-out of congenital defectives under guardians?—I quite agree with Sir George O Farrell. I can mention places in Ireland where it would not be very suitable, or practicable, but it would be practicable in a good many places, and I do not see why there should not be power to do it.

22257. It has been a success in Scotland; is there any reason why it should not be in Ireland?—I think it would be a success in some places in Ireland; at all events it could be tried.

22258. You are strongly of opinion that the provision for children is utterly insufficient?—Yes, lamentably insufficient, I think.

22259. Institutions for them will cost money. How should those institutions be paid for?—I have suggested as the only practical scheme that occurred to me that they should be paid for much in the same way that industrial schools are in Ireland, and worked on the same lines. They are provided by voluntary effort in the first place, and largely supported by voluntary contributions. They get the Treasury grant of 4s., and a grant from the local authorities of about 2s. 6d.

22260. If these children were dealt with under the Lunacy Law they would get a 4s. grant too, would not they?—But they could not be, I think.

22261. Why not?—The children I would like to get hold of are the children who are rather better than the ordinary class we deal with as the lunatic class in Ireland, somewhere between the industrial school class and the asylum class.

22262. There is no legal division of imbecile children into certifiables and non-certifiables, is there?—No.

22263. Is it desirable that there should be?—Children are not certified in Ireland at all unless they are violent or epileptic. They are left to Providence and their relations.

22264. In Scotland there are imbecile institutions where the children are not certified?—We have nothing of that sort.

22265. Are they certified at the Stewart Institution?—Yes.

22266. On the ordinary lunacy form?—Yes.

22267. Your conception is that the imbecile training establishment should be restricted to the mildest cases?—The cases that are improvable. I do not think in Ireland it would be possible to go further that that.

22268. What would you do with the others?—I am afraid, leave them alone. I do not see what else you can do with them.

22269. Leave them neglected, and at home?—I do not think public opinion in Ireland would support legislation of the sort that has been suggested, such as segregation and control for the rest of their lives; I think we have not moved on to that yet.

22270. But, on the other hand, when there is an idiot or an imbecile neglected at home and requiring care and treatment, do you think that should be refused?—I suppose not, but I have not been able to suggest any mode of dealing with them which would be likely to be accepted.

22271. Do you think that if it were declared that the parents should be entitled to relief from keeping an imbecile or idiot child, when those parents were unable to do it, there should be relief?—Yes, certainly, if the institutions could be financed.

22272. Finance is the great difficulty in Ireland?—Yes.

22273. Have you any faith whatever in voluntary effort meeting the situation?—Yes, to the extent that I have indicated I do think it would meet it.

22274. Has it been a success up to now?—It has, in regard to industrial schools. Of course there has been no attempt to go on the same lines in the direction of training imbecile children; there has been no opportunity.

22275. Has the Stewart Institution received the support it deserves from charitable sources?—No, not altogether I think.

22276. That is an institution exactly on the same lines which you now suggest, is it not? It has been tried and the philanthropic effort has failed, has it not?—It gets no support at all from the Treasury or from local authorities.

22277. They are certified lunatics; do they not get the Lunacy grant?—No, they get no grant at all.

22278. How is it they do not get the Lunacy grant?—I do not know. Dr. Rainsford will be able to tell you.

22279. If they got the lunacy grant, do you think the philanthropic effort would go any further?—I think the industrial schools have been supported chiefly in the north for the Protestants, and in the south, where the population is chiefly Roman Catholic, they are largely run by the religious teaching orders, who can run them a great deal more cheaply. That is what was in my mind in what I said. As regards Protestants, I think people in the north would probably support an institution of their own there; and undoubtedly there would be schools started, if there were contributions by the local

authorities, by the religious teaching orders of the Roman Catholic Church. I have no doubt about it.

22280. I suppose you are aware the industrial teaching in the schools of reformatories and other institutions is very different?—Yes, a school started on the lines I suggest should not be similar on the lines of teaching; it was merely as to constitution and support that I was drawing an analogy.

22281. You are more likely to get philanthropic support to an institution where a cure might reasonably be expected?—Yes.

22282. Without that one does not expect much voluntary support for voluntary institutions?—My suggestion as to imbecile institutions is limited to children who are distinctly improvable.

22283. Have you any idea of the numbers of such children?—No, I could not say at all.

22284. Would you be surprised to hear they are very few and far between?—I should be very much surprised.

22285. (*Mr. Chadwyck-Healey.*) On page 2 of your Report you say that the conditions in Ireland hardly admit of such heroic measures as are prescribed for England. By "conditions" do you mean pecuniary conditions?—Partly pecuniary and partly the state of public opinion on such questions as restraint of marriage and so forth.

22286. Do you think that is a vital difficulty in the way of any suggestion of this kind?—I think, as to any large scheme, the success of any scheme would depend on its being in touch with public opinion.

22287. Do you think this objection arises chiefly from ignorance or from other grounds?—What was in my mind as regards restraint of marriage was that the church of the majority in Ireland takes very lively interest in those questions, and one would have to walk with a certain amount of caution.

22288. (*Mr. Byrne.*) Would you tell us what is the reason why the apparently useful county court jurisdiction of lunacy in Ireland has been so little used?—Chiefly the drafting of the Act was very defective. It professes to give to the county court judge, within the limit of property, all the jurisdiction of the Lord Chancellor, entrusted under the sign manual with the care and commitment of the custody of persons of unsound mind. If you read it literally the county court judge would have more power than the Lord Chancellor has, because the Lord Chancellor cannot deal with the person of a lunatic unless he has been found lunatic under an inquisition, whereas a county court judge could do so, under the section so interpreted.

22289. Has it never been tried?—No, some make Orders as to custody; others think they have no power to do so. Then they have no machinery for looking after the person or property. They make an Order appointing a Committee, and that is all.

22290. There is no chance of extending that to the non-certified?—No, I think not.

22291. You make a very interesting suggestion in your statement (*page 87, col. 2*); "It would be possible to confer on some judge or tribunal the power of appointing a guardian of any feeble-minded person, specifying the nature and extent of the powers to be exercised by such guardian, in analogy to the procedure in weak mind cases which has already been described." *Prima facie* that strikes one as a very useful suggestion. Could you tell us on what it is based?—I took it on an analogy to the section which you asked Sir George O'Farrell about, that is the 103rd Section of the Lunacy Act, dealing with weak-minded persons—an extension of that with a different definition. The only difficulty that I can see is the definition.

22292. When you say "some judge or tribunal" I presume you would include local judges and tribunals so as to bring the procedure to the doors?—I think so if you could hit upon the proper tribunal; it should be a very special tribunal.

22293. With the provision that it would not require anything very costly to deal with, would it? The county court judge could do it?—I do not see why the county court judge should not.

22294. Should petty sessions, do you think, have the power?—No, I think not. I think the county court judge would be the proper tribunal.

22295. None lower than the county court judge?—I think not.

22296. Have the Poor Law authority any power by resolution to adopt a child and exclude its parents' control over it?—I cannot answer that; I do not know.

22297. That is so in England. Supposing the power existed, would you think it a useful one for dealing with the feeble-minded?—I think it would be.

22298. On the same page (*page 87, col. 2*) you speak of a class of patients who are very frequent—"namely, the patient who is sane in an asylum and insane at home" or anywhere outside the asylum, in the police station sometimes. You heard Sir George's evidence about that, to the effect that it was difficult to deal with, and that he thought some steps should be taken to prevent their discharging any cases, although they were sane and ready for discharge apparently but liable to relapse. Do you agree with that?—I do certainly. I think it might partly be met by a power in the superintendent of the asylum of boarding a patient out, provided he could recover the cost of the maintenance.

22290. That is one of the cases where you would decidedly recommend boarding out?—Yes; I know a great number of cases where it would be very useful.

22300. In some cases it would be a case of boarding-out with their own relatives?—Yes.

22301. Practically it would be an enlarged system of discharging on licence?—Yes.

22302. I presume you would take them back from the boarding place the moment they shewed signs of failure?—Yes; I think they should remain under the supervision of the asylum medical officer.

22303. Do you think that would be specially applicable to the weak-minded class?—I would describe most of these people as belonging to the weak-minded class. They are, very many of them, patients we receive in an asylum now because the medical officer has no power to refuse; they are committed on a magistrate's warrant. He has to take them. They go out again and are committed again. He has no option; he has to take them.

22304. In fact there are a large number of people of defective mind for whom the asylum is not suitable?—Yes.

22305. Boarding out, and other institutions of a hospital character, would be useful?—Yes.

22306. If industrial schools for defective-minded children were started and subsidised by the Government, would you recommend that they should be only for people up to the age of eighteen?—I should say longer.

22307. Or could they be attached to a farm or colony to which they could be drafted at a certain age?—I think that would be desirable. I was not contemplating the existence of a colony, but only training the children until they were fit to take their part in life. I was suggesting keeping them till twenty or twenty-one.

22308. But if at that time they were still incapable of maintaining themselves in the world in decency, the training would be wasted?—It would.

22309. There is something called for; do you think it would be a good plan to have a sort of adult *annexe* to the school in which they were brought up to keep them all their lives?—I think so.

22310. Or would you have it in a separate place?—I would have it in a separate place, I think; but it is a subject I have not considered.

22311. Industrial schools are economically run in Ireland?—Very economically.

22312. Their effects are good?—Very good, as far as I have seen.

22313. They relieve juvenile crime and misery to a great extent?—Yes, they make a marked improvement both in the physical and mental condition of the child.

22314. Do you think it would be worth trying to give them this additional power of maintaining adults who are not fit to be at large, and let them see what they can do?—No scheme has occurred to me by which that could be reasonably done in Ireland. I think it would be very desirable if it could be done.

22315. What sort of Government grant did you contemplate when you talked about the capitation grant?—I

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should think the same grant that is given for the industrial schools. These schools would undoubtedly cost more. The training would be more special and it would require a good deal of land.

22316. And there would be no industrial results?—No. There are not very great industrial results in industrial schools as far as finances go.

22317. (*Mr. Hobhouse.*) In your statement you say: "In this connection it is to be noted that for insane or feeble-minded persons with small incomes (under, say, £50 per annum) there is practically no suitable accommodation in Ireland." Does that refer to charitable or to public institutions, or to both?—It refers to both. There is no place where, if you have a person who is insane or on the border line of insanity, you can put him, except the district asylum.

22318. I want you to put the insane on one side. We are dealing with defective-minded. There is no institution public or private, for the defective-minded, in Ireland at the present moment?—No.

Edmund Bourke, Esq., called; and Examined.

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22319. (*Chairman.*) You have been so kind as to give us a statement of evidence: may we put it on our notes?—Certainly. There is one little correction. I stated that the Stewart Institute was altogether Protestant. I have found out since that theoretically Roman Catholics are admitted, but religious instruction has to be given on purely Protestant principles; so although they have a few Roman Catholics in it, it is really practically Protestant.

Statement of the Evidence Proposed to be Given by Edmund Bourke, Esq., General Inspector of the Local Government Board for Ireland.

In charge of Waterford District from 1886 to 1891;
" " " Limerick District " 1891 to 1903;
" " " Dublin District " 1903 to 1906.

The imbecile and feeble-minded in Ireland may be divided into four classes.

1. Those detained in the few private establishments that exist.
2. Those who are inmates of the county asylums.
3. Those accommodated in workhouses.
4. Those who are under no recognised control.

The establishments referred to in the first category are, as far as I know, with one exception intended for the use of comparatively well-to-do persons. The exception is the Stewart Institution in Dublin, in which about 100 Protestant children of defective intellect are cared for,* and to this institution a small number of pauper children are sent by Guardians of various Unions, at a cost of 5s. a week per child.

With regard to the second class I am not in a position to give any evidence, beyond mentioning that a comparatively small number are admitted from workhouses for short periods, and then discharged back again to the establishments from whence they came, only, in many cases, to be re-admitted after an interval.

The third class is the one regarding which my official experience in sixty-four Unions out of the 159 in Ireland, enables me to speak with some authority, and it comprises about 3,500 persons excluding those not classified as insane, or nearly a sixth of the total contained in classes 2 and 3.

The fourth class is one about which no precise information is obtainable, and any evidence that I may be able to give concerning it can only be regarded as conjectural views that my general knowledge of the country has led me to form.

District lunatic asylums were first established by statute in Ireland in 1817, and a number of amending or extending Acts subsequently came into force. In 1868, owing in some measure to an Act prohibiting the sending of dangerous lunatics to the common gaol and requiring that they should be placed in asylums, a difficulty was experienced in providing sufficient accommodation in these institutions. The large number of persons of unsound mind at present accommodated in workhouses is attributable in a great measure to the congested condition of the asylums, and it may be divided into two distinct classes:—

(*a.*) Inmates classified as lunatics or idiots, who as a rule are confined in special quarters and looked after by paid or pauper attendants:

(*b.*) Feeble-minded inmates who are not so classified and who are allowed to mix with those of sound mind.

The former is the larger class, if the very old persons suffering from senile decay are excepted, and is one with which it is most difficult to deal. Some of them are often dangerous and many of very dirty habits, requiring constant care and supervision, which they seldom receive; their condition is hardly ever satisfactory and is frequently most deplorable. Even in cases where Guardians are disposed to act generously towards these unfortunate people, it is impossible to arrive at satisfactory results, which could only be obtained, under existing circumstances, at an expenditure far in excess of that incurred in asylums. The second class comprises a considerable number of children, some adults (male and female) who often do a great deal of useful work, and many very old people.

One great drawback to the present system is that Guardians have no power to detain these inmates in the workhouse, and therefore, except in the case of about 120 persons who have been transferred from asylums to workhouses in accordance with the provisions of Section 9 of the Lunatic Asylums (Ireland) Act, 1875, any of them can claim their discharge on giving three hours' notice. The result of this is in many cases very unfortunate. Feeble-minded girls leave the workhouse and return again in a short period pregnant. A child is born and again the same thing happens, and in this way a half-witted girl sometimes becomes the mother of three or four children, who as likely as not are themselves of deficient mental capacity. The Guardians are powerless to prevent this, as, even if adopted by them, their control over a girl ceases on her reaching the age of eighteen. Another not uncommon evil, arising from a want of the power of detention, is that insane persons, who under certain conditions may become dangerous to themselves or others, can at any time leave the workhouses. I remember one case of this kind where a man used, immediately on taking his discharge, to walk down to a neighbouring line of railway and stand on the permanent way, and it was only after narrowly escaping with his life on two or three occasions, that he was permanently lodged in the asylum. The class of feeble-minded inmates for whose treatment no proper provision at present exists and whose case is perhaps the most pitiable, inasmuch as with proper care their mental condition might be considerably improved, is that of the children. These as a rule are allowed to mix with the paupers of sound mind, and generally attend the schools, but the teachers cannot devote sufficient time to them without neglecting the interests of other pupils, and so, instead of benefiting by any instruction they may receive, they become, as far as my experience goes, less and less intelligent, until eventually, on reaching the age of fifteen or sixteen, they are transferred to the lunatic ward, where they are condemned to pass most of the rest of their lives.

As regards the majority of the old people whose minds are affected, their condition does not, I think, call for any great reform; they are probably made as comfortable as their circumstances permit, and the same may be said of the able-bodied working adults, though in their case some power of detention might with advantage be conferred on the Guardians.

There is one small class to whom I have not yet referred, the sane epileptics. These number about 400, and as a rule are allowed to mix with the other sane inmates.

It is only too obvious to any one who has had an opportunity of inspecting them, that Irish workhouses, under existing management, are most unsuitable places for the accommodation of persons of unsound mind, and that the conditions of the latter at present housed in these establishments is in many instances disgraceful. From

* *Vide* Q. 22319 *supra*.

time to time the legislature has passed enactments with a view to improving the condition of these unfortunate persons, as, for instance, the provision made in Section 9 of the Act of 1875, to which I have previously referred, whereby, upon voluntary agreement entered into between Boards of Guardians and Boards of Governors, the latter can pay the former for the maintenance of lunatics who are not dangerous. A subsequent Act passed in the year 1878 empowered Guardians to send idiotic or imbecile paupers to the workhouse of any other Union, or to contract for their support in any public or licensed asylum, provided that the cost did not exceed 5s. a week. This section has remained almost wholly inoperative, on account of the absence of institutions prepared to receive inmates on such terms.

Again, the Local Government (Ireland) Act of 1898 empowers county councils to take over workhouses and other buildings for the purpose of providing auxiliary asylums for chronic harmless lunatics, and a sum of 2s. per week may be paid out of the Local Taxation (Ireland) Account, in respect of the cost of maintenance of each person maintained in such an establishment. The Cork County Council have availed themselves of this provision to establish such an institution, which now contains 266 inmates transferred from the Cork asylum, and 144 transferred from the various workhouses in the county.

Section 76, Sub-section 2 of the same enactment, empowers the Local Government Board to amalgamate Unions with a view to placing workhouses at the disposal of County Councils to be used as auxiliary asylums, but though various proposals have been made with regard to amalgamation, it has been found on inquiry that any attempt to give effect separately to proposals of this nature would probably be productive of inconvenience in other ways. The question as a whole will no doubt be dealt with in the forthcoming report of the Viceregal Commission on the Irish Poor Laws.

While all persons who have considered the subject agree in thinking that the present system is undesirable, there is a great difference of opinion as to what alternative method for the care of the imbecile and feeble-minded class should be adopted. Personally I am inclined to favour the establishment of intermediate institutions such as those contemplated by Parliament, when approving of the provisions of Section 76, Sub-section 2 of the Local Government (Ireland) Act, 1898. An average of less than one such institution in each county in Ireland would easily contain all the persons of unsound mind now located in the workhouses, excluding those whose condition renders them fit subjects for the district asylum, and it would leave room for the accommodation of additional members of the feeble-minded class who are now under no control, and whose friends would probably take the opportunity of placing them under the restraint so provided, especially if by payment of a small weekly sum the taint of pauperism could be avoided.

There remain for consideration the sane epileptics, and the children, who, although provision could be made for their reception in the intermediate institutions previously referred to, could probably be better placed elsewhere.

As regards the former class, the question of providing for them in a separate institution has already been under consideration, and in the year 1901, the Local Government Board issued a circular with a view to eliciting whether Guardians would be disposed to take advantage of such an institution if established. The replies showed that some Boards of Guardians approved of the scheme, whilst others disapproved of it or declined to take advantage of it, and the general result was that in the absence of specific information as to the cost that would be incurred in sending patients to the proposed institution, most Boards felt unable to give any definite undertaking to support it, and the project has not up to the present been proceeded with. Two such Homes would afford ample accommodation for all the sane epileptics now located in the Irish workhouses.

With reference to the children, no express provision has been made by statute for the education of the mentally deficient or backward children in Ireland. A Bill with this object was introduced last Session, but did not become law. With the exception of the Stewart Institute, there are, as far as I know, no Homes in which this class can be maintained and educated at a moderate cost, and the want is one that is very apparent, not only for the pauper feeble-minded children, but also for those of the poorer classes who now live with their relations. Except in the case of the well-to-do, children of defective mental capacity, in or out of the workhouse, have no opportunity of improving their condition, and as their want of intellect is frequently combined with considerable physical strength, they are often from an early age employed as domestic drudges. For this reason the boarding-out system can seldom be resorted to with advantage in their case, and if separate schools could be provided for their reception, it would, in my opinion, be an enormous advantage. Here again the difficulty is one of ways and means, for in many of the poorer districts in Ireland, where the rates are already very high, Guardians would grudge an expenditure of even 5s. a week per child, and the poor classes could not afford to make such a payment. I am not without hope, however, that a scheme for the establishment of such an institution would have a chance of success, and would command the support of private charity.

22320. (*Mr. Dickinson.*) I see in your statement you say "Personally I am inclined to favour the establishment of intermediate institutions such as those contemplated by Parliament when approving of the provisions of Section 76, Sub-section 2, of the Local Government (Ireland) Act, 1898. An average of less than one such institution in each county in Ireland would easily contain all the persons of unsound mind now located in the workhouses, excluding those whose condition renders them fit subjects for the district asylum, and it would leave room for the accommodation of additional members of the feeble-minded class who are now under no control, and whose friends would probably take the opportunity of placing them under the restraint so provided, especially if by payment of a small weekly sum the taint of pauperism could be avoided." I do not understand what you are proposing. Where would room be left for the accommodation of additional members of the feeble-minded classes? Your proposal is that under this Local Government Act of 1898 the county council should establish what you call intermediate Homes?—Yes.

22321. That is to say Homes which are neither asylums nor workhouses?—Yes.

22322. Those would take out of your workhouses the feeble-minded of whom you have spoken already, who are, most of them, in the workhouses now?—Yes.

22323. When you say it would leave room for the accommodation of an additional number, what do you mean?—I mean that one in each county would provide so much room that there would be plenty of accommodation, in addition to the persons who have been removed from the workhouse, for outside people who are now under no control.

22324. You do not mean, leave room in the workhouse?—No.

22325. Then it comes to this: you mean to say that if a county made one institution, they could naturally make it large enough to hold not only the feeble-minded that are at the present moment in the workhouses, but others?—Yes.

22326. You have no idea how many others there are who are not in the workhouses? You do not attempt to make an estimate?—I could not. I have had occasion to get a sort of census of the people down in certain small districts for other reasons, relief of distress and old age pensions and things like that, and in those returns that I got from the relieving officers the latter did put down the feeble-minded, because they had to give me a return of every member of the family; but I do not think that the information was very reliable.

22327. Could you form any rough idea; were they equal to the number that you knew of in the workhouses?—I should say that of the feeble-minded class in all probability there are an equal number outside. I am making a distinction between feeble-minded and idiots and insane—the people who are what we call "silly."

22328. In this one instance, where this Act has been taken advantage of by the Cork asylum I understand you to say that there they have an establishment in which they accommodate 266 inmates. What are those inmates—266 from the Cork asylum and 144 from the workhouses—are those 266 lunatics?—Yes, they are certified inmates of the asylum, but they are, I presume, of the chronic class, not

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acute, and they send them to this institution so as to make room for more acute cases in the asylum.

22329. So that the Cork asylum is for the acute cases now ?—As far as possible. I should think that it is not sufficiently large to accommodate all the chronic cases—"chronic" is not the right word—but the milder cases. I do not know exactly what the statistics for Cork asylum are, so I should not give an opinion.

22330. Are the 144 who come from the workhouses certified ?—When once they get to the asylum they have to be certified, but there is no such thing as a certified lunatic in an Irish workhouse. They could not be certified until they get to the asylum, except just 120 who are sent from the asylum as paying patients to workhouses. These latter remain certified under the Lunacy Act.

22331. Can you tell us why these 144 are not certified ? Is it because they were not suitable for certification, or because they could not be sent to the asylum, there was not room in the asylum ?—Probably they had no room for them in the asylum ; in fact I am pretty certain they had not in some cases. Occasionally, when Guardians send lunatics to an asylum they are sent back to the workhouse.

22332. It was not because they were not suitable for being certified ?—No.

22333. But they are people as to whom there was not at all a pressing necessity to send them to the asylum, so they were kept in the workhouses ?—Yes.

22334. This Act is an optional Act ?—Yes.

22335. Do you know anything about how it came about that the Cork people did carry this Act out, because they are the only people in Ireland who have done it, I understand ?—I think it was largely through the Roman Catholic Bishop of Ross, who was very anxious to have this intermediate sort of Home instead of building an addition to the asylum. I believe that was the case.

22336. It was more from a desire to relieve the asylum than to institute a new system of Homes for the feeble-minded ?—Yes, I think it was simply to provide accommodation for the existing persons—the idiotic and insane, now accommodated in the workhouses and the asylum, and to make more room so as to get more people out of the workhouses.

22337. If this idea is to be carried into practice would it be necessary, in your opinion, to make it compulsory on county councils to provide this accommodation ?—I think it would in certain cases. Of course, it is compulsory on them now to make provision for all the lunatics.

22338. For those who are certified ?—Yes. I do not think the Local Government Board Act states that ; I mean that I do not think it defines clearly what is meant by being certified.

22339. If it is obligatory to have to make provision for all certified lunatics, how is it the Guardians in the workhouses do not certify these people and put them forcibly on to the county ?—I am afraid we do not always do in Ireland what we are bound to do by law. The county councils have not done it. The accommodation is not there in a great many cases.

22340. I suppose you would say that if it is not made compulsory the probabilities are very small that this scheme of providing Homes for the feeble-minded will be carried out ?—I am not quite certain about that, because if any large well-arranged scheme were submitted to county councils I think the Local Government Board by persuasion could get them to do it provided the cost were moderately reasonable. What prevents their action now is that they cannot calculate what the cost would be.

22341. Have the Irish Local Government Board done anything to persuade these county councils to carry out this Act ; it is seven years since this Act was passed ?—They did issue a circular to county councils in 1901 or 1902 —I have not got it here though I brought it over with me—pointing out what powers the councils had and what they ought to do, but just three years ago a Vice-Regal Commission was appointed, which will report, I think, at the end of April. The terms of reference deal very largely with amending and improving the Poor Laws, and the Local Government Board have not taken any further steps pending the report of the Commission.

22342. (*Mr. Byrne.*) What is the opinion of your department as to the general state of affairs in Ireland arising from the imperfect provision made for defectives ? Have your department considered that a great evil exists ?—I did not consult with the Commissioners before I came over, purposely, because one member of the Board is Chairman of the Vice-Regal Commission, and I could not very well ask him to tell me the substance of the report that is shortly going to be submitted to His Excellency.

22343. We will have the benefit of that later ?—You will have that later on. So my opinions must be taken as my own now, and not as those of the Board generally.

22344. It is this opinion that I would like to have ?—I think undoubtedly the existing accommodation for the feeble-minded is most deficient. There is practically none at all.

22345. Do the evils one would expect from that want of supervision stare you in the face ? Are there many people falling into prostitution and crime and causing misery to their families ?—There is a certain amount of prostitution of the feeble-minded class, but it is not very large, as far as I have been able to gather from statistics.

22346. Is there a marked drifting of the degenerates of the population into the slums of the big cities ?—No, I do not think there is.

22347. That is borne out by the larger number of feeble-minded persons in the entirely rural and healthy districts, is it not ?—Yes.

22348. To what do you attribute the greater number of imbeciles to be found among the purely rural population in Ireland ?—I think in some cases where the people are not very poorly off, in certain districts in Ireland, they do not send their lunatics into any asylums. Therefore, they do not come under any control and therefore there is no account of them.

22349. Could they do it in these remote country places ?—Yes, except where they are very poor and badly off.

22350. They are more inclined to get rid of them ?—They are more inclined to get rid of them then.

22351. So you do not think that it necessarily means any larger percentage of mental defect ?—I do not think so.

22352. Is the evil with which we are dealing regarded as a very serious one by administrators in Ireland. Do judges refer to it, and do learned medical bodies discuss it, or is it practically an unknown question in Ireland ?—You hear it occasionally referred to, but I do not think it excites a very large amount of popular interest. You hear that lunacy is increasing ; one persons says it is tea, anda nother person says it is drink, and so on, but I do not think it is a very burning question.

22353. So that there would be no enthusiasm on the part of local authorities in launching out into new expense ?—No, I do not think so.

22354. I should like to ask a few details about a few things which have been recommended in England, to see if you would recommend them in Ireland. Do you think imbeciles and feeble-minded persons should be removed entirely from workhouses ?—No, I think there is a class that might possibly be left there ; they are the people who are doing the work in the workhouses——healthy able-bodied people who are feeble-minded, but they help in washing and they do work in the garden, and are probably just as happy there as they would be anywhere else ; so I do not think it would be necessary to remove them.

22355. Nor the senile dements ?—Nor the senile dements, provided they were quite quiet.

22356. Would you remove all the children ?—Certainly, every one of them.

22357. Do you think it is a great evil, their being there now ?—A very great evil, I think.

22358. Which results in injury to the community afterwards ?—I think it must.

22359. You have told us you would like certain powers to detain paupers who now go in and out ?—Yes.

22360. Would you apply that to feeble-minded women coming into the maternity wards ?—Yes.

22361. Would you apply it to people who habitually

render themselves chargeable to the rates from inebriety or frequent drunkenness ?—Yes.

22362. Certainly if the drunkenness was due to feeble-mindedness ?—I think so, certainly, in a case of that sort, where they are doing themselves harm, and liable to do their neighbours harm.

22363. If colonies and other institutions suitable for detention existed, would you give the Guardians, the Poor Law authorities, power to get people sent to these colonies? —Yes.

22364. To get them taken before the magistrate and committed ?—Yes ; of course in the case of children the Guardians would exercise their powers of adoption, and they could send them there. There is power for them to send, in the case of children, if they adopt.

22365. They have power to adopt children ?—Yes, it is the same law as in England, I think, up to eighteen. They can take girls up to eighteen.

22366. Do you think that system of adoption one that might be usefully employed in dealing with feeble-minded children ?—Undoubtedly, but it would not include all the cases, because you can only adopt under certain circumstances.

22367. Would you freely adopt it where parents were showing themselves not alive to the importance of having their children under proper care ?—Yes, and I should be inclined to increase the powers of Guardians to adopt—to make them broader than they are at present, so as to cover cases of that sort.

22368. There is no boarding-out of the feeble-minded in Ireland ; is there much outdoor relief given to people in respect of feeble-minded children ?—That I cannot quite answer. In our yearly returns is shown the outdoor relief given to the feeble-minded, but I think that means the head of the family being feeble-minded. I could give you that figure, but it would not cover the feeble-minded in the families where the head of the family was not feeble-minded.

22369. Should you think in general that in cases where outdoor relief is given there are many in which it is given in respect of the feeble-minded child because that child or young woman or young man cannot earn a living and is a burden on its parents ?—No, very few.

22370. So there is no occasion to prohibit that sort of thing ?—No ; I think mostly in these cases you would find it is given to the person direct.

22371. I suppose in Ireland, as in England, there is a great difficulty in getting uncertified imbeciles dealt with by relatives who are not paupers but still who are not rich. Supposing a respectable working man has an imbecile daughter. He is getting, we will say 25s. or 30s. a week. When that child gets to a certain age he would like to have her put under care. Would the Guardians receive that child and deal with it, in Ireland ?—No. They might take it in as sick and give it relief by way of loan, but they can only take people either sick or destitute. They cannot take lunacy or feeble-mindedness into consideration.

22372. They would not call permanent feeble-mindedness sickness. They probably would not deal with it in that way ?—If they were friends of the man they probably would.

22373. Would you recommend any change in that ; is there an evil that requires a remedy there ?—I think if you had these intermediate Homes started, I would then suggest that persons should be able to put their children into these, paying a certain amount.

22374. Paying what they could ?—Paying what they could.

22375. Would you have that decided by a magistrate making an order as in an industrial school case, or would you leave it to bargaining ?—I think to bargaining.

22376. Do you think it is important that what a man can pay should be got from him ?—I think it is more important that the child should be got into the institution. The contribution would be very small in all probability. Of course, there might be other institutions for children in addition to those which I have suggested in my statement. There are religious communities in Ireland who would, I think, if they got sufficient encouragement in the way of subsidies, start schools of that sort ; and, certainly, in the south of Ireland, people would be only too glad to send their children to such convent schools. I am only giving a general opinion ; I have no certain knowledge, but I think with very little encouragement such schools could be started.

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22377. They would be then something on the system of industrial schools ?—We have two district schools : one at Glin, the other at Trin, where the Boards of Guardians—half-a-dozen, about, in each case—combined and got an old workhouse that had been closed in one case, and a disused jail in another, and established district schools. Glin is run by the Sisters of Mercy on the female side, and by the Christian brothers on the male side.

22378. (*Chairman.*) For feeble-minded ?—No, ordinary children. I mean a Poor Law school. People will come into the workhouses, almost, to get their children sent to Glin school. Perhaps that is not very desirable, but it shows you that there would not be any objection on the part of parents to sending their children to such a school.

22379. (*Mr. Byrne.*) That is the case in which religious Orders are apt to suffer, by local authorities not running the schools themselves ?—Yes.

22380. The other system would require grants from the Treasury ?—Yes.

22381. The school would belong to the Church, or the religious body, and the Treasury would subscribe ?—And the rates.

22382. That corresponds with the industrial school system ?—Yes.

22383. Have you formed a rough idea of what would be a fair contribution towards the support of the school if it were more or less confined to the feeble-minded ?—You mean that class of school not under the local authority—the private school ?

22384. Yes ; how much assistance would it take to run such a school ?—One does not like to bind oneself. I know a community once offered to take ordinary children for 5s. a week per head. That was not for the feeble-minded, for whom probably they would consider they ought to be paid more, because there would be additional expenditure for the feeble-minded.

22385. Was it 5s. a head from both Government and local authority ?—No, 5s. a head altogether ; that was an offer made and not accepted.

22386. So that, without going into detail, it might be done very cheaply ?—I think so ; at least, far cheaper than it could be done in the lunatic asylum.

22387. You have not started any special schools for defectives ?—No.

22388. You have not got the law ?—No.

22389. Is it likely to become law soon ?—I do not know that there is any Bill pending.

22390. There has been a Bill ?—Yes, but it was blocked last session.

22391. Do you think there is much call, in Ireland, for a special mode of dealing with defective children, or do you think the religious schools which you have suggested would meet the whole difficulty ?—I would sooner see some Act passed. Of course there is now no power at all to deal with them even in that way. The ones that are under the Guardians' control you could deal with if such schools were established ; but you cannot get at the people outside.

22392. There would have to be some way of sifting them out from the healthy children ?—Yes.

22393. So that an Act on the lines of our Special Schools Act might be valuable ?—I am afraid I do not know very much about the Act you have referred to ; I have seen it, but I have not studied it. I presume the conditions are pretty much the same, so the Act ought to be pretty much the same.

22394. (*Dr. Dunlop.*) On the question of special classes for children, do you think they are really very desirable ? Have you considered the matter much ?—You mean, to have the children separated in schools ?

22395. Yes ?—I do.

22396. Are you aware it is an enormously expensive matter ? You have made a very strong claim that there

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should be institutions started for the more necessitous cases of imbecility ?—Yes.

22397. Which is the greater claim in Ireland—the increase of institutions, or the starting special classes ? If the money could be spent in one of two ways, which is the greater call ?—I do not quite understand. If you make provision for adults in one institution I do not see why you should not make provision for the children in another. Perhaps I do not quite take your point.

22398. There are two suggestions for dealing with children; the one is to put them into institutions for training; the other is to train them in special classes ?—That is in private ?

22399. No; in public schools, in special classes. Have you considered that matter—the relative expense of the two, and whether the money would be better spent in one direction or in the other direction ?—Just to keep them in the school and to keep them in one separate class ?

22400. Yes ?—I think I would sooner have them all in one class; the numbers are not very large. If you take workhouses, the numbers of feeble-minded children are not very large, and to have a separate class for them would involve, I think, considerable expense. In some cases you have two or three. For instance, I took twenty Unions that I happened to know, and whose officers I thought would give me fairly reliable information as regards the children and the other lunatics, not classified, of whom we had no returns, and in those twenty Unions there were thirty-three children who were not classed as idiots or lunatics.

22401. Were those in workhouses, or outside ?—In workhouses.

22402. The workhouse cases, you think, ought to be brought together into a central institution ?—Yes.

22403. What about cases outside the workhouse ? Let us consider Dublin and Belfast; there must be a large number of imbecile children living at home ?—I said that if you started your institution for the workhouse children I thought you would find there would be plenty of room for the outside children as well; therefore it would be a cheaper method to send them in with the others if you could get them. You have no power at present to enforce their going into a school.

22404. It is very much more desirable in your opinion that they should be relieved in that manner, rather than be taught so many hours a day in a special school ?—Yes, it is.

22405. Money spent in that way will give more general relief ?—I think it would.

22406. You mentioned just now the power of detaining children in such an institution; is it required at all; is there any necessity for having compulsory powers of detention ?—I think there is, for this reason, that occasionally you will get parents who will say they would like to have the children out for a bit, and they would take them out. Then they would want them to be sent back again. For that reason I think you want power of detention to stop parents doing foolish things with them.

22407. To protect them against the parents; but as regards the child, there is no special power of detention required, is there ? The child cannot claim its release ?—No.

22408. To protect them against the parents ?—To protect them against the parents. Of course, as I said just now, in the case of adoption by Guardians, that does not come in, because the Guardians would have the power.

22409. Your statement refers to the existence of other institutions for imbeciles in Ireland beyond the Stewart Institution, where the children of rich people are sent ?—I only know two or three places where they take people in.

22410. Can you tell us ?—I am afraid I cannot give you the names at present. There is one near Dublin where they take some, but that is for people who pay £100 or £200 a year.

22411. Are they under any supervision or control as a guarantee of good treatment ?—I suppose they must come under the inspectors of lunatics. They do not come under the Poor Law in any way, so they do not come within my ken.

22412. You believe they do exist ?—Yes, two of them.

22413. You rather deplore the fact that the feeble-minded, as they grow up, become domestic drudges ?—Yes.

22414. That means they are turned on to do a lot of household work ?—Yes.

22415. Is not that the very best possible work to which they can be put ? We have been told, on all hands, that work is the best possible thing for them ?—Yes; but I do not think work at the end of the stick is. There was a case in Blackrock the other day—the woman is being tried for murder now—of the most ghastly treatment of a feeble-minded girl. She came from some place, I do not know whether it was a workhouse, and for months people heard yells and screams, and there was a most ghastly account when it came out; she killed the girl eventually by beating her. That is really what I meant. That is an exaggerated case, but when it comes to letting a child out, a child or an adult who is feeble-minded, they get a great many more kicks than the person who is able to go and complain about it, and they stand a great deal more. I know our lady inspectors of boarded-out children always keep recommending us to urge Boards of Guardians not to board out any feeble-minded children, and we try to stop them as far as possible.

22416. It is done, though, at present ?—Yes; they can board out any children they like in the ordinary boarding-out way. There are about 2,500 children boarded out in Ireland, and some of those are feeble-minded, but we have had occasion to requisition the Guardians, in more than one case, to take back children from the people with whom they have been boarded out on account of the reports of our lady inspectors who have gone round and found them neglected or ill-treated.

22417. To come back to the point: when you deplore their being domestic drudges you rather refer to the means they use to make them work than to the doing of the work ?—I think there is a distinction between a drudge and a worker.

22418. What is the relation of the Poor Law in Ireland to mental defect ? Is mental defect a ground for Poor relief in Ireland ?—No, unless it is the cause of destitution.

22419. What are the grounds of poor relief ?—Mental defect may be the ground of out-door relief; people who by reason of mental or bodily infirmity are unable to earn their own living. They must be destitute, of course, or else they would not get the relief; but if they are destitute by reason of mental defect, they can get out-door relief. Of course any destitute person can claim admission to the workhouse.

22420. Whether he is insane or lunatic ?—If he is destitute he is bound to be admitted.

22421. You are allowed to take any insane and lunatic destitute persons ?—We are allowed, because they come in as destitute. If they claim their own discharge they can walk out of the workhouse in three hours.

22422. In Scotland, before admitting any inmate to a poorhouse there must be a certificate that that person is not a lunatic or a person of unsound mind, or an idiot; you have no such restriction ?—No. There are in consequence some very deplorable results now and then. One happened last June. A man was sent in by the dispensary medical officer with the usual note. The man was brought in with the note, and he was classified as insane, or at least placed in the lunatic ward, and three days afterwards he killed four men with a shovel.

22423. Mental defect is ground for outside relief ?—Yes, out-door relief; that is, if you are destitute by reason of it. You have to be destitute by reason of your mental defect.

22424. Now we come to a person who has commencing insanity, loses work, and is consequently destitute. We are told it is not part of the duty of the medical officer of the dispensary to grant a certificate to that person—it is not part of the duty of the dispensary medical officer to certify relief for such a person ?—No. He should, of course, state it, if the person is being sent into the workhouse; that is what the dispensary medical officer in the instance referred to did not do, and the Local Government Board told the Guardians that he was very much to blame, and requested them to censure him for

not making it plain, on his note that he sent in, that this man was insane.

22425. The point I am making is this: we are told one of the reasons why these defectives are not certified in the ordinary way is because they cannot afford the certificate. I understand all dependents are entitled to medical relief in Ireland. How is it that they cannot get this particular form of medical relief, namely, certification?—Who said that?

22426. It is in Sir George O'Farrell's statement: "The necessary action must be taken by a relative or friend of the lunatic, and, as this involves the payment of a fee to the certifying medical practitioner, it presents a serious bar, in the majority of cases, owing to the poverty of the parties concerned"?—That is to send them to the asylum, not to the workhouse.

22427. How is it the poor people do not get this particular form of medical relief, namely, certification?—That I cannot answer. In a way they do. For instance, the Poor Law pays it in a great many cases. If the person is destitute, the magistrates can certify payment up to £2 to the doctor, and they give a certificate which is payable by the Poor Law Guardians. The police or the relatives of a destitute person, or anyone else, can make an affidavit, and the police take him up, go to the magistrates, and the magistrates come and meet the dispensary doctor, and the magistrates have power to allow a fee to the dispensary doctor not exceeding £2, and that fee is payable by the Board of Guardians.

22428. But in the ordinary case it is not part of the ordinary Poor relief in Ireland—the giving of the medical certificate?—No.

22429. You cannot tell me why that is?—I cannot tell you.

22430. Regarding the defectives and lunatics in workhouses, they are not kept altogether separate from the other inmates, are they?—No; they are in some cases. There are two kinds, the ones who are classed, and the ones who are not classed. Roughly speaking the feeble-minded who are not classed are about half as many as those who are classed.

22431. Do you think it is a hardship upon the sane inmates of a workhouse to be classed along with those insane or defective people?—I think it depends a great deal upon the character and nature of the insane inmate, but in a great many cases it is, undoubtedly; they make a noise at night and so on.

22432. Some of them are dirty, and you told us just now that some of them are exceedingly dangerous?—Yes.

22433. It is a great hardship on the sane persons to be shut up along with them?—Yes. Of course the dangerous ones, or the ones at all liable to harm themselves or anybody else, or the very offensive ones, are nearly always put into the lunatic wards and kept separate. Those wards have yards and everything separate.

22434. Regarding this possible mixture, are there never such things as "sexual accidents" inside the workhouses?—Yes; very rarely.

Edmund Bourke, Esq.

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22435. How many would there be in ten years, say, in Ireland; would there be two a year?—Not more, I think, inside workhouses.

22436. There will probably be two per year?—Possibly. I do not like to tie myself, really; I have not thought the matter over. Occasionally during one's work a case crops up. There is a charge made sometimes, but it is generally very difficult of proof.

22437. They are certainly not unknown?—Not unknown.

22438. The reason why I brought up that point is that Sir George O'Farrell was rather doubtful of the suitability of boarding-out on account of these sexual accidents, but you give it as your opinion that they occur in workhouses too?—Very rarely.

22439. It is very rare outside, but they exist in the workhouses as well?—Yes.

22440. What about the supervision? Is it the same for insane as for other paupers?—No, the Guardians have been improving their methods with regard to this class during the last fifteen or eighteen years, and in a great many of the workhouses now they have got paid attendants.

22441. Not universally?—No.

22442. What inspection are these people under?—They are inspected by us at our usual half-yearly inspections, and they are inspected by the inspectors of lunatics, Sir George O'Farrell and Dr. Courtenay.

22443. Have the inspectors of lunatics any power of ordering these persons out of workhouses into asylums?—No, I do not think they have any power in the matter. They come round and send in Reports to the Guardians, and generally send us a copy of the Report as well.

22444. As a matter of administration, do you think it right we should have the defectives dealt with by two different bodies, the one under the County Council and the Lunacy Board, and very similar cases dealt with by the Local Government Board and the Guardians?—No. If we had intermediate institutions (this is entirely my own opinion, and may be absolutely contrary to the views of the Local Government Board) I should put them under the County Council in the same way as those in Asylums, and under the inspectors of lunatics.

22445. Do you not think it would be an advantage to bring all of them under one authority?—I do; under the County Council and the inspectors of lunatics.

22446. But the one local authority dealing with the whole of the mentally defective and one central body dealing with them?—Yes.

22447. It is a disadvantage to put some under the Local Government Board and some under the Cunty Council?—I think it would be a great blessing if we could get rid of them all from the workhouses.

Frederick E. Rainsford, Esq., M.D., L.R.C.P., etc., called and; Examined.

22448. (*Chairman.*) Would you kindly tell us how long you have been medical superintendent of the Stewart Institution?—I am in my eighth year of office there.

22449. You had had considerable experience before then?—Three years assistant medical officer to the Bristol Asylum, Fishponds.

22450. You have been so kind as to give us a statement of your evidence. May we put that on our notes?—Certainly.

Statement of the Evidence Proposed to be Given by Frederick E. Rainsford, Esq., M.D., L.R.C.P., etc., Resident Medical Superintendent Stewart Institution for Imbeciles, Palmerstown, County Dublin, Formerly Assistant Medical Officer Bristol City Asylum.

Dr. Frederick Rainsford will state—

With the exception of the Stewart Institution, which is entirely supported by charitable donations, nothing is done in Ireland to improve, train, or educate the weak-minded. The establishment of the Stewart Institution is due to the want, long felt in Ireland, of some institution into which feeble-minded children capable of improvement might be admitted, and in which efforts to develop any latent mental powers existent might be tried.

Frederick E. Rainsford, Esq., M.D., L.R.C.P.

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The Census return of 1861 stated that the large number of 7,033 idiots existed in Ireland, being in a proportion of 1 to 825 of her population. Of this large number no less than 5,675 were "at large," 934 were in the workhouse, 403 were housed in various county asylums, and 21 were in prison.

Feeling that this state of things was a disgrace, the late Dr. Geo. Hugh Kidd, of Dublin, aided by a number of leading gentlemen, took steps for having this great want supplied, and, after public meetings were held, a Committee was appointed to obtain subscriptions. It was considered that less than £20,000 would be inadequate to found a suitable institution and to maintain it efficiently, but the Committee were able to collect little more than a third of this sum, and the fulfilment of the project seemed for a time very doubtful.

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At this juncture of affairs the late Dr. Stewart came forward and secured a donation of £4,000, payable at his death, besides making over his interest in a well-established private asylum at Lucan, the profits arising from which were to help to maintain and carry on the imbecile institution.

This offer was, needless to say, accepted by the Committee, and they were soon able to enter on the work.

Owing to this the institution not merely got its present name, but acquired what I may describe as its double-barrelled character, viz., an institution for the training and education of imbeciles, and a hospital for the reception of patients mentally affected. The profits of the latter department are devoted to the upkeep of the imbecile institution.

The Committee, after accepting this offer, acquired premises in Lucan in close proximity to Dr. Stewart's asylum. They were fitted up to accommodate thirty-five cases, and in July, 1869, the institution now known as the Stewart Institution was opened with twelve recently-elected cases.

At the outset the Committee was fortunate in securing the services of the late Dr. Pim to superintend their new institution. It is not for me to dwell on the value of Dr. Pim's work here. I can only say that it was characterised by judgment, keen administrative power, and marked ability, and for almost thirty years he devoted all his time, talents, and abilities to the welfare of his patients. The institution is indeed a monument of his work, and of him truly may it be said "*Si quaeris monumentum circumspice*"

After carrying on the institution at Lucan for some years under great difficulties owing to unsuitability of premises, the Committee became the purchasers of Palmerston House and grounds.

The adaptation of these premises demanded an outlay of a considerable sum of money, and for the time being only two-thirds of the accommodation designed was completed. In 1879 the institution removed from Lucan to its new quarters.

The demands for admission continuing to increase, as soon as sufficient funds were collected to warrant the step the Committee lost no time in setting to work to complete the building, but funds were hard to get, and many years elapsed before the complete building was in full swing.

Great credit is due to the devotion and keen business ability shown by the Managing Committee, assisted by the able Secretary, Mr. O'Neill, who for over thirty years has with liberality tempered by prudence managed its finances, and now to-day we are in the proud position of being able to say that we have the entire building in full work and practically free from debt.

Since it was first opened 466 imbecile children have been admitted. Of this number 129 died in the institution, 234 were discharged, and we have 103 inmates remaining in the institution.

Of those discharged a large percentage were so dealt with, their term of election having expired, or they were considered unsuitable, but a fair proportion were removed so much improved that they were in a position to earn a livelihood, or else to be so useful in their home that their presence was desirable. One, after a stay here of eighteen years, was promoted to be an attendant, and has for four years discharged his duties with great efficiency.

Bearing in mind that we have only fifty-six male inmates, of whom about thirty are practically unable to do anything, it will readily be seen that the number available for any specialised manual instruction is very limited when the multifarious duties connected with the cleaning of a large institution with a limited staff have been discharged. We are, however, able to get a good many fibre mats made during the year, some tweed woven, and a good deal of small repairs in the tailoring and carpentering departments done.

Nearly the entire upkeep of the grounds around the institution, exclusive of the farm, is done by the boys, while the girls do a good deal of work in the laundry and kitchen in addition to knitting, sewing, and darning. While it would of course be very pleasant to be able to show well arranged workshops in various trades, presided over by skilled artisans, and supplied by boys learning their respective trades, the cost would be far beyond our resources, and we have to rest content with trying to get the inmates to do some sort of work, however small and insignificant, believing that all work has its value as mental exercise, and that to teach any one of them to do anything, say to polish a brass tap, is to have done something towards his mental betterment.

I subjoin above note (written some time ago), as it gives an idea of how the institution of which I have been for nearly eight years medical superintendent came into existence.

In a paper which I read in July, 1905, on the question of what should be done for the imbecile, I stated that I felt that the chief points which impressed themselves on me in my present position were:—

(1.) The necessity for having every weak-minded pauper in Ireland taken charge of by the State, and placed in such a position that he or she could neither be harmful to himself, nor herself, nor to the State.

(2.) That all these feeble-minded ones should be taken charge of in suitable institutions at an age when it might be possible to teach them. At the present time all that is done for them is done by the Stewart Institution which caters for about 100 inmates.

(3.) That provision should be made by law, enabling such as could not be taught to be capable of earning a living to be kept for life in a suitable institution.

(4.) That such institution or institutions should be as far removed as possible from the modern conception or taint of an asylum, being rather in the nature of a colony or training institution.

(5.) That while no doubt trades of various kinds could be taught to suitable cases no work will be found so generally useful and beneficial as outdoor work, and for this reason such colony should have ample supply of land attached.

(6.) That such colony or institution should not be expected, certainly at first, to be run on very cheap lines, as, if it is to be of educational value, trained instructors of various kinds would have to be engaged at salary sufficient to attract the highest talent. I should hope, however, that in process of time the labour of the inmates might yield remunerative results which would materially diminish the expenditure.

(7.) I would suggest that these colonies or institutions should be of fairly large size. To multiply such would in Ireland be a mistake. The larger the institution the smaller the proportionate outlay. One or two for all Ireland would probably be quite sufficient to deal with the question for the present.

The Stewart Institution is greatly hampered in its valuable work by the paucity of its inmates. Of late years the admissions have been of an increasingly low and non-improvable type. This is due to the system of election by votes of subscribers who naturally favour the case the admission of which to an institution will be the greatest relief to the family.

(8.) This colony or institution should be in two divisions viz., school and industrial section, the former taking all children from six to sixteen, the latter the adults. In the ideal state all inmates would be received young and there trained and taught as far as possible, and thence drafted on to industrial section where their work would be remunerative to the institution.

(9.) The law in Ireland will have to be altered so as to permit of feeble-minded persons being committed under an Act resembling, say, "The Idiots Act" of England.

At present any feeble-minded person sent to asylum or institution has to be committed on same form as a lunatic. I would amend this by allowing of a very simple form signed by one medical man simply stating that A.B., was weak-minded, deficient in control or will power, and as such a suitable case for detention in an institution.

(10.) Bearing in mind the number of weak-minded persons who, being at large, are a source of danger to the State, either as criminals or as profligates adding unfit units to the population yearly, I should give authority to medical officers of workhouses or jails, when such come under their notice, to sign certificates setting forth their feeble-minded condition and have them sent to some institution where they would be kept for life. Every medical officer of workhouse infirmaries can readily call to mind numberless instances of feeble-minded women

at large who are annual visitors to the lying-in wards and thereby add mental defectives to the population. *

(11.) The State pays a Capitation Grant for such feeble-minded persons as are at present in county asylums. In return for this the State gets the worst possible value for the money expended. This Capitation Grant, if paid for feeble-minded cases in a properly equipped colony or institution, would help its work largely and would certainly yield more productive results.

(12.) The latest census returns for Ireland showed that there were on 3rd March, 1901, 5,216 idiots in the country, of whom 3,272 were at at large, 763 in asylums, and 1,181 in workhouses, this being in the proportion of 1 to 860 of the population.

Frederick E. Rainsford, Esq., M.D., L.R.C.P.

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* *Vide Q.* 22528 *infra.*

TABLE SHOWING, BY PROVINCES AND COUNTIES, THE NUMBER OF IDIOTS IN IRELAND, ON THE 3RD MARCH, 1901, AND THEIR RATIO TO THE POPULATION.—CENSUS, 1901.

Provinces and Counties.	No. of Idiots.	Ratio to Population.	Provinces and Counties.	No. of Idiots.	Ratio to Population.
Carlow County	71	1 in 533	Antrim County and Belfast City	266	1 in 2,049
Dublin County and City	249	„ 1,795	Armagh County	140	„ 896
Kildare County	55	„ 1,156	Cavan „	132	„ 739
Kilkenny „	109	„ 726	Donegal „	174	„ 1,004
King's „	116	„ 519	Down „	215	„ 958
Longford „	85	„ 549	Fermanagh „	89	„ 735
Louth „	136	„ 484	Londonderry County and City	124	„ 1,165
Meath „	141	„ 478	Monaghan County	105	„ 711
Queen's „	61	„ 941	Tyrone County	205	„ 734
Westmeath County	112	„ 550	Total of Ulster	1,450	1 in 1,092
Wexford „	167	„ 623	Galway County	233	„ 826
Wicklow „	79	„ 770	Leitrim „	74	„ 937
Total of Leinster	1,381	1 in 834	Mayo „	258	„ 772
Clare County	218	1 „ 515	Roscommon County	138	„ 738
Cork County and City	436	„ 928	Sligo County	86	„ 978
Kerry County	227	„ 730	Total of Connaught	789	1 in 820
Limerick County and City	159	„ 919	Natives of Great Britain	5	—
Tipperary County	262	„ 616	Aliens	5	—
Waterford County and City	152	„ 570	Localities Unspecified	132	—
Total of Munster	1,454	1 in 740	Total of Ireland	5,216	1 in 860

N.B.—At large, 3,272 ; in Asylums, 763 ; in Workouses, 1,181.

It is quite possible that there are half as many weak-minded persons not classed as idiots in census returns and who, not being recognised as such, are probably a greater danger to the State.

(13.) In the Stewart Institution, to prevent over-crowding, each case is elected in the first instance for five years. At the expiration of this period they are, if improved in any way, usually put up for re-election for a further period of five years. At the end of that time they must be removed, being no longer eligible for re-election. In a few special instances cases have been retained at the discretion of the managing committee, but such constitute a very small proportion. I have long been exercised in mind over the hardship thus imposed on these unfortunate cases of having to be removed. In most cases the parents are wretchedly poor and the care the child can get is necessarily far short of his requirements. Should the parents have died during the period in which the child has been in the institution, there is no place where he can be sent, save to the workhouse or county asylum, in the deadly environment of which his latter state soon becomes worse than the first. Of late, too, great difficulty has been met in getting these discharged cases into either, as the workhouses will only take such as have been originally sent in by them, and the asylums refuse them even when duly certified and committed, on the ground of want of accommodation. Had the Stewart Institution a Government grant a large number of such could be kept to their material advantage.

(14.) The Stewart Institution possesses equipment for a much larger number of inmates than are resident, and is only kept back from extending the work by financial considerations. It is becoming more difficult each year to keep up the annual subscription list, and the lack of rich benefactors, such as are found to help kindred institutions in England and Scotland, is very much felt.

(15.) Any colony or institution designed to deal with this great want should be properly equipped and subject to the control of the Inspectors of Lunatics and a representative board, and should not be committed to the control of any ecclesiastical community. It must always be remembered that weak-minded persons have frequently feeble constitutions, and are peculiarly liable to tuberculosis and congenital heart disease. It is therefore highly important that any institution established for their benefit should have at its head a trained physician capable, not merely of treating any disease as it arises, but of superintending the sanitary and hygienic arrangements of the institution, as well as of seeing that cases are set to work at trades or occupations suitable to their physique and intelligence.

(16.) With regard to the question of the tendency there would be to accumulation of the unimprovable in such a colony, to such an extent as to hamper the educational work, I think that perhaps this difficulty might be met by making use of some of the disused workhouses throughout Ireland where such unimprovables could be housed, fed, and cared for, on most economical lines.

In the suggestions thus made I have scarcely touched upon what is perhaps one of the principal objects of your Commission, viz., the question of the prevention of such conditions. It seems to me that in dealing with so vital a question one is logically committed to one or other of two courses, sterilisation or segregation. I am loth for many reasons to recommend the former, and I am therefore compelled to fall back on the latter. My own experience is that the three great factors in the causation of feeble-mindedness are heredity, alcohol, and syphilis; eliminate these three and the numbers of feeble-minded cases would fall 80 per cent.

It is only by segregation, short of sterilisation, that you can attain this desirable end.

Frederick E. Rainsford, Esq., M.D., L.R.C.P.

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I assume that in properly conducted training schools elementary training would be attempted. At the end of a year such as were found to be hopeless, and unable either to learn anything or do any sort of work, could be sent back to this local workhouse. Those who could be taught or trained would be kept on, say, to sixteen or seventeen years of age and then sent on to the industrial colony. It would then be possible to have each case reviewed by mental experts periodically, and only such as were certified as of sound mind and capable of earning a living would be allowed to leave.

There will probably always remain a class of incorrigibles who will not learn or work, and whose moral influence will be bad ; these might be dealt with by the Prison Board in a penal colony with criminal and profligate defectives.

It is no good letting sentiment interfere with common sense, and if this evil is to be eradicated it must be done thoroughly. I would not be an advocate for handing over the early teaching and training of the feeble-minded in Ireland to the educational authority unless in schools specially set apart for the purpose, and even then the necessary multiplication of such would to my mind constitute a serious obstruction both on the grounds of efficiency and expense.

To have them in many schools in the neighbourhood would mean that they would be neglected for the higher children who would earn result fees.

The training of the imbecile constitutes a highly specialised profession for which the ordinary teacher is unfitted, and moreover my experience is that more mental improvement is to be looked for when mental defectives are kept in classes to themselves.

In the Stewart Institution we found that, as a rule, a case, unless a hopeless idiot, can usually be taught to do something, and most cases who have perfect powers of articulation can be taught to read and write, though imperfectly. In an industrial school or colony, such as I have indicated, the expense should not be great, as I believe the larger part of the work incidental to such could and would be efficiently done by the inmates. Gorgeously equipped buildings, elaborately furnished, at cost of £350 a bed, are not needed. Comfort and efficiency can be obtained at much less cost.

Land in Ireland is not dear, and while I would not venture to estimate the cost, I think that it may be laid down that it would not be in any sense prohibitive.

I have been asked by my managing committee to submit to your notice the following: "It is to be hoped that, in any legislation which may be proposed, the claims of the Stewart Institution—the only one in Ireland—which has for thirty years carried on its beneficial work in the face of great difficulties, may not be overlooked, and that it may be permitted, with help, to extend its sphere of usefulness without interference with its constitution."

F. E. Rainsford, M.D.

22*nd February*, 1906.

22451. (*Mr. Byrne.*) Could you give us, roughly speaking, an idea as to how many people at your institution are profound idiots, and how many are low grade imbeciles, and how many higher grade ?—About 10 per cent. profoundly incapable of doing anything ; I think 10 per cent. are certainly low idiots, but there are 20 per cent. who through physical disability are unable to do anything, about 20 per cent. are not useful in any sense of the word, but could help themselves in the sense of perhaps feeding themselves. The balance could do something ; it may be little.

22452. They can walk and dress and undress themselves ?—Yes.

22453. And receive some sort of instruction ?—Yes, can be taught to do something with their hands.

22454. If it is only to brush the floor ?—Yes, walk up and down and polish it.

22455. Have you any high grade ?—Yes, a certain number are kept on under the class of unpaid attendants who are fairly useful attendants, those who are kept on after their ten years' period of election has expired. They are fairly good. They are the hewers of wood and drawers of water.

22456. If institutions of the same nature as yours are multiplied would you recommend in the same place the reception of different classes of imbeciles, or would you have separation ; would you have idiots segregated from the others ?—I would not deal with the idiots on any expensive line ; I would keep them apart ; they are only a burden on everybody. My theory is to eliminate the idiot and put him, consistently with proper treatment, under the cheapest and most inexpensive control, and devote your energies to trying to improve those who can be improved.

22457. Do you think that from the point of view of economy it is desirable to have the middle grade imbeciles looking after the low grade ?—Yes. You could have them under the same institution, but classification would be necessary, to my mind, not to waste your energies on a class who are not worth spending any money on.

22458. The class who are being taught might spend their spare time in looking after the others ?—Yes.

22459. Imbeciles are usually mutually helpful in institutions ?—Yes.

22460. Do you think that that fact ought to be kept in mind ?—Certainly.

22461. So that on the whole you would be rather in favour, for economical reasons, of having them in the same institutions ?—Yes, I think there are good reasons in favour of it.

22462. You suggest in your statement having something like the Idiots Act certificate which we have in England ?—Yes.

22463. Do you think that for the class of people of whom we have been speaking that would be quite sufficient and would satisfy the public, or would you have it supplemented by an order of the magistrate ?—When I specified the Idiots Act I was not quite aware of the terms of it, but I knew there was an Act which dealt with the idiot as distinct from the lunatic. The idea in my mind was to have anAct which would give the institution authority to detain a person against the wish of the parent who might foolishly wish to remove him. Consequently the stronger you can make that Act—in other words, the more power you can give to the superintendent or the governing body to detain them—the better ; it would strengthen the medical certificate, and therefore would be very valuable.

22464. You think all practical purposes would be met by giving an appeal to a magistrate ?—Yes. You want something to prevent an injudicious parent removing a child when you do not wish it.

22465. There is no difficulty about the liberty of the subject being infringed ?—No ; you may have an appeal, certainly.

22466. You speak at the end of your statement of the appropriate institution being an industrial school or colony. You know the existing system of industrial schools in Ireland ?—Yes.

22467. You know that professedly they exclude the feeble-minded because they interfere with their work ?—Yes.

22468. They have some feeble-minded among them and they do their best for them ?—Yes.

22469. Do you think it would be a good plan to utilise that system more extensively for educating and keeping the feeble-minded out of mischief ?—The idea that permeates all my remarks is the idea of having an institution specifically devoted to weak-minded persons, and to no others without any reference to existing schools ; but I am not in favour of imposing the duty of taking charge of imbeciles on any existing boards ; it ought to be a specialised work.

22470. Do you say the work that is at present done by separate boards should be taken away from them and given to a new body ?—I do not think there is any work done for imbeciles which is worth talking about.

22471. There is the Poor Law work ?—They do not do anything except feed them.

22472. They simply keep them alive ?—They simply keep them alive

22473. You think they ought to be dealt with with a view of extracting the maximum of utility with the least harm to them ?—Yes.

22474. If that was so it would have to be put under a special "Defective" Board ?—Yes.

22475. Do you think that that Board should be connected with the lunacy authority ?—Yes.

22476. In fact, it would be unreasonable not to work them together ?—Yes, I am strongly in favour of being put under the Lunacy Board.

22477. On the ground that the classes overlap ?—They do.

22478. (*Mr. Dickinson.*) Can you give us at all an idea of the cost of your Home ?—I have brought a tabulated statement for the last five years.* The cost varies slightly with the capitation; the more we have, it comes out slightly cheaper. In the year 1900 it cost 1s. 8d., and a fraction per head per day. That came to a total cost of £31 3s. 7d. per head per annum. That included every expense except buildings; salaries, wages, miscellaneous charges, clothing, fuel, light, stores, provisions, laundry expenses, law, advertisements, rent and taxes, repairs and alterations, furniture and fittings, insurance on buildings, stationery, printing and postage, office account, estate improvement account, mat account, water supply, interest on over-draft at the Royal bank.

22479. Eleven shillings and sixpence a week about ?—Yes. The next year the total cost per head was £35 14s. 10d., there being a slightly lower capitation. That was, roughly, about 1s. 11d.

22480. Do those figures include rent ?—They do; rent and taxes.

22481. For the building and the house ?—All rent and taxes for everything.

22482. The building was a gift, was it not ?—No, we built it. We pay rent for the land on which it stands; there is no rent for the house. In the next year it was £31 18s. 9d., there being a decrease from the year before of 2d. In the year 1903 it was £31 12s. 8d. The next year it was £29 5s. 7d., because we had a larger capitation. We have an average of nearly 100 inmates.

22483. How is the money provided ?—Roughly, from three sources: Legacies and bequests, charitable subscriptions, which amount roughly to £1,500 a year, and payment for pupils.

22484. What is that ?—Five shillings a week paid for Union cases; private paying cases pay from £50 to £75 a year, and there are patients elected whose friends undertake to pay a certain sum per year which varies from £3 to £20 per annum.

22485. So far as the Guardians are concerned they pay you 5s. a week ?—Yes, which includes everything, clothing and all; and we have to bury them free.

22486. About discharges, I understand you to say that according to your system of election they are only elected for five years ?—Yes.

22487. What system of election do you have ?—Every subscriber who pays a fee of half a guinea has one vote. If there are eight vacancies he can give one vote for each vacancy; in addition to that a parent putting up a child for election who guarantees a certain sum annually gets twenty votes for every pound he guarantees.

22488. Then the election is done by voting by the subscribers ?—Yes.

22489. You say sometimes their term is extended for another five years ?—Nearly always, unless they are very bad cases.

22490. After that they generally go ?—Unless they so much improve that they would be valuable to as us workers, in which case we keep them on, at the discretion of the committee, as unpaid attendants.

22491. You send out the worst ones ?—Yes.

22492. You have no idea where they go to ?—Some go to the workhouses from which they have been sent, some go to the county asylums, and some go back to their friends and are kept at home.

22493. I understand from you that you would like to be able to keep them ?—There are some I would like to have kept, because, although I was not justified in putting them forward for re-election as having improved, they were not very troublesome, and there was great hardship involved in sending them back.

* *Vide* Q. 22545.

22494. Why cannot these people go to lunatic asylums ?—Because the lunatic asylums will not take them; they object to them; they have to take them sometimes, but they will not take them if they can help it, on the ground that they have no room.

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22495. It seems as if the lunatic asylums in Ireland are overfull ?—They are.

22496. Throughout the whole country ?—They say so, and I believe that is the case.

22497. (*Dr. Dunlop.*) You advised a special Board for congenital defectives, in reply to Mr. Byrne ?—I did not exactly advise a special Board, but I implied I would not superadd the training of imbeciles on any of the existing industrial schools. I did not exactly advise a special Board; that is really a point on which I was not able to satisfy my own mind. All I did advise was that any institutions established for the benefit of imbecile or weak-minded children ought to be put under the inspection and control of the inspectors of lunatics.

22498. Under the inspectors of lunatics rather than under a special Board ?—Yes.

22499. Under what local authority; where is the maintenance to come from ?—My idea was that the contributing Boards should subscribe for the maintenance; that is to say, that every child sent in from a district should be paid for by the Union to whom it would be chargeable, naturally.

22500. In Ireland, I understand, the Unions do not pay for lunatics ?—I think they do, I am not quite sure; I do not know much about the public administration of the asylums.

22501. Is it your opinion that they should be paid for by the people who pay for the maintenance at present ?—Certainly.

22502. It would be a mistake to separate them ?—I should make the local Unions provide for their own cases.

22503. Whoever pays for lunatics now ought to pay for this other class of lunatics and bring them into line ?—Yes, certainly.

22504. With regard to the ages in your institution, is there any definite age limit ?—They are eligible for election between the ages of six and sixteen.

22505. Is there any age limit beyond which you are not allowed to keep them ?—No, none. We have them up to sixty; at least I have some over fifty who have been with us since they were young.

22506. Do you think that is desirable ?—All those we have at that age are very useful.

22507. They are paying patients, possibly ?—No. There is one lady who pays £40 a year who is over fifty, but the others who are over forty are all useful workers and are kept as such.

22508. Kept on account of the work ?—Yes, because they are useful to us.

22509. Suppose this system were extended, on the lines you suggest, of having a training institution, would you keep adult lunatics as well, if they are lunatics in the eyes of the law ?—Certainly; my idea was that, having trained them the institution should keep them for life, because it would be useless to allow them to go out into the world; unless, in the opinion of the medical expert, they had so far improved that they could be trusted to go out and earn their living.

22510. Let us go on to the results of treatment. There have been a large number of discharges ?—There have been a good many.

22511. How many do you know of who are in a position to earn their own living ?—Very few; five or six at the outside that you could honestly say could go into the world and compete with a full brained man.

22512. That is out of 500 or 600 discharges since the institution started ?—I think it is 300; I do not think there are more.

22513. (*Chairman.*) That would be 2 per cent.

22514. (*Dr. Dunlop.*) It is a very very small proportion ?—A very small proportion indeed.

22515. So that in connection with this institution they could not count on a large amount of success, they are not

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curative ?—That is true, but there is a point which must be remembered with regard to our little institution, that we do not get the best class of cases for the simple reason that the parents or friends are not going to the trouble of canvassing for election for a case fairly useful at home ; they want to get rid of the ones that are troublesome at home, so perhaps the proportion, if you had compulsory treatment of imbeciles, would be higher—certainly higher.

22516. And looking at the small amount of actual success you would not advise that all classes should be sent to an institution, would you ?—My idea is that if you are going to try to do anything for them you ought to get them ; I mean to say all pauper imbeciles, certainly.

22517. Why should they be sent to these places when it is not going to cure them ?—Because I think that, if they are allowed to grow up in the average home of poor people, they are liable to become dangerous to the State or themselves.

22518. If they are trained first and left afterwards they soon revert to that condition ?—My opinion is, that when you have trained them, and when they have reached adult life, they should be kept in a colony and you should try to get some value back for the money spent on them.

22519. Would you agree that the duty of the State is only to give relief when relief is required—to neglected cases ?—The first claim on the State is a neglected case, but if you are going to deal with the question of the feeble-minded you want to get hold of them so as to prevent them multiplying themselves.

22520. Neglect is the first ?—Neglect is the first.

22521. And relieving parents who cannot look after them themselves ?—Yes.

22522. To that extent it would be a great advantage to the country would it not ?—Undoubtedly.

22523. As regards this matter of reproducing themselves I think you make the statement that it would diminish the production 80 per cent ?—I do.

22524. Have you any figures ?—No, it is almost impossible to get them out ; it is just from experience. Looking to the causation, one can see those three factors in the causation, and the assumption is that you would reduce it considerably if you eliminated those three factors.

22525. It is an assumption rather than a calculation based on statistics ?—It is a pure assumption.

22526. About the efficacy of voluntary effort ; will that ever be sufficient to overtake the evil ?—Never.

22527. It is to be encouraged when it exists ?—Yes ; but it is absolutely undependable.

22528. You make an observation in your written statement which I should like to ask if you would care to modify. You say, " Every medical officer of workhouse infirmaries can readily call to mind numberless instances of feeble-minded women at large "*? —I am quoting there from a statement made by the former medical officer of a workhouse, who said he found many instances of it. I have been since informed that that perhaps is too strong a statement, because the figures shown by the Local Government Board inspector are not at all remarkable in that respect, so perhaps my statement is rather strong. I was acting on the statement he made to me. I understand now from the figures that the number is not very great, but it is still sufficient to necessitate doing something in the matter.

22529. A very small provision would be necessary ? —Very little would deal with that.

22530. Regarding the training of these imbeciles, have you considered that a medical man's job or a school master's job ; is it to be a medical institution or an educational institution ?—I think if you could get a medical man who could combine both it would probably be most effective, but there is no reason whatever, in a sense, why a layman should not do it. The medical man is best qualified, to my mind, because the physical factors which he will have to take into consideration in relegating boys to various trades are a very important factor, and this is the reason I advise a medical man ; but, on the other hand, it is fairly arguable that if you have a lay director, with a medical officer attached, the probability is that it would work just as well.

* *Vide page* 96, *col.* 2.

22531. What about the relation of these institutions to the Education Board ?—That is a question I cannot answer. I know nothing about that.

22532. Have you any opinion regarding the efficacy of boarding out these people ; I am talking about the adults, after they have passed through the institution ? Do you think some could be boarded with selected guardians ?—Undoubtedly, if you can get places in which to put them. The larger proportion of those who are able to do work will be far more useful on a farm than anywhere else. If you can get suitable persons with whom to place them, it is no doubt worth a trial, because their work may be very useful.

22533. And may develop into a very economical mode of treatment ?—Yes ; if you can get persons with whom to place them I should strongly advise it.

22534. At present there are no funds with which to try it ?—No ; we have none.

22535. (*Mr. Burden.*) Could you tell us anything of the cost of maintenance at your institution ?—Yes ; I have just told Mr. Dickinson it varies a little, but including everything except building, it varies from about 1s. 9d. to 1s. 11d. *per diem* per head ; that would be, roughly, say about £30 to £31 a year.

22536. (*Chairman.*) Have you any knowledge or experience of any private institutions in Ireland for the same class of persons that you have ?—Not in Ireland ; I do not think there is one.

22537. In your statement you say with regard to colonies that if there were any colonies started they should not be committed to the control of any ecclesiastical community ; I thought that perhaps referred to some experience you may have had ?—Not with regard to imbeciles, but we have a considerable number of lunatics at asylums and industrial working institutions which are managed entirely by ecclesiastical communities, and my idea was that if you are going to establish a national institution it should be a thoroughly representative Board and free from the control of any ecclesiastical institution ; in other words, it should be directly responsible to those who are paying for the children ; that the governors of it should be representatives of the people who are paying for it ; in other words, that the State should not give any grant to any monastic establishment to carry on the work.

22538. Not to any denominational institutions ?—No, none ; it should be a perfectly national work.

22539. You do not think that an institution which was under the control of some denomination would be necessarily a bad institution ?—Not at all.

22540. You would not refuse to give a grant to an institution that was under the control of a denomination ? —Not if it had effective Government inspection.

22541. In Ireland the difficulty is in getting means to start institutions, is it not ?—Yes ; we have no money to build.

22542. And probably institutions would be more likely to be built if they they were built by a denomination ; is it not so ?—There is a possibility of it, but they have had thirty years in which to try, and have never made any effort to do it yet.

22543. Is not that because of the inadequate Government grant ? You would not exclude such institutions from receiving a Government grant if there were adequate inspection ?—I do not see how you could very well do so, but I would not like it.

22544. You do not think it is advisable ?—I do not think it is advisable at all ; I would much prefer to see a perfectly popular representative Board managing a national institution, but I should not see any marked objection to the other.

22545. (*Mr. Dickinson.*) May we have that Table of cost handed in ?—Certainly. (*Table was handed in. Vide Appendix papers, pages 331–335, post.*)

22546. (*Dr. Dunlop.*) In Ireland are there any imbecile training institutions ?—None that I know of.

22547. Are there any private ones licensed ?—No, I do not think there are. We are the only one that has done anything in the way of trying to train imbeciles in Ireland for the last thirty years.

22548. There are none of these private institutions for paying patients ?—No, there are several private asylums, but no imbecile institution.

22549. (*Mr. Byrne.*) Have you heard of any Roman Catholic institution for refractory girls ?—I think some of the convents deal with profligates, and that class, and no doubt in that way deal with weak-minded ones.

22550. There are all sorts of fallen-women Homes?—Yes.

22551. They will necessarily have considerable experience of feeble-minded women ?—No doubt they would be able to say a good many of them were feeble-minded.

22552. They are not inspected by Government ?—No, I do not think they are under any Government control whatever.

22553. If it is the case—or if it is possiblythe case—that many women in these institutions are feeble-minded, their inspection would be desirable ?—Certainly. If you will allow me to say so, my idea was of course that. if you are going to stamp out imbecility, you have got to remove the imbecile from the sane person in order to see what you can do, first to benefit him mentally, and secondly to prevent him from reproducing his kind ; but of course all such persons should be subjected to, or should have the privilege of, at least a yearly inspection by a medical expert ; in other words, they would have an appeal to a medical expert if they felt they were justified in asking for their liberty. I have also been asked on behalf of my managing committee to direct your special attention to what is said at the end of my remarks : " It is to be hoped that in any legislation which may be proposed the claims of the Stewart Institution (the only one in Ireland), which has for thirty years carried on its beneficial work in the face of great difficulties, may not be overlooked." My committee rather felt that in the scheme I had advocated I was like the pig swimming, I was cutting my own throat, and they said " If the Commission adopt your suggestion where are you going to be, because our institution will be done away with ? " They felt that very much, and they objected. I said that as far as my feeble powers would allow me I would put before the Commission the work done by the Stewart Institution and claim their indulgence on its behalf.

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22554. (*Chairman.*) The Commission are fully alive to the value of the institutions, both those that are carried on in England and those in Ireland.

FORTY-SEVENTH DAY.

Friday, 16th March, 1906.

PRESENT.

The Right Hon. The Earl of Radnor (*in the Chair*).

W. P. Byrne, Esq., C.B.
C. E. H. Hobhouse, Esq., M.P.
H. D. Greene, Esq., K.C.
The Rev. H. N. Burden.
W. H. Dickinson, Esq., M.P.
Mrs. Pinsent.
H. B. Donkin, Esq., M.D.
J. C. Dunlop, Esq., M.D.

Hartley B. N. Mothersole, Esq., M.A., LL.M. (*Secretary*).
E. A. H. Jay, Esq., M.A., LL.B. (*Assistant Secretary*).

Sir Christopher Nixon, M.D., LL.D., called; and Examined.

22555. (*Chairman.*) You have been so good as to give us a statement of your evidence ; may we put that on our notes ?—Certainly.

Sir Christopher Nixon, M.D., LL.D.

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Statement of Evidence proposed to be given by Sir Christopher Nixon, M.D., LL.D., Ex-President Royal College of Physicians of Ireland, Senior Physician, Mater Misericordiæ Hospital ; Professor of Medicine, Catholic University ; Member of the General Medical Council ; and Consulting and Visiting Physician to the Central Criminal Lunatic Asylum, Dundrum.

In the evidence which I propose giving I desire to lay no claim to be regarded as an expert, but rather as a physician connected with a large general hospital in which there is an extensive field for the study of all forms of nervous disease, and also as visiting physician to the asylum at Dundrum.

The terms of the reference apply in the first instance to the methods at present employed in dealing with idiots and epileptics, and with imbecile, feeble-minded, and defective persons, the latter not being certified under the Lunacy Laws ; and in the second instance to amendments in the law and other measures which should be adopted to obviate the hardship or danger resulting to such persons and to the community from insufficient provision for their care, training, and control.

Before discussing measures of treatment which should be adopted for these different forms of mental defect, it is well to have a clear conception of their varieties, and of the etiological conditions with which they are associated. I would be disposed to urge that these forms of mental disease which are under the consideration of the Commission should be put under two classes; first idiots, representing the complete ament, in whom either from birth or an early age, from arrested development, or disease of the brain, there is a deprivation of his observing and reasoning faculties to such an extent as to incapacitate him from any manifestation of intelligence greater than that of an infant ; and second, defectives. Amongst the defectives you have the following sub-classes: imbeciles, feeble-minded persons, and insane epileptics. The imbecile is distinguished from the idiot and the feeble-minded as being a person who, from a mental defect existing at birth, or from an early age, whilst capable of guarding himself against common physical danger, is incapable of education in the ordinary sense and unable to earn his living, or take care of himself in the ordinary affairs of life.

Insane epileptics may be idiotic, but the majority are defectives in which the prominent condition is one of imbecility, usually progressive in its nature.

The feeble-minded person, adopting the definition given by Sir James Crichton Browne, is one who, by reason of arrested development or disease of the brain, dating from birth, or from some age short of maturity, has his observing and reasoning faculties partially weakened, so that he is slow and unsteady in his mental operations, and falls short of the ordinary standards of prudence, independence, and self-control. The difference between the imbecile and the feeble-minded is no doubt one of degree, the two classes bearing often the same relation to each other as the dull child bears to the normal, but in most cases the marks of distinction are clear and well defined.

I see no practical advantage in putting under a special sub-class either the " moral imbecile " or the " morally insane " person ; the vicious and criminal propensities of the former are merely a phase of the feeble-minded condition, whilst " moral insanity " is a form of mental disease standing by itself, not necessarily conditioned by

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feeble-mindedness. In all the classes mentioned the etiological conditions associated with them must be carefully noted if prophylactic measures are to be taken to prevent or limit their occurrence, a consideration which must precede that of dealing with the defectives themselves.

So far as I have been able to follow the evidence given before the Commission, there appears to be on many points considerable divergence of opinion, but the weight of authority, and my own individual views, lead me to lay down the conditions producing idiocy, and the various defectives specified, under three heads :—

1. Those preceding birth.
2. Those occurring during birth.
3. Those occurring after birth.

1. The conditions preceding birth may be tabulated as follows :—

(*a*) History of insanity in one or both parents.
(*b*) Epilepsy in one or both parents.
(*c*) Congenital mental defect in one or both parents.
(*e*) Acute mental disease occurring in an individual after puberty before the person becomes a parent.
(*f*) Family history of tuberculosis.
(*g*) Hereditary syphilis.
(*h*) The marriage of near kin : this can only be admitted where there is some neuropathic taint, existing in both individuals, and becoming intensified in the offspring. Children born at the extreme limit of the reproductive age of either parent.
(*i*) Congenital cretinism.

2. The conditions occurring during birth are :—

(*a*) Injuries to the child arising from deformed pelvis leading to prolonged labours.
(*b*) Abnormal conditions affecting the placental circulation.
(*c*) Injuries of the head dependent upon instrumental delivery.

3. The conditions occurring after birth may be laid down as follows :—

(*a*) Malnutrition from insufficient or improper food. This is largely due to the absence of the natural mode of providing sustenance for the child and its being substituted by condensed milk and various kinds of proprietary foods. These foods are apt to set up intestinal irritation, resulting in many cases in convulsions which may be the prelude to the epileptic condition. Trouble in connection with the teeth may lead to a like result.

(*b*) Defects depending upon environment and conditions of life under which the child is brought up : children living in over-crowded tenement houses, in squalid surroundings, breathing foul air, in association with criminal and vicious influences embracing every form of moral depravation, and subjected often to cruel usage, are often rendered feeble, both in mind and body. I desire to emphasise what has been said in reference to this point by Dr. Albert Eichholz that such mental and physical deterioration is specially to be noted in overcrowded urban areas, and that under favourable conditions as regards country air, good food, sunlight, and cleanliness, the indications of degeneracy vanish. This condition has been alluded to by some of the witnesses under the name of "spurious feeble-mindedness," a matter of importance in reference to the treatment of such cases.

(*c*) Febrile conditions set up in infancy in connection with the various infective fevers, such fevers being often ushered in or complicated by convulsions.

(*d*) Alcoholic excess or the acquirement of the drug habit, especially the use of morphia or cocaine.

(*e*) Syphilis. This produces paralysis in all forms, especially from disease of the brain, eventuating in general paralysis of the insane, or from disease of the spinal cord producing *tabes dorsalis*. In general hospital practice the physician comes across many varieties of cerebral syphilis in which, in the majority of cases, the condition is one of mixed infection, due in part to syphilis, in part to chronic alcoholic poisoning, the mental condition being either one of dementia or feeble-mindedness.

(*f*.) The occurrence of mental overstrain. The pressure of modern life, with the factitious importance attached to competitive examinations in all our systems of education, not infrequently leads to nervous breakdown, with the result that a boy of moderate, or perhaps good, abilities, becomes a mental wreck from over-pressure. This is specially to be noted in the precocious class, in which often there is no margin of recuperation to compensate for mental overstrain.

(*g*.) The occurrence of cretinism as an acquired condition, occurring sporadically, usually within the first three years of life, sometimes following an acute illness and associated with atrophy of the thyroid gland. This is a condition so capable of being dealt with by special treatment that it will not be again referred to.

Taking the conditions which, preceding birth, are likely to lead to mental defects in the offspring, how little can be hoped for, in the present state of the law and the usages of society, in the prevention of marriage where such disabilities exist. Most good will perhaps be gained through the influence of the clergyman and the physician, the one preaching the moral law which ought to guide those who desire to become parents, whilst the other teaches the ignorant the danger to themselves and others which results from marriage with epileptics, with the phthisical, and the syphilitic.

There can be no doubt but that the principles of hygiene have been diffused with considerable advantage amongst the poorer classes, and that a knowledge of the hereditary transmission of such conditions as have been referred to have had some deterrent effect upon those who desire to contract marriage. The element of selfishness, which dominates, more or less, the rule of human life, is likely to be largely influenced by knowing that the special danger in marrying a phthisical lies in inhaling the free, finely divided particles of sputum projected into the air during the act of coughing, and that from this danger there is the gravest risk of acquiring the disease. It might be pointed out how serious are the evils in connection with the transmission of syphilis, even though no preventive measures are taken to prevent the spread of this serious disease, serious not merely to the individual who acquires it, but to those to whom it is transmitted. It is, unfortunately, not easy to conceive except in the directions indicated, how any other means can be devised to lessen the evil influences of the conditions referred to.

With regard to the conditions during birth which might lead to mental defects, I have asked my colleague, Dr. Alfred Smith, Professor of Midwifery and Gynæcology in the Catholic University, to state shortly the measures which should be taken to prevent, or minimise, those dangers. They are as follows :—

(1) To insure the best development of the fœtus, mothers should be instructed in the hygiene of pregnancy. Simple rules as to dietary and sanitary surroundings should be circulated, and the advantage of milk foods over all others should be advocated. It is admitted that a dietary, poor in carbohydrates and fluids exerts a marked influence upon the bulk of the child without otherwise affecting it.

(2) Having regard to the fact that contracted pelves are responsible for serious brain lesions, owing to prolonged labour, it would be desirable that pelvic measurements of pregnant women should be ascertained before the thirty-sixth week of pregnancy, with the object of determining whether or not it would be desirable to induce premature labour.

External pelvimetry will indicate pelvic contraction. Any trained nurse will be able to make the measurement necessary.

(3) More attention should be paid than heretofore to the so-called spoon-shaped depressions or indentations made by the promontory of the sacrum or forceps on the fœtal head. These depressions or indentations are frequently associated with hæmorrhages on the surface of the brain, and occasionally with fracture of the bone, and they, consequently, may interfere with the development of the brain.

With regard to conditions producing defectives after birth, I should like my observations to refer specially to general measures likely to lessen some of the influences which predispose towards feeble-mindedness, to the treatment of the insane and feeble-minded population of workhouses, and to some points dealing with unsoundness of mind in criminals.

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General Measures in Dealing with the Feeble-Minded.

On most of the conditions with which feeble-mindedness is associated it is not necessary to dwell, as they have been fully brought under the notice of the Commission. The danger of insufficient or defective food in the case of infants, the necessity for special schools for defectives, and their disposal after the sixteenth or eighteenth year, need only be mentioned.

The question of environment is one which I think can hardly be too strongly emphasised having regard to its potency in developing conditions of physical and mental degeneration so grave as to be a menace to society. Those who are familiar with the conditions of life in the slums of any large city will freely admit that these, in regard to food, clothing, foul and squalid surroundings, are exactly the conditions which lead to a low standard of physical health, and such a lowering of the moral standard as to develop criminal-mindedness and feeble-mindedness. It is in those slums that you have the most favourable conditions for the spread of consumption with its defective mental state, for you have here, with overcrowding and filth, foul air and deficient sunlight. It should not be forgotten by the well-to-do in our large cities that the starving poor constitute a standing menace in being the class most predisposed to take any form of infectious disease with which it may be brought in contact and which it inevitably would be the means of propagating. The perils of an epidemic of small pox, diphtheria, cholera, or the plague, illustrate my point, so quite apart from social conditions which are represented by one class possessing wealth almost illimitable in its amount, whilst another can barely obtain food necessary to sustain life, with the potential elements which such a sharp distinction involves, the inhabitants of the dens of misery which are to be found in such numbers in this great city, regarded as the centre of civilisation, are sources of danger to the community at large. If any vigorous attempt is to be made to lessen conditions of life which predispose to defective states of body and mind, you must provide a better system of housing for the very poor, let them have air and sunshine, see that they have steady employment to give them sufficient means for good food, lessen the temptations of the gin palace by making life more endurable, and less depressive and morbid. If some comprehensive scheme could be devised, either by the State or by private benevolence, to radically change the condition of the poor in our large cities, the money would be spent not merely fruitfully, but on principles economical in their nature. If we have now to provide *sanitoria* for consumptives, special schools for defectives, institutions for the feeble-minded, as well as for the insane, is it not sound policy to lessen as much as is possible the numbers of those who have to be cared for? If good air and sunshine be substituted for the dark foul-smelling tenement room how much the number of consumptives would be lessened. Air and sunshine have the most singular effect in certain conditions of tuberculosis. In many cases of abdominal tuberculosis the mere opening of the abdomen, admitting air and the sun's rays, completely cures the disease. I may mention in this connection a curious personal experience. Some years ago, in a country place of mine near Dublin, my steward had charge of about 200 fowl of various kinds. They were crowded together in confined houses with a run, in neither of which was there ever sunshine. A disease broke out amongst them, which proved to be tuberculosis, and they died of it at the rate of seven or eight in the week. Two years ago a place was provided in an open field, having free exposure to sun and air, with the result that no tubercular disease has been again developed. I will only add a further word with regard to environment. Some years ago I read an article in the *Nineteenth Century* on experiences of work in an East End district by the Countess Cowper. In this interesting article a plea is put forward urging that the West End should familiarise itself with the conditions of life prevalent in the rookeries and slums of the East End, with a view of trying to elevate and cheer those who are struggling under very adverse conditions towards the light. Several measures of relief were discussed, several conditions leading to degeneracy. The proper housing of the very poor, the securing of good, instead of poisonous meat at very cheap rates, the establishment of clubs for evening meetings of an educational or recreative type, the prevention of marriage at too early an age—a boy of sixteen marrying a girl of fifteen or sixteen—and the provision of open-air spaces for children and adults.

With people who evince so meritorious an interest in the lives of the Chinaman, the South African, the Bulgarian, and other European and Asiatic races, it should not be unavailably pleaded that more interest and active sympathy should be exercised as to the fate of the waifs and strays of our urban populations. Comments of this kind may, no doubt, seem to be visionary and impracticable, but bearing in mind how much has been done by private benevolence throughout the United Kingdom, how many institutions have been established to meet the necessities of the poor, is it too much to expect that those who are affluent should, when made acquainted with misery, bring succour to the distressed?

The only other point which I wish to discuss is the very important one of limiting the hereditary transmission of mental weakness. Whilst admitting that the influence of heredity in the production of feeble-mindedness may be unduly emphasised, bearing in mind the law that in conditions of birth nature tends to revert to the normal, still the evidence is so constantly before us of a parallelism in conformation, in disposition, in diathesis, of the child to the parent, that we may assume that in 30 to 40 per cent. heredity does play a part. This proportion is surely large enough to take steps to lessen its influence. On this point I have no hesitation whatever as to what should be done. The proposal of sterilization is not one that can be considered in a Christian country, and we may at once dismiss it. But from every point of view it is imperative that feeble-minded and defective women should, when practicable, be kept in institutions from the sixteenth to the forty-fifth year; that is, during the entire procreative period. This specially applies to the "in and outs" of the workhouse, and it is difficult to understand how the present regulations with regard to those women can be defended. That public money should be expended on the maintenance of a woman who devotes her life to prostitution, and who is likely to reproduce her own defective type in her offspring seems opposed to morality and commonsense. It may be a question as to what should be done with such women after their forty-fifth year. It would be hard to send them adrift unless they could be provided for by getting suitable employment, or that friends would take charge of them, but it should be possible to take care of them in institutions where they could help to earn their own living by service of various kinds.

The Insane and Feeble-minded Population of the Workhouses.

In respect to this class several questions present themselves for consideration.

Should the entire class be removed from the workhouse?

Should a part, consisting of the most pronounced idiots and imbeciles be left there, whilst the remainder should be deported?

Should those who are taken from the workhouse be placed in auxiliary asylums provided by a change of a workhouse into an asylum, as has been accomplished in the auxiliary asylum at Youghal?

Or should a new institution be provided for this class, embracing idiots, insane epileptics, imbeciles and feeble minded, having due regard to economy?

There are at present in the workhouses throughout Ireland, according to the latest reports of the Inspector of Lunatics, 3,320 pauper lunatics. This number shows a reduction on the previous year of 340, of which 220 cases were transferred from the workhouses in the city and county of Cork to the auxiliary asylum at Youghal. How are these 3,320 pauper lunatics to be dealt with? No doubt some reasons may be urged for a retention of a part of this class in the workhouse, such, for instance, as the usefulness of some in doing work, the harmless nature of the mental defect, the proximity to home associations, etc., etc. But, on the other hand, the association of these defectives with the sane is objectionable, and it has upon both a depressing influence; there is the danger of persons who are unable to look after themselves being neglected; there is the danger of the outbreak of violence towards their own class or to others, against which there is no provision, and there is the important question of expense, as persons of this class require special nursing and care. For these reasons I

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am in favour of pauper imbeciles being provided for in institutions specially designed for them, and amongst this class I would include the feeble-minded of such a type as could be certified. The nature of the certificate would, necessarily, be a matter for careful consideration.

Then arises the question as to what institutions would be suitable for their reception. In Ireland, no doubt, the conversion of disused workhouses into asylums, on the score of economy, following the precedent set by the auxiliary asylum at Youghal, would be the most feasible plan. These should be carefully organised, so that the utmost care should be given to the improvable cases.

In the large class which would find its way into these auxiliary asylums, there would be a large proportion of improvable imbeciles and feeble-minded, and these persons should, I consider, be made the subject of special care. Their number would be reinforced by persons taken from the middle class in Ireland, or from the class intermediate between the pauper and the middle class, and for all this class I would strongly suggest a central asylum, available for all Ireland, run on the lines of Darenth Asylum. It is a matter for consideration as to how such an institution should be supported. It might receive aid either from the Treasury, or from the rates, or from both, and I believe it would be helped by the charitable. I would be very slow to believe that in Ireland the springs from which flowed such helpful sustenance for many objects worthy of sympathy and support, have dried up. It is easy to refer to a number of institutions, largely subsidised by private benevolence: the Institution for the Deaf and Dumb, that for the Blind, the O'Brien Institute, the Stewart Institute for Imbeciles and Epileptics, the various reformatory and industrial schools, our metropolitan and provincial hospitals, are instances in point. Would not an institution for the feeble-minded attract substantial public support ?

In 1889 a Royal Commission reported with absolute unanimity that liberal grants should be made for the maintenance of two institutions for imbecile children in Ireland, one for Catholics and the other for Protestants. I presume that the institution for Protestants would mean a considerable extension of the Stewart Institution. Unfortunately, like many Reports of Commissions, this one was not acted upon, and I venture to express a hope that the work of this Commission will not be similarly abortive. But the question of establishing a Catholic institution on the lines of the Stewart Institution was warmly taken up by His Grace the Archbishop of Dublin, Dr. Walsh, and he made an offer to set on foot a movement for the establishment of a Home for the shelter and education of these poor children, promising £1,000 to head a subscription list, and an additional £1,000 at the close of the first year's successful working of the institution. I have no doubt, if this project were helped by a promise of substantial aid, carrying out what was recommended in 1889, that a great and useful way of providing for a large class of our defectives would be found.

I confess, however, that to me the ideal institution for dealing with the defectives would be the establishment of a large colony under the charge of some religious order such as has been established in Ursberg, Bavaria, the work and organisation of which has been so fully described by Dr. Alfred Eichholz. This colony, under the charge of the Sisters of the Congregation of St. John, provides for the care of 752 mental defectives, 111 blind, 8 deaf mutes, and 145 epileptics. The colony is self-contained, and provides for its own needs by its own industry. It is unnecessary that I should repeat what is so fully described by Dr. Eichholz, but I should like to endorse his words as specially applicable in a country like Ireland which can point to the good results effected by religious orders in ministering to the wants of its population. You have striking instances of this in the educational work undertaken by the religious Sisterhoods of Mercy and Charity, in the work done by the Christian Brothers in primary and intermediate education, in their care of the deaf and dumb, and in reformatory schools ; in the care of the insane undertaken by the Brothers of St. John of God's, and by the French Sisters of Charity. If any of these orders, or orders of a like kind, could be prevailed on to take charge of a colony for the feeble-minded, such as exists in Ursberg, the problem of dealing with defectives in Ireland would be solved. Whether this problem be viewed from the religious, or simply the practical worldly aspect, the result is the same, and I heartily subscribe to the view of Dr. Eichholz when he says that, " Though the State may go far to solve the problem of its feeble-minded, even to endowing colonies such as Ursberg, it may yet feel grateful when voluntary effort steps in, for it is doubtful whether public money alone could ever command the self-sacrifice which such an undertaking demands."

Central Criminal Lunatic Asylum, Dundrum.

In reference to the criminal insane, I may perhaps claim to speak with some authority, as I have been for over twenty years consulting and visiting physician to the institution. There are some matters which in connection with the asylum and its population bear upon the work of the Commission to which I may briefly refer.

It is well to realise the differences existing between the two classes of inmates of the Central Asylum. Both consist of 150 individuals, 129 males, and 21 women. Of these 115 men and 18 women are detained during the pleasure of the Lord-Lieutenant and are known as " Pleasure " inmates, whilst twenty-four men and three women are undergoing sentence of penal servitude, or imprisonment and are known as " Convict " inmates.

These two classes differ widely from each other, not merely in the way in which insanity is developed, but in certain characteristics of mind, tendencies, and disposition, which in the convict are singularly uniform. The insane convict, usually a person of unstable mind, has become insane whilst in prison. With an hereditary history of insanity or alcoholism in most cases, his life from birth has been spent under conditions of poverty, recklessness, and crime. His propensities have been developed amidst an environment where every condition of life may be said to have been brutalised, and where the evil influence of association, coupled with the struggle for existence, gradually develops what is so well known to prison authorities as " Criminal-mindedness," another name for the lowest type of moral degeneracy. On the other hand, the " Pleasure " inmate is most frequently one whose habits and associations are unobjectionable, but who under an insane impulse, which perhaps should or might have been guarded against, commits a crime, often of the gravest nature, which renders the individual amenable to the law. In not a few instances persons of this class when brought to the asylum are of perfectly sound mind, all the conditions which led to the mental disturbance having vanished. It is easy to realise the horror felt by this unhappy individual when compelled to associate with the moral lepers represented by the convict class. I may be permitted to mention a case illustrative of this.

Some twenty years ago a member of my own profession, who held a public medical appointment in Ireland, a man of most respectable connections, shot his wife whilst suffering from an attack of *delirium tremens*, for which I believe he received no treatment by restraint or otherwise. At his trial he was found to be insane on arraignment and sent to Dundrum. On admission there he was found to be perfectly sane, and during eight years of his detention he was exemplary in every respect and exercised by his personal conduct and character a salutary influence over at least some of his associates. Yet during those eight years he was obliged to mix in the day room, dining room, dormitory, and exercise ground, with the convict inmates. At the time of his detention no attempt was made to classify the inmates of the asylum, and even at the present time the governor, Dr. Revington, who has been strongly commended for the administrative ability which he has shown in the management and organisation of the asylum, is unable, from deficient and defective structural conditions, to do what is so essential in a criminal asylum, to carry out a thorough system of classification. At present three classes are defined, the refractory, the convalescent, and the undefined class, but there still exists the grave objection of there being insufficient room, so that the refractory element is likely to overflow, necessitating the daily and nightly association of the restless, turbulent, and dangerous class with the harmless and well conducted members of the community.

Without dwelling at unnecessary length upon this point, I may mention that a small Departmental Committee has reported recently recommending structural and other alterations in the asylum, with a view of largely increasing its capacity for the reception of suitable cases for detention and treatment. It is suggested that a new

block should be erected with day rooms, dining room, and forty-five single bedrooms, with an airing court attached, and that as soon as practicable additional land should be acquired for the purposes of the institution. The necessity for extension of accommodation at Dundrum is called for not merely to provide for a proper classification of its inmates but also to render it more suitable than it is for the reception of a class of cases which can or should be treated in the asylum, a matter which opens up the question of the relation of the asylum to the prison. In the prison there are three classes of criminals which have to be considered in reference to the question of mental unsoundness. One may be disposed of at once, viz., the cases which present no difficulty as to the recognition of insanity. These are at once transferred to the asylum. The other two classes do present difficulties as to whether or not a sufficient degree of mental unsoundness exists to warrant certification, or whether or not the individual is counterfeiting insanity in order to escape the irksomeness of prison life. These two classes deserve a note of passing comment. Criminal-mindedness is an admitted type of mental depravation which represents to a considerable degree the mental characteristics of the convict, a condition envolving a low mental standard, with bluntness of the moral sense, criminality, and viciousness of conduct, but the type does not necessarily imply irresponsibility, and therefore non-punishability. Such persons are not to be regarded as insane, because the motives which regulate their acts are intelligible. Reluctance to work, gratification of the sensual instincts, the exercise of malicious intent to others, and the desire to escape from pains and penalties, constitute the ordinary sane motives for a line of conduct which from its extreme perversity suggests unsoundness of mind. These cases constitute a class in which it would be unreasonable to apply rigidly the standard of insanity and they come to be regarded as borderland cases, suitable for detention either in the prison or the asylum. If retained in prison, some relaxation of the rules which are ordinarily in force must be made, and a recognition implied of a mental state which envolves limited responsibility and therefore limited punishability.

Even with this exceptional treatment the mental balance is always in a condition of unstable equilibrium, and the criminal-mindedness of the individual leads him towards a line of conduct, so refractory in its nature as to render his detention in prison a matter of great difficulty. Such cases are usually certified and sent to the asylum. The change of environment, and the comparatively unrestrained life in the asylum, leads frequently to a salutary change in the convict's conduct, and he may give little or no trouble to those responsible for his management. It is, I believe, a good procedure to send those cases to the asylum. They are unmanageable in prison, and although when in the Asylum the evidences of feeble-mindedness, as it affects personal responsibility, may become less and less accentuated, still the characteristics of the type are sufficiently marked to warrant, on the ground of prophylaxis, that the individual should be detained in the asylum.

But the class of case where the criminal-mindedness of the individual leads him to a course of conduct deliberately planned with the object of exchanging the penal discipline of a prison for the haven of asylum life must be put on a different footing. In this class there may not be present any evidences of feeble-mindedness. On the contrary, you have indications of a strength of will and purpose worthy of a better cause. The convict will commit any form of extravagance suggestive of insanity. He attempts suicide, on several occasions, without, however, succeeding in his object; he makes use of the foulest language, often studiously incoherent; he is extremely filthy in his habits, commits violent assaults upon the warders, refuses food, and by his general course of conduct impresses the medical attendant that he is insane. He is, accordingly, certified as of unsound mind and sent to the asylum. Within an incredibly short interval the scene completely changes. The evidences of mental disturbance pass away and the convict not infrequently admits that he shammed madness to escape prison life. There is no special credit due to the officials of the asylum for recognising the true state of things, often extremely difficult to interpret whilst the individual was acting his part. And yet the correct diagnosis of such cases is one of considerable importance in this respect, that no example should be set to others to pursue a similar line of conduct leading to a like result. There would be a complete subversion of the amenities and wholesome discipline of prison life if schemers were, in any way, encouraged to escape the sanction affixed by the law to their offence.

To sum up, I would say that as regards the insane convict there is no question but that he should be sent to Dundrum, and properly classified. With regard to the feeble-minded and borderland cases, whilst doubtless many such can be dealt with in prison, under modified conditions as regards dietary, exercise, association, and discipline, still in most instances, with an extension of Dundrum Asylum structurally, and in the acquirement of additional land, I consider it would be more desirable that these cases should be admitted to the asylum. In these borderland cases there is always an element of doubt, especially where thoroughly competent observers have examined the prisoner, and differ in their views.

But the question of the possible extension of Dundrum Asylum suggests the advisability of making a permanent provision for the feeble-minded and for the habitual criminal. The danger to society of setting persons of this class free to continue their life of crime at the expiration of their sentence is one that should be faced. There is no institution in Ireland corresponding to Parkhurst in England, and I would venture to suggest that a special department having the same purpose as it has, should be established in connection with Dundrum Asylum. Without any considerable increase of expense, as regards administration, there would be a means of providing for the two classes referred to that would be beneficial alike to them, as well as to society. They would be obliged to help towards their own maintenance by working on the land, or in connection with other suitable industries, and a life free from the struggles and temptations of times passed by, in which moral influences might help towards regeneration, would bring some measure of relief to these unfortunate classes. It may no doubt seem a strong measure to deprive an individual of his liberty after he has paid the penalty of his crime, but it can be fairly argued that he should be protected against himself, against conditions, hopeless for reformation and good conduct, that returned to the world, he helps to swell the class from which criminals are recruited, free to begin again the course of violence and crime which inevitably will lead him within the meshes of the law. This is a natural sequence. The individual is known to the police, he cannot obtain employment, even if he were disposed to work, and not withstanding Tallyrand's *mot*, he says to himself he must live. The question as to how such persons should be detained, either for life or until they showed such improvement in moral tone that they might be given a trial if steady employment could be obtained, or that they would be provided for by friends, is one that should receive careful consideration. A certificate signed by the prison authorities, with a full statement of the particulars of the case, and stating that the feeble-minded person, or habitual criminal, was a proper person to be detained at Dundrum Asylum, would be sufficient in the case where the prisoner had reached the end of his or her sentence. This might be strengthened in the case of the habitual criminal if the judge, in passing sentence, would direct permanent detention in the asylum, subject to certain conditions.

On one matter I entertain a strong opinion, namely, the transference of the insane convict to the county asylum, at the expiration of his or her sentence. The introduction of an insane convict, often of the lowest type, amongst a community that is free from the dangerous elements of criminal-mindedness, is, to say the least, a cruel and dangerous procedure.

Since writing the above I have learned that the New South Wales Parliament has recently adopted the indeterminate sentence for habitual criminals. By this procedure a judge is empowered in the case of criminals repeatedly convicted to declare under the "Habitual Criminals Act" that the prisoner is an habitual criminal, which means that at the expiration of his term of sentence he shall be detained during His Majesty's pleasure in some place of confinement set apart for the purpose. If the prisoner gives signs of having made some moral improvement, and that he is fit to mix in decent society, he may be released, but otherwise the Government has a right to detain him as long as it believes his freedom would prove a menace to society.

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22556. (*Mr. Byrne.*) On the first page of your statement where you are speaking of mental defect arising from malnutrition and environment, and so on, and you speak of the condition as spurious feeble-mindedness, you mean us to gather the impression, no doubt, that it is not real feeble-mindedness?—That it is a condition which is brought on by environment, and when the subject is removed from the unfavourable surroundings, then the evidence of feeble-mindedness subsides.

22557. In fact, disappears?—Disappears.

22558. And persons, although thrown back a little, may become normal members of society?—Quite so.

22559. And will not require permanent treatment?—Quite so. It simply bears on the importance of environment in producing a condition that simulates feeble-mindedness.

22560-61. I see also you tell us that in 1889 a Royal Commission reported with absolute unanimity that liberal grants should be made for the maintenance of two institutions for imbecile children in Ireland. Is that a British report?—Yes; I have it here. It is a very important report, dealing with the Blind, the Deaf, and the Dumb of the county. It was presented in 1889. The Commission was appointed in 1885. It deals not merely with the blind, the deaf, and the dumb, but it deals in a very important way with idiots and imbeciles, and it investigates the class that is the subject of consideration by this Commission.

22562. I did not know whether there was any special Irish report?—Yes; a report by a Committee appointed by the Lord-Lieutenant of Ireland on Lunacy Administration. That deals also with the question of imbeciles and the establishment of succursal asylums.

22563. With regard to the nature of the institutions which you recommend as a good mode for dealing with these people, have you any views as regards the numbers which might be dealt with with advantage?—I may say that on reading over some of the evidence given before the Commission in connection with that, Darenth Asylum impressed me very much with the idea that an institution of a similar kind would be specially suitable in Ireland for dealing with the defectives that are now in the workhouses; and so strongly did I feel that, that yesterday I called upon your secretary, Mr. Mothersole, and he very kindly telephoned to the authorities at Darenth Asylum for permission to see it. I went through the asylum yesterday, and was received most courteously by the resident superintendent, Dr. Rotherham. I spent two hours in going round it, and I have no doubt in my mind but that an institution of this kind established in Ireland sufficiently large to accommodate all the defectives that we have in the workhouses, would be the most economical and the most suitable means for providing for that class. There are two questions that would arise in establishing an institution like Darenth Asylum. One is that it ought to be sufficiently large to take in all the defectives. There are in Ireland at the present time, according to the reports of the inspectors of lunatics, 3,320 defectives, 200 in addition being provided for in the auxiliary asylum at Youghal. I see no reason, with a large institution built upon the colony system, and with each colony having provision for dealing with the different classes—with the completely ineducable, with the low form of educable and with the very high form of educable, and with the epileptic defectives—why you could not in that institution provide for all, and so get rid as much as possible of multiplication of expenses of management. I had some conversation with the resident superintendent, Dr. Rotherham, on this point. He has charge at the present time of a population of 2,000. Of those, some 1,600 are educable, more or less, and the remaining 400 are hopelessly ineducable; but he says that he would not have the least difficulty in managing twice the number that he has at present under his control, and it would not really mean any great increase in medical supervision, because the supervision that is exercised over those people is exercised in the schools and the different training departments in the colonies. He mentioned a curious and a very interesting point, that is, that within the last year there has been a saving of £5,000 effected principally in the reduction of attendants, high and low class, and they have been able to manage the institution with three medical assistants instead of four. So that he has been able to effect a reduction of expenses last year amounting to £5,000. But what he clearly impressed upon me was that there is no difficulty whatever in having a large institution of the kind, and I myself would say that it would be very much better to have not more than one or two institutions in Ireland. There is one point which, no doubt, would crop up. It is a matter which crops up more intensely in Ireland than it does in this country; that is the religious difficulty. If you had one institution, you would have to provide for the Roman Catholics and for the Episcopalians and the other religious sects. The other sects are very small. The Roman Catholics comprise 3,300,000 out of a population of a little over 4,400,000. But still a question would arise as to how you would treat those different inmates from the religious point of view. That, I think, would be met by the arrangement that you have in Darenth of having suitable places for religious worship for the Catholics and for the non-Catholics—have churches as we have in Dundrum Asylum—for both.

22564. So that one institution would do, or at most two?—One institution would do, but, taking into consideration the suggestion I made in my statement of having the institution placed under the charge of a religious order, this would involve some difficulty. I think you would have a sub-division of the cases, so that it would be quite possible to have religious orders representing the Protestants, having charge over Protestant inmates, and the Catholic order having charge of the Catholic inmates. There might be a little overlapping, but I think that is a matter that would have to be carefully thought out. It is the principle you would deal with.

22565. If you did utilise the services of religious orders would you have the whole institution—of course under Government inspection and regulation—under the management of a non-religious person—a doctor or other person, and use the religious as teachers and attendants and so on; or would you think it could be safely handed over to them entirely?—I think it could be safely handed over to them entirely. There is a point of some importance in connection with that to which I might call attention. It is in connection with evidence given by the Archbishop of Dublin in reference to the establishment of an institution for defectives and epileptics for Roman Catholics similar to the Stewart Institution. The Catholic archbishop was asked if it would be possible to have an institution for the education of imbeciles undertaken by religious orders, and he answers "No misgiving need be entertained upon this score. As regards the Catholic side of the question . . . . our resources in this respect are practically unlimited." This shows that there would not be any difficulty if you thought it proper to have those people taken charge of by religious orders.

22566. Has anything been done under that proposal of the archbishop?—I think I mentioned in my evidence that he offered to give £1,000. But then the report of the Commission was not acted upon, and there was no attempt made to carry out its recommendation of having a Treasury grant given for the support of those people, and the matter still hangs fire.

22567. Do you consider that some substantial Treasury assistance is a *sine qua non* before anything will be done?—Perfectly so. In reference to Ireland, I think Ireland can claim special consideration from the Treasury. I do not know whether it would be in order to mention what was emphasised by Mr. Childers in the Financial Relations Report, that Ireland was paying a sum of £2,250,000 in excess of what she should pay towards the Imperial Exchequer. One of the recommendations of Mr. Childers was that the sum that we were overpaying in Ireland should be refunded to Ireland in several ways that would promote her industries or help her in diminishing general or local taxation.

22568. (*Chairman.*) I think this is a little bit outside our view. We have already had some evidence of that kind?—The more money we in Ireland think we can get out of the British Treasury the better.

22569. (*Mr. Byrne.*) Without substantial Treasury assistance nothing will be done?—I do not think anything will be done.

22570. Can you say in addition to that that the evils existing at the present moment for the want of such a

method are very great and call for Treasury intervention ?—I think it is a most crying grievance. I think any one who goes through the workhouses in Ireland and sees the wretched, unprotected way that these people are dealt with, must admit that it is one of the evils that specially call for redress.

22571. We observe that in Ireland there is no provision made in the education laws for the separate training of the mentally defective ?—No; we have nothing analogous to your special schools.

22572. Do you get on all right without them, or do you think that something in that line should be started ?—It is most important that special schools should be established, not for the defectives but for the dull boys. I think when once you get a defective you ought to put him in an institution. I do not think that we have machinery or funds in Ireland with which we can establish special schools except for dull boys.

22573. But the establishment of special schools would have the effect of enabling you to discover those who were too imbecile to use them ?—Yes.

22574. Would you consider that an additional reason for having them ?—Yes; to make a class in connection with the present schools.

22575. With regard to the criminals and the working of the criminal law in Ireland so far as it relates to defectives, you speak in a very interesting way about the provision for the criminal classes—the criminal-minded and so forth; do you consider that the existing law is sufficiently exact in dealing with people of certain degrees of mental defect ? Is it enough to say that they are insane or that they are not insane, or are there intermediate classes between sanity and insanity which ought to be dealt with in ways different from those now adopted ?—I think that there ought to be some alteration in the law dealing with the feeble-minded class that find themselves so frequently in prison.

22576. Would you, in the first place, deal with them differently when they are brought before the Courts ?—I think on the first or second or even third occasion I would not—it is only when they are brought sufficiently often before the court to be placed in the category of being habitual criminals; I would deal with them by special certificate or by giving power to the judge to determine them as being habitual criminals, and give them what is known as anindeterminate sentence.

22577. Would you make that dependent on a verdict of the jury; some such verdict as "Guilty but weak-minded" ?—I think it ought to be given into the hands of the judge in the case of an habitual criminal, because he has before him the whole history of the individual and his general character.

22578. The individual would come before the judge charged with wilful damage or assault, we will say. What would you recommend the procedure should be ? Should the judge suddenly break off that charge and say: "We must try that man for being an habitual criminal," or should it be added to the indictment ?—I should suggest the judge having before him the number of times this man had been convicted and taking into consideration the nature of the crime, supposing it was a crime of violence, destruction of property, burglary, or anything like that, I think the judge, upon that record, should give that criminal, on his own responsibility, the indeterminate sentence; that is, that he would be detained during his Majesty's pleasure. I do not know if you are aware that there has been a case in which this procedure has been adopted. It was mentioned in the *Review of Reviews for Australia*. It states that the New South Wales Parliament has established this procedure of indeterminate sentence. It gives a case where it has been put into operation. After passing a sentence of three years' hard labour on a man who since 1876 had received sentences totalling twenty-two years, Judge Rogers added "I now declare you, under the Habitual Criminal Acts, to be an habitual criminal." It is stated in the *Review* that this is the first instance in any jurisprudence in the world where the provisions of such an Act have been put into operation.

22579. Indeterminate sentences for ordinary criminals are common in English-speaking communities ?—I was not aware of that.

22580. You would recommend definitely both the system of the indeterminate sentence and the system of trying the man for being an habitual criminal ?—Yes.

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22581. You think that if these two things were introduced the substantial necessary changes of the law would be made ?—Yes; it is in connection with that that I have made the suggestion of the extension of Dundrum.

22582. On the last page of your statement (*page* 105, *col.* 2) you say, "On one matter I entertain a strong opinion, namely, the transference of the insane convict to the county asylum at the expiration of his or her sentence." Is it your experience that it is easy to certify in all cases such a convict in such a way as to get him detained in an asylum ?—I do not think there is any difficulty about that. What would happen would be that if the man were sane and he had a determinate sentence, he would be discharged; but there is no question at all about the class of man as regards sanity that would be transferred to the district asylum; he is insane. But the objection I raise is that you are sending a man with strong criminal tendencies into a district asylum; that you are introducing a new element in that asylum which is not fair to the other patients that are there. Of course, if you had a quiet, harmless kind of convict, this man might be sent to a district asylum, but this is an exceptional case.

22583. There are very many persons in England, we have been told, who are constantly being re-convicted, and in the intervals between their prison sentences they are in and out of asylums and so on, people of unstable mind who, when in an asylum, are quite sane, and when out of it, under the stress of the world, their mind gives way; would you recommend any special treatment of such persons ?—Is not that the class you would send to Parkhurst ?

22584. Only if they commit serious crimes. Parkhurst is a penal servitude prison. I am speaking of those who merely get drunk, break public-house windows, and so on ?—That is a class which is very difficult to deal with. I do not think they ought to be sent to an asylum. I think they ought to be sent to a special place provided for them.

22585. When you have got one of those men in prison, and he has been there 100 times before, and has been in and out of an asylum ten times, what powers would you give to anyone to deal with him ?—Could not you deal with that man under the Habitual Criminals Act ?

22586. Would you call a man who has been merely drunk 100 times a criminal ?—When he has committed other offences, yes.

22587. You would apply the same method to the serious criminal, the burglar, and to the smaller criminal, so long as they both shewed they were unfit to be at large ?—Yes, as long as they shewed some criminal-mindedness.

22588. You have had experience, no doubt, of the inebriate reformatories and inebriates' retreats ?—Yes.

22589. Have you any advice to give to the Commission on those subjects ?—It is not an investigation that I am very familiar with except the ordinary cases that arise in connection with a doctor's practice. There is one thing I am very strongly impressed with, that is, that those private retreats ought to be completely suppressed. I think they are more or less fraudulent in their nature. I can speak myself from the cases that I know of, there were abundant opportunities of obtaining drink, it was simply a question of getting money from those unfortunate people without exercising the slightest restraining influence upon their drink tendencies.

22590. Those would be uninspected retreats, I suppose ?—I do not think any retreat should be allowed to be in existence except under conditions of inspection. I know there are great frauds in connection with those retreats, where a patient enters and pays a large sum in advance and he is supposed to be treated for a long period. He is tempted to go into them probably influenced by the consideration that he will be treated by injection of chloride of gold. But they go in for three or four days and then the passion for stimulants becomes so acute with them that they leave the place. The people are not particularly anxious to detain them, having got their full money in advance. In that way I think a considerable amount of fraud is perpetrated on a very unfortunate class.

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22591. So you recommend that they all should be inspected ?—All should be inspected and all licensed.

22592. And it should be an offence to start one unlicensed ?—Yes.

22593. (*Mr. Dickinson.*) With reference to these cases of habitual criminals can you give us any figures, or your own opinion, as to the extent to which the police courts in Ireland are habitually full of this kind of case ?—No, I am afraid not. I can merely tell you my remembrance of men who were charged with offences 200 and even 300 times in a short time, but I have no information with regard to the figures.

22594. You cannot say how far those are defective people ?—I think I would say in the majority of cases they were criminal-minded people, and I think in most of these instances you have a feeble-minded condition coming in.

22595. Do you mean the vast majority of police-court cases ?—I think the majority.

22596. There would be signs of a defective mind ?—Yes.

22597. You said to Mr. Byrne that there were 3,300 defectives; what were you referring to—what is that number?—That is the number at present in the workhouses throughout Ireland, taking the different classes.

22598. May I refer you to your heading "The Insane and Feeble-minded Population of the Workhouses"; is that the number, 3,320 ?—Yes, quite so.

22599. There you speak of "3,320 pauper lunatics" ?—Yes; that is scarcely accurate; some are lunatics. By "lunatics," I take it you mean those who would be capable of being certified under the present law. Then the others are not lunatics; they are of the defective class—imbecile and feeble-minded.

22600. Do I take it that none of the 3,320 pauper lunatics are certified ?—They are not, in the workhouses I do not think they are.

22601. But they are persons who either might be certified or who in your opinion are idiots, or imbeciles, or defective-minded ?—Yes; that is a matter upon which Dr. Courtenay, the inspector of lunatics in Ireland, would give you more accurate information than I can. But amongst those 3,320 pauper lunatics, if one of them becomes troublesome, he or she is at once certified and sent to an asylum to be dealt with as a lunatic.

22602. In addition to these 3,320 persons of unsound mind not certified, in the workhouses, would you say there was also a very large number outside the workhouses ?—A very large number. That was particularly made out in the report on Lunacy Administration in Ireland in 1891, and the Local Government Board inspector, Sir Francis MacCabe, undertook to examine certain districts, I think the south district of Dublin, and Carlow, to determine how many of these feeble-minded and imbecile persons were to be met with outside the workhouses, and he found a very considerable number. He found some of those cases in a condition most deplorable in its kind; utterly neglected. So that it has to be borne in mind that besides those 3,320 you have a number who are not under supervision or taken care of in any way.

22603. Whose investigation was that ?—Sir Francis MacCabe. I beg your pardon; I have made a mistake. Sir Francis MacCabe's report is in the report of the Royal Commission on the Blind and Deaf and the Dumb in 1889.

22604. (*Chairman*). That is the British report ?—That is the British report.

22605. (*Mr. Dickinson.*) This is an investigation which Sir Francis MacCabe made into this very question ?—Which he has made into that very question; yes.

22606. Did he give any numbers ?—He does not give any numbers, but I could let you know later on the exact reference to Sir Francis MacCabe. This is what he says: "The Lord-Lieutenant was anxious to know what was their condition—that is, the condition of the class outside the workhouses—and the witness was asked whether he could undertake to visit them at their own homes. He said that to undertake to visit them all would be impossible unless he were to lay aside all his other duties, but that if he were permitted to take two Unions as typical of their condition, one an urban Union and the other a rural Union, he would visit every case in those two Unions. He accordingly visited the South Dublin Union as a type of the urban population, and the Carlow Union, which includes the entire county of Carlow, as a type of the rural population, and he visited all unregistered lunatics at large. Then he gives details of some cases: "I found a little boy fourteen years of age, an idiot, perfectly naked, lying in a filthy bed, wretchedly neglected, unable from confinement to bear the light, and who ought to have been in an institution." That was a child that was lapsing into blindness from neglect.

22607. That was to inquire into lunatics, not the feeble-minded ?—No; it took in the whole class—idiots and imbeciles. I think Sir Francis MacCabe uses the word "lunatic" as synonymous with imbeciles and idiots; I do not think he draws a distinction.

22608. Is that usual in Ireland; to use the word "lunatic" in a more general sense than we do here ?—I think it is used in a more general sense.

22609. Including all imbeciles ?—Yes; all of unsound mind.

22610. In Ireland are the idiots in lunatic asylums ?—No; the idiots are chiefly in the workhouses. There are some idiots in the lunatic asylums, but this is exceptional; they are not numerous.

22611. That is because of difficulties of administration, I suppose ?—It is very much more expensive. If you put all the idiots into the lunatic asylums in Ireland, you would have to extend the asylums considerably, and they are already overcrowded. The asylum authorities are very anxious to get rid of their idiots, especially the pauper idiots, and send them to the workhouses.

22612. Then I understand, in your opinion, they ought not to be in the workhouses ?—Certainly not; they ought to be in a special institution provided for them, but not a lunatic asylum.

22613. (*Dr. Dunlop.*) Did I understand you rightly, when you were talking of the uncertifiable defectives, that there is a class of defectives not certifiable ?—I think so; that is under present conditions—the feeble-minded.

22614. Is that a right thing ? Do you think it is right that defectives should be divided into two classes, one certifiable, and the other not ?—I think all defectives ought to be certifiable.

22615. As a matter of fact, is there any reason why they should not be certified at the present moment ?—It depends on the machinery that is provided. I think it is an unreasonable thing to require a doctor to certify for feeble-minded people who do not show any active evidence of unsound mind, and who might, either by themselves or through their friends, be litigious and give the doctor a very unpleasant time for having done what was practically his duty. I do not think you should throw the onus of responsibility on the unfortunate doctor; I think he ought to be protected.

22616. The doctor ought to be protected ?—Certainly.

22617-18. But, over and above that, do you think it desirable to divide defectives into two classes, and style the one certifiable, the other not certifiable ?—I do not think it is.

22619. Would you like the lunacy certificate to be such as to cover all classes of mental defect ?—All classes of defectives, certainly.

22620. At the present moment the ordinary lunacy certificate is not limited to any particular defective class, and other defectives can be brought under it ?—I think you would have a great difficulty.

22621. Assuming the doctors were protected and did not think of the risk ?—But suppose you take the class of feeble-minded who upon examination present no signs of mental disturbance that are observable; that constitutes a different class of person altogether from the person who is certifiable under the present law.

22622. Does it ?—Of course it does.

22623. When the doctor is able to diagnose mental defect, surely he is able to find sufficient facts to establish mental unsoundness ?—That assumes that he is able to give some reasons for his opinion. It does not do for a doctor to say; "I saw in the man's eye that he was mentally defective." That will not be accepted. He

must give some distinct, intelligible statement upon which he bases his opinion.

22624. Surely, the doctor, if he is worth his salt, would not come to that opinion without having the facts to base it on ?—To begin with, I think every doctor is worth his salt; but I do not think a doctor should be expected to do impossible things. In the case of a defective the doctor may make up his mind from the history of thoroughly reliable people, but as to making up his mind from any facts of feeble-mindedness that he can observe in an interview of a quarter of an hour's duration, I do not think that that is always or even commonly possible.

22625. At all events, your opinion is that the certificate ought to be such that it is applicable to all defectives ?—Yes; and that there ought to be a protection for the doctor. For instance, the certificate should be countersigned by an inspector of lunatics, or by some official; and I suppose on the order of a magistrate, or a county court judge, the man would be disposed of.

22626. You give some valuable advice about the treatment of insane prisoners or defective-minded prisoners; have you personally a wide experience of them outside the Dundrum asylum ?—No.

22627. You have not been in the prison service ?—I have never been in the prison service. I have often seen prisoners supposed to be insane; I have come into contact with them a great deal in that way.

22628. You talk about criminal-mindedness. You state that criminal mindedness is "an admitted type of mental depravation." Is that based on study or is it based upon your own personal observation ?—Based mainly upon study, and to some extent on personal observation; but, especially from the study of the writings of a man whom I came across in connection with this class; that is Dr. Nicholson, the Lord Chancellor's Visitor in Lunacy, who has written an article in "Allbutt's System of Medicine," of great value, on criminal insanity. The points that he makes in connection with this condition of criminal-mindedness have been to my mind clear and quite defensible.

22629. If you do not know a case individually, perhaps it is hardly fair to press you with it, but you are very strong in your opinion that the unfortunate defective who has been put in prison should not be sent to a district asylum afterwards ?—I think not, in most cases, because you are introducing a type there which is quite different from the insane—you are introducing the criminal type.

22630. Are you introducing the criminal type ? Have you seen the criminal type among this class ?—I can imagine that the type of man that we have in Dundrum, representing that strongly criminal type of insanity, would be a very objectionable person to introduce amongst ordinary asylum patients.

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22631. What brings patients to Dundrum as a rule; are not they neglected asylums cases or King's Pleasure cases; are not they neglected lunatics *ipso facto* ?—I do not understand how they are "neglected" lunatics. They are certified insane, if found insane on arraignment.

22632. Pardon me; at the time they commit their crime are they not simply neglected lunatics ?—Not necessarily; they may not be lunatics. They may become lunatics during the time they are waiting for trial or after they are sentenced, when undergoing imprisonment.

22633. Let us go back to the point we were on. You are very emphatic in your opinion that because a lunatic happens to be in prison he is necessarily criminal-minded and should not be sent to a district asylum ?—I did not say that.

22634. You would limit it further than that ?—I drew the distinction between the King's Pleasure inmates of Dundrum and the convict inmates.

22635. Please talk about ordinary prisoners in ordinary prisons ?—If you allude to convicts there are exceptions, but, as a rule, I do not think they ought to be sent to the district asylum. You might have a harmless convict lunatic about whom there would be no difficulty, but I am talking of the general rule.

22636. You were talking about inebriates; a lot of them are mentally defective are they not ?—I think they are.

22637. Do you think it is desirable that there should be power of compulsory detention on the application of a near relative or an inspector of poor ?—Yes, if you hedge it round with a number of safeguards; I think there ought to be power of compulsory detention, but I think the safeguards should be very carefully thought out, and there should be no infringement of the liberty of the subject without very good cause and without thorough protection of his rights.

22638. Is that a very necessary provision ?—I think it is.

22639. In your medical practice you must have come across many cases ?—Yes; a very curious thing in connection with my practice is—I do not know whether it corresponds with that of others—that I scarcely ever saw a man get an attack of *delirium tremens* who did not die subsequently of the disease; either getting another attack, or dying of some form of alcoholism.

22640. (*Chairman.*) Is there anything you would like to add ?—I do not think so, except the question of providing means for establishing our colonies in Ireland, but you rule that this is out of order.

E. Maziere Courtenay, Esq., M.B., called; and Examined.

22641. (*Chairman.*) Would you kindly tell us how long you have been inspector of lunatics and lunatic asylums in Ireland ?—Since the year 1890. I was previously superintendent of the Limerick asylum since the year 1873.

22642. You have been so good as to give us a statement of your evidence; may we put it on our notes ?—Certainly.

Statement of the Evidence proposed to be given by E. Maziere Courtenay, Esq., M.B., Inspector of Lunatics and Lunatic Asylums in Ireland.

No amending and consolidating Lunacy Act, dealing with the admission, the care, and the discharge of the insane, and the management of lunatic asylums, such as the English Lunacy Acts of 1889 and 1890, has been passed for Ireland. The Acts governing the lunacy system in Ireland are scattered through the statutes from 1821 (1 & 2 Geo. IV., cap. 33) to 1901 (1 Edwd. VII., cap. 17).

The necessity for an amending and consolidating Act was dwelt on by the Commission on Irish Lunacy Administration appointed by the Lord Lieutenant in 1890, and which was presided over by Sir Arthur Mitchell, then one of the Lunacy Commissioners for Scotland, and the scheme of such legislation was sketched out by this Commission. Unfortunately, no legislative action has since been taken in the matter.

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The Acts relating to the care of the insane in Ireland, therefore, in some cases contain provisions which are not in accordance with modern ideas on the subject. They do not sufficiently guarantee the proper admission of the insane to asylums, nor do they adequately safeguard the public against the suspicion that cases are unnecessarily detained in these institutions.

Very important changes in the management of district (county and borough) asylums, however, and in the care of the insane therein were brought about by the provisions of the Local Government (Ireland) Act, 1898.

Under the 9th section of that Act, the duty of providing and maintaining sufficient accommodation for the lunatic poor was thrown on the county councils, and the business of the old boards of governors, who were appointed by the Lord Lieutenant, was transferred to committees of the county councils, who must "properly manage and maintain every lunatic asylum for their county, appoint and remove the officers (subject to the concurrence of the Lord Lieutenant as regards medical officers), and regulate the expenditure."

The powers, under the older Lunatic Asylum Acts, of the Lord Lieutenant and of the inspectors of lunatics, as regards the matters above referred to, and also as regards the erection of district asylums and the appointment of governors, were abolished.

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The board of control, appointed under the 5th section of 1 & 2 Geo. IV., cap. 33, and the 5th section of 18 & 19 Vic., cap. 109, to superintend the erection of district asylums was also done away with.

The only powers reserved to the Lord Lieutenant under the Act are (1) concurrence in the appointment or removal of the resident medical officers, and the fixing of their salaries; (2) the approval of plans or contracts for the purchase of land or buildings, or the erection, restoration, or enlargement of buildings; (3) approval of regulations respecting the government and management of the district asylums, and (4) power to compel county councils to fulfil their duty with regard to the provision and maintenance of sufficient accommodation for the lunatic poor.

The inspectorial powers of the inspectors, and the power of inquiring into all matters relating to lunatics, wherever confined, were, however, reserved to the inspectors in their entirety.

Lunatics are received and detained in Ireland under statutory authority, and under medical certificates in:—

(1) District asylums.
(2) Auxiliary asylums.
(3) Licensed houses.
(4) Lunatic hospitals.
(5) Workhouses, under the 9th section of 38 & 39 Vic., cap. 67.
(6) As single patients.

(1) District asylums, originally erected and maintained under 1 & 2 Geo. IV., cap. 33, and subsequent Acts, were, as already stated, on the passing of the Local Government Act of 1898, handed over to the county councils, by whom such institutions are now erected, managed, and maintained.

The authority in this respect is exercised by a committee of the county council, and where the asylum is for two or more counties, by a joint committee of members from each county, fixed in proportion to the number of patients therefrom.

A district asylum may be for one, or more than one county, or for a county borough and a county or counties.

Under the 84th section of the Local Government Act, in each lunatic asylum there shall be a resident medical superintendent, and at least one assistant medical officer, whose salaries cannot be fixed or altered without the concurrence of the Lord Lieutenant.

These establishments are supported out of the county-at-large rate, and the patients therein are maintained out of the same fund, with a Government contribution of 4s. per head per week from the Local Taxation Account, save in cases where the lunatic is possessed of means for his own support, or has friends who contribute towards his maintenance.

The net average cost of maintenance in these establishments for the year ending 31st March, 1905, amounted to £23 12s. 10d., or 9s. 1d. per week for each patient.

There is no law of settlement in Ireland, and when a lunatic is sent to an asylum he becomes chargeable to the county or borough in which he was arrested or resided. No power exists to remove a lunatic from one asylum to another. When a lunatic is admitted to an asylum he must remain there, whether he belongs to the district or not. The local authorities complain bitterly of this in some cases—for instance, in cities or places where wandering lunatics are prone to congregate, such as large seaport towns. There is no arrangement for the transfer of patients from one asylum to another, as provided for in Section 65 of the English Lunacy Act.

Under Section 9 (6) of the Local Government (Ireland) Act, 1898, the county council, through their asylums committee may—and if the Lord Lieutenant requires, shall—make regulations for the management of their asylum, and, amongst other matters, for the admission and care of private patients.

(2) Under the 76th section of the Local Government Act of 1898, power is given to county councils to take over a workhouse or other suitable building to provide an auxiliary asylum for the reception of chronic lunatics, who, not being dangerous to themselves or to others, are certified by the medical superintendent not to require special care and treatment in a fully equipped asylum, and such auxiliary asylum may either be a separate asylum or a department of the district asylum.

For the patients maintained in these establishments only 2s. per head per week is paid out of the Local Taxation Account.

In only one case as yet have the provisions of the section been brought into operation, viz., at Youghal, where an old industrial school has been converted into an auxiliary to the Cork Asylum, for the reception of about 400 chronic and harmless insane, taken partly from the district asylum and partly from the workhouses of the county.

(3) Licensed houses regulated under the provisions of 5 & 6 Vic., cap. 123. Licences to keep these houses are obtained from the Justices in Quarter Sessions, and may be revoked by the Lord Chancellor on the recommendation of the inspectors of lunatics. No provision is, however, made in the Act for framing regulations for the government of licensed houses, such as is made by Section 226 of the English Lunacy Act, nor is there any statutory provision for the reception of voluntary boarders.

(4) Lunatic hospitals, supported partly by private charity and partly by endowment. These institutions are referred to in Section 49 of the Act 5 & 6 Vic., cap. 123, but there are no statutory regulations for their management as laid down in the English Lunacy Acts, Sections 230–237. Indeed, the only section (49) dealing with them, exempts them from the provisions of the Act, except as regards visitation, inquiries, and the due certification of the patients therein.

(5) Workhouses.—Under the provisions of 38 & 39 Vic., cap. 67, section 9, power is given to the managing committee of an asylum (with the consent of the Local Government Board and the Inspectors of Lunatics) to enter into a contract with the Guardians of any Poor Law Union for the maintenance in the Union workhouse of chronic lunatics, not being dangerous, who may have been received into a district asylum. This section corresponds with Section 26 of the English Lunacy Act. In Ireland it has not been found to work satisfactorily, owing to the division of responsibility. Only four district asylums have taken advantage of the provisions of this section, viz., Antrim, Belfast, Ennis, and Londonderry, and only 119 patients in all are thus maintained.

(6) As single patients in unlicensed houses. Such cases are generally under the care of the LordC hancellor, and do not come under the supervision of the inspectors.

In cases not under his Lordship's jurisdiction, where the patient is kept for profit, Section 36 of the Act 5 & 6 Vic., cap. 123, lays down that an order and medical certificates are required, as on admission to a licensed house. Copy of such order and medical certificates must be forwarded to the Inspectors of Lunatics within three months of the date of reception of the patient (unless he or she has meanwhile returned to his or her own home), and afterwards, on 1st of January of each year, two medical certificates describing the then actual state of mind of the patient must be furnished to the inspectors.

At the present time there are approximately 3,320 lunatics, including idiots and imbeciles, maintained in the Irish workhouses. But these inmates are not retained therein under any legal authority or certificate; they are maintained merely as paupers, and although classified as insane, and kept in "imbecile" wards, there is no statutory authority for their detention. These inmates have decreased very much of late years, and are by degrees being transferred to district asylums.

The following Table giving the proportion per cent. of the total number of the insane under care in different institutions in each quinquennial period since 1890 shows the gradual transfer of the insane from workhouses to asylums:—

TABLE showing the proportion per cent. of the total number of the insane under care in different Institutions, in each quinquennial period since 1880, and also in 1904.

Year.	Proportion per cent. of total number under care.		
	In District Asylums.	In Workhouses.	In Private Asylums, &c.
1880	67	27	6
1885	69	25	6
1890	71	24	5
1895	73	22	5
1900	77	18	5
1904	81	14	5

The following return of the numbers transferred from workhouses to district asylums each year since 1890 shows the increased percentage of workhouse cases in the admissions :—

TABLE showing the admissions to District Asylums during each of the years from 1890 to 1904, and of these the numbers admitted and re-admitted from Workhouses.

Year.	Total number of admissions.	Admissions from Workhouses.			Percentage of Workhouse admissions to total admissions.
		1st admissions.	Re-admissions.	Total.	
1890	3,095	306	90	396	12·79
1891	3,010	297	84	381	12·66
1892	3,181	329	94	423	13·30
1893	3,207	349	89	438	13·66
1894	3,229	376	84	460	14·25
1895	3,216	413	75	488	15·17
1896	3,329	459	89	548	16·46
1897	3,285	435	111	546	16·62
1898	3,469	500	134	634	18·28
1899	3,549	542	125	667	18·79
1900	3,546	621	105	726	20·47
1901	3,572	602	117	719	20·13
1902	3,947	757	122	879	22·27
1903	3,950	685	125	810	20·51
1904	3,910	905	105	1,010	25·83
Total	51,495	7,576	1,549	9,125	17·72

ADMISSION OF LUNATICS INTO INSTITUTIONS UNDER CERTIFICATES.

(*Procedure for admission to district asylums*)

(1) The greater number of admissions to district asylums are effected under the tenth section of the Act 30 & 31 Vic., cap. 118, called the Dangerous Lunatics Act. Under the provisions of this section, the alleged lunatic is arrested on the affidavit of a relative or of the police, and brought before two justices, and on its being proved that such person was discovered under circumstances denoting a derangement of mind, and a purpose of committing some crime for which, if committed, such person would be liable to be indicted, the justices shall call to their assistance the nearest dispensary medical officer, and if he certifies that such person is a dangerous lunatic, or idiot, the justices direct his transfer to the asylum, which is carried out by the police. He, therefore, becomes *ipso facto*, a criminal, and is treated as such.

(2) Under the statutory rules for the management of district asylums a form of application for admission is laid down. This method of admission preceded in point of time the procedure under the Dangerous Lunatics Act, but there is still great doubt as to how far the form is mandatory. Under it no provision is made for the conveyance of the lunatic to the asylum, or for defraying the cost of the medical examination and certificate.

As these matters are provided for under the Dangerous Lunatics Act, the procedure under that Act is the mode generally adopted, at any rate in remote districts.

PROCEDURE FOR ADMISSION TO LICENSED HOUSES AND LUNATIC HOSPITALS.

(1) The Lord Chancellor may order the admission of any person as the result of an inquisition in lunacy. The procedure is in practice only resorted to in the case of wealthy persons.

The Inspectors of Lunatics are not concerned with lunatics so found, as they are under the jurisdiction of the Lord Chancellor, and are under the care of special medical Visitors.

(2) Under 5 and 6 Vic., cap. 123, section 14, persons are received into licensed houses and lunatic hospitals under an Order and two medical certificates.

The Order differs from that in use under the English Lunacy Act, in that there is no reference to any judicial authority. There is no special urgency order, but, under Section 15, sanction is given for the admission on one medical certificate, provided that the special circumstances which have prevented the patient being visited by two medical practitioners are stated, and that the second certificate is signed within fourteen days.

The medical certificates differ also from those in use in England, in that there is no obligation to give particulars of the facts indicating insanity observed either by the medical practitioner or by others.

All that is laid down is that the certificate shall be in accordance with the forms given in the Act, and shall be signed by two duly registered medical practitioners, not being in partnership, who shall have visited the patient not more than seven clear days previously, and the certificate shall be signed on the day on which the examination took place, and shall state that the patient is insane and a proper person to be confined.

Under Section 16, notice of the admission of a patient, with copy of the Reception Order, has to be sent to the office of the Inspectors of Lunatics within two clear days, in the case of private patients.

(In the case of rate-paid patients such notice must be sent after two and within seven clear days. This latter regulation is laid down in the statutory rules for the management of district asylums.)

AMENDMENT OF RECEPTION ORDER.

Under Section 5 of 38 and 39 Vic., cap. 67, if either the Order or medical certificates are found incorrect or defective, they may, with the sanction of the inspectors, be amended within fourteen days of admission, by the person signing the same.

No provision has yet been made as regards the duration of the Reception Order in Ireland, either in the case of private or rate-paid patients. No enactment similar to that contained in Section 38 of the Lunacy Act of 1890 is in force in Ireland.

When once a patient is admitted to an asylum, the Orders and certificates continue in force until he dies, or is removed by his relatives, or discharged on the certificate of the medical officer, or, in the case of private patients, where a doubt exists as to the insanity of the patient, by one of the Inspectors of Lunatics after consultation with the medical superintendent of the nearest district asylum.

DISCHARGE.

Rate-paid patients are discharged, under the provisions of the statutory rules in force in district asylums, by order of the committee, the Lord-Lieutenant, the Lord Chancellor, or one of the Inspectors of Lunatics, on the certificate of the medical superintendent as to the patient's mental condition. Patients admitted as dangerous

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lunatics can be removed by their relatives on entering into a recognisance for their safe-keeping under 30 & 31 Vic., cap. 118, section 10, subject to the veto of the committee of management in case the medical superintendent certifies that this cannot be done with safety to the public or to the patient.

Lunatics transferred from gaol can only be discharged by order of the Lord-Lieutenant, before the expiration of their sentence.

Patients under the care of the Lord Chancellor can only be discharged by order of his Lordship.

Patients are discharged from licensed houses and lunatic hospitals on the order of the person on whose authority they are admitted, or by whom they are paid for, but there is no statutory provision for this, as in Section 83 of the English Lunacy Act.

In any case where an inspector doubts the propriety of the detention of a patient in a licensed house, he shall make a special visit, accompanied by the principal medical officer of the nearest district asylum, and if after two visits it shall appear to the inspector and medical officer that such patient is detained in such house without sufficient cause, they may give orders for the discharge of the patient, and shall make an entry of the results of their visit in the patients' book. A fortnight is to intervene between the first and second visit, and before the second visit notice is to be given to the proprietor of the licensed house, and to the person by whose authority the patient was received into such house. (5 & 6 Vic., cap. 123, sections 28 and 29.)

Inspection.

The visitation of madhouses, and all places where idiots and lunatics were confined, was formerly carried out by the inspectors-general of prisons, who were empowered under 7 Geo. IV., cap. 74, sections 55, 59, and 61, to visit, to examine concerning the due performance of the rules, and also concerning all matters connected with expenditure, discipline, or regularity of these institutions, and to examine on oath, and to report thereon to the Lord-Lieutenant. By the Act 8 and 9 Vic., cap. 107, section 23, these powers were transferred to the two Inspectors of Lunatics appointed under this section, who are, under Section 24, directed to visit every asylum, gaol, workhouse, house of industry, etc., at least once a year, and to inquire whether the provisions of the law have been carried out, and as to the regularity of the admissions and discharges, whether Divine service is performed, and whether any system of coercion is in practice therein, and as to the classification of the patients, and the number of attendants of each class, and as to the occupations and amusement of the patients, and the effects thereof, and as to the condition as well mental as bodily of the patients when first received, and as to the dietary, and also any other inquiries the inspectors think right.

Licensed houses have to be visited by one of the inspectors once at least in six months (5 & 6 Vic., cap. 123, sections 20 and 21). They are to inspect every part of the premises included in the licence, and to see every patient confined therein, and to inquire whether any patient is under restraint and why, and also to inspect the certificate of admission of every patient admitted since the last visit, and to enter in a book a minute of the condition of the house and patients therein, and of the number under restraint, and any irregularity in the certificates, and to sign the licence, if in conformity with the law, at the first visit after it has been granted. They are further to inquire whether Divine service is read, or what religious aid the patients receive, and what description of employment, amusement, or recreation is provided for them, and shall enter the result of these inquiries in the book kept for the purpose, and where it does not appear that Divine service is performed, or where communication with a minister is not permitted, the proprietors shall state the reasons thereof. A copy of the report of the visiting inspector shall be sent to the clerk of the peace to be laid before the Justices at Quarter Sessions. (Sections 22 and 23.)

No provision is made in Ireland for the appointment of justices to act as visitors of licensed houses as is done by Sections 177–182 of the English Lunacy Act.

Criminal Lunatics.

The Irish Criminal Lunatic Act, 8 & 9 Vic., cap. 107, provided for the establishment of a central asylum for insane persons charged with offences in Ireland, for the appointment of the staff, and for the removal and detention of criminal lunatics therein, including persons ordered to be detained during the Lord-Lieutenant's pleasure.

The persons detained in Dundrum Asylum may be divided into three classes:—

(1) Criminals who, whilst undergoing sentence of imprisonment, are certified to have become insane.

(2) Lunatics who have been found insane on arraignment and incapable of pleading, or acquitted on the ground of insanity.

(3) Persons accused of offences concerning whom a special verdict of "guilty but insane" at the time of committing the offence has been found.

These three classes present special features and require different modes of treatment.

(1) This class presents, in some cases, the usual forms of insanity, with the criminal type more or less fully developed. In most cases they are of the lowest moral development, dogged, homicidal, or cunning and treacherous. In other cases, when in the asylum, there is little evidence of insanity. These may be classed as moral delinquents, who at an early age have become offenders and, in time, habitual criminals. At all times more or less feeble-minded, when in gaol they at once simulate insanity, and cannot be made to conform to prison discipline. In many cases, when they are certified and sent to Dundrum Asylum, they almost at once give up their troublesome habits, and conduct themselves with propriety, except that they are constantly on the watch for any chance of escape.

(2) This class evidences generally the symptoms of ordinary insanity, in some cases presenting no peculiar features, in others subject to extreme homicidal tendencies.

(3) These latter cases are generally sane, the crime of which they have been convicted being frequently murder—committed either under the influence of alcohol or from some sudden unexplained impulse.

The inmates of Dundrum Asylum may be discharged under the following circumstances:—

(1) Insane convicts when certified by two physicians to be of sound mind, if they remain subject to be continued in custody may be removed back to gaol by order of the Lord-Lieutenant (8 & 9 Vic., cap. 107, section 12).

(2) On the expiration of sentence, the Lord-Lieutenant shall direct the discharge of such cases.

(3) If, on the expiration of sentence, the person has not recovered, the Lord-Lieutenant shall order his removal to the asylum of his district, where he becomes an ordinary patient (38 & 39 Vic., cap. 67, section 12), and is discharged at the discretion of the committee.

(4) Inmates ordered to be detained at the pleasure of the Lord-Lieutenant may be transferred to their district asylum, if considered suitable, or, if of sound mind, they may be discharged either absolutely or conditionally.

It is only under a recent Act (1 Edwd. VII., cap. 17), that power was given to discharge any criminal lunatic on probation.

Under this Act provision was also first made for the payment of the expenses of criminal lunatics in district asylums out of moneys provided by Parliament.

In pursuance of this Act, not only are the criminals supported, but the expenses of soldiers and sailors sent to district asylums on discharge from the Army and Navy, in pursuance of the Army Act, 1881, section 91, and the Naval Enlistment Act, 1884, section 3, respectively, are also defrayed out of public moneys.

Having regard to the want existing in Ireland of additional lunacy enactments for the protection of the certified insane, it is not to be wondered at that no adequate provision has been made by statute for the care and improvement of the idiot, imbecile, and feeble-minded.

The only enactment which in any way deals with their care is 41 & 42 Vic., cap. 60, entitled "An Act to Make Better Provision for Idiots, Imbeciles, and other Afflicted Persons in Ireland." Under this Act (Section 4) power is given to any Board of Guardians (with the consent of the Local Government Board) to send any idiotic or imbecile pauper to the workhouse of any other

Union, or the Guardians may contract for the reception, maintenance, and support, of any idiotic or imbecile pauper in any public or licensed asylum or establishment for the reception and relief of idiots or imbeciles. But the amount contributed for support must not be more than 5s. weekly. No attempt has been made to provide or set apart any establishment for the imbecile class under this Act.

The only Home which has been provided in Ireland for the care of such cases is the Stewart Institution, supported by public charity, and as it only contains about 100 children, it is utterly inadequate for the wants of the country.

According to the census of 1901, the number of idiots in Ireland amounted to 5,216; but as the census is not taken by medical experts, there is every reason to believe that the distinction between lunatics and idiots is not uniformly or correctly drawn. It cannot be doubted that this number includes all forms of mental degeneration—idiocy, imbecility, dementia, and feeble-mindedness. Only in this way can the excessive proportion of so-called "idiots" and the difference in the figures from census to census be reconciled. At one census one class must have been included, in another excluded, from the definition of idiot. According to the report of the inspectors of lunatics for 1904, there were admitted to district asylums during that year 167 inmates suffering from congenital mental deficiency. Unfortunately, there is no means of separating congenitally defective persons in workhouses and wandering at large, from those suffering from secondary dementia, and, therefore, it is impossible to obtain any reliable return of the number of these cases in Ireland, outside asylums.

The greater number of the congenitally defective class at present are to be found in the various workhouses. As before stated, they are not there under any legal provision for their care, nor is there any power to detain them. They are only there as paupers. Nevertheless, in most workhouses they are accommodated in separate wards, generally called the idiot wards, where they are kept with the epileptic and demented cases.

Whether these cases of congenital mental deficiency are kept in asylums or workhouses, their surroundings are most unsuitable. No attempt has yet been made to segregate them from the other demented cases, or to classify, train, or instruct them. In asylums, though there may be an adequate staff and suitable appliances for keeping them clean, their association with the ordinary insane is most injurious. In most workhouses there is no one to look after them except perhaps a pauper assistant.

Scattered through the reports of the Inspectors of Lunatics will be found descriptions of these imbecile children, such as the following:—

Extracts from Annual Parliamentary Reports.

A large proportion of the present inmates are imbecile, or demented through age—sixty-four are epileptic, and there are a number of imbecile children. These children are distributed amongst the other inmates of the wards, and their association with them, as well as the absence of any system of instruction or amusement, cannot tend to the improvement of their mental faculties. In the near future, we must hope, an establishment suitable for the care and training of imbecile pauper children will be provided in Ireland, where, by bringing large numbers of this class together, it will be possible to provide the necessary appliances, and the staff requisite for the training and instruction of imbeciles and idiots. No such establishment, supported by public funds, at present exists in this country, and until such an institution is provided, no other place can be found for the care of such cases more suitable than the lunatic wards of workhouses.

Amongst the lunatics, but under special observation, are the epileptics (sixty-four in number). I gave special attention to their mental condition; and, as far as my opinion goes, none of them could be considered of sound mind, and all were suitable cases for care in this department. I believe there are a few other inmates suffering from epilepsy scattered through the institution, who are considered to be of sound mind; of these I can say nothing, as I did not see them. There can be no doubt that if a Home for epileptics were provided in Ireland, such as the epileptic colonies existing in other countries, where all cases could be treated together under a separate staff, they would enjoy a better life; but until such a place is provided for them, in this district, the epileptics I have seen are best protected from danger in the lunatic wards of the workhouse. (46*th Report*, *p.* 219.)

Amongst the men is an imbecile boy, who might be improved by training; but I know of no institution in Ireland where he could receive such training. No places can be more unsuitable for such cases than workhouses or lunatic asylums; but, unfortunately, there is no establishment provided in this country for their exclusive care. (47*th Report*, *p.* 223.)

I saw a small child in a female ward, whose hands had to be tied to prevent him from beating his head. Perhaps if gloves were obtained for him he would no longer be able to hurt himself, and if he were allowed to run about in charge of one of the inmates he might give up his bad habits. (48*th Report*, *p.* 243.)

Amongst the males are three imbecile children, whose condition calls for improvement. They were untidy, dirty, and untrained, but appear to be cases capable of improvement. Perhaps it might be possible to have them transferred to an institution for imbeciles, by paying a small sum towards their support, under the provisions of the Act 41 & 42 Vic., cap. 60. (51*st Report*, *p.* 190.)

There is one very intelligent boy living on the male side who, in England or Scotland, would certainly be sent to a training school for weak-minded or epileptic children, and where, no doubt, he would be able to learn a trade, and contribute towards the cost of his maintenance. The condition of many children of this class in Irish workhouses is peculiarly lamentable—growing up, as they do, in association with adult lunatics, and without any attempt to train them in habits of industry and order. (51*st Report*, *p.* 198.)

The remaining female is an idiotic child, whose habits, no doubt, could be improved, and who could derive benefit from training in one of those idiot schools which exist nowadays in most civilised countries, but which, unfortunately, notwithstanding the hopes held out many years ago, have never been established in Ireland. (52*nd Report*, *p.* 205.)

Of the men, one is an epileptic idiot, and for this reason he requires special supervision at night, as persons thus afflicted, not infrequently, are suffocated by turning on their faces in an epileptic seizure during the night. The other males are congenital idiots, who, no doubt, might have been trained in habits of personal cleanliness, and probably have been taught some industrial occupation had they been sent to some institution for the training of imbeciles when they were young; but, unfortunately, no such institution, save the Stewart Institution, which only receives special classes, has yet been established in Ireland. (52*nd Report*, *p.* 209.)

In the wards are to be seen a number of imbeciles. Perhaps it might be possible to arrange with the other Unions of the county to set apart a ward somewhere for their care and training, under the provisions of the Act 41 42 Vic., cap. 60. At present these unfortunate children, so far as any attempt at improving their condition is concerned, are utterly neglected. (53*rd Report*, *p.* 193.)

Amongst the men are two imbecile boys, one of whom is of troublesome habits. At present, as there is no public institution set apart for the care of such cases, it is impossible to make any suggestion for the improvment of the condition of these children. (53*rd Report*, *p.* 201.)

S. A. is an imbecile, who suffers from epileptic seizures. She is kept constantly in bed, as the authorities are afraid of the danger of her being injured by fire during a seizure.

Cases of this kind are better treated in a special institution, and it is recognised that confinement to bed tends to the frequency of epileptic seizures, and to the further physical and mental deterioration of such cases.

The fourth case (M. L.) is the girl whom the Guardians some time ago were anxious to transfer to the county asylum at Antrim. She is described as a congenital imbecile, but it would seem rather that her imbecility was consequent on disease of her nervous system in early life, as her mother states that she was a bright child and able to attend school up to seven years of age, when her legs became weak. She is now quite imbecile, her lower limbs are completely paralysed, and the muscles wasted and in a state of spastic rigidity. Her hands, which are also wasted, were enclosed in sewn-up sleeves, as the medical officer states that if her hands were left free she would

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pick the quilt, and put the frayed portions into her mouth. She is described as sleeping badly, and as having frequent screaming fits during the night, thus disturbing the other inmates of the infirmary ward.

There were nits in her hair, and although, in the opinion of the medical officer, she is carefully nursed, I found a small bedsore over her sacrum (the lower part of back). No doubt the tendency to pressure sores over all the prominent parts of the body will be difficult to deal with, and I think, therefore, that a suggestion made by the medical officer that she should be placed on a water bed should be adopted.

She is now so weak that the medical officer states he would not undertake the responsibility of sanctioning her removal to the district asylum, even if the committee were willing to admit her to that institution.

It is to be regretted that a difference of opinion arose regarding her admission to the county asylum. That institution is now overcrowded, and the committee have instructed the medical superintendent to admit none but urgent cases. Acting on that instruction, he declined to admit this patient when she was taken to the asylum in September last without previous notification to the asylum authorities.

The best place for the treatment of such cases is a special institution for imbeciles, such as exists in England and Scotland, but—having regard to her degraded habits, her inability to feed herself, and the necessity for affording her the most careful nursing—there can be no doubt that there are greater facilities for treating such cases in an asylum than in a workhouse.

If any such case should arise in future, I would suggest that, previous to sending the patient to the asylum, the Guardians should lay all the facts before the asylum committee, which body, influenced by humanitarian feelings, would, I feel assured, if at all possible, consent to receive a patient who could be so much better treated in their institution than in a workhouse. (*54th Report, pp.* 192, 193.)

Amongst the men are five imbecile boys—three of whom are brothers. These lads would be much improved by training, and might be taught to work for their own support, and so become useful members of society, but there is no public institution in Ireland to which they could be sent. (*54th Report, p.* 200.)

One man—a degraded imbecile—was dressed in petticoats, and had his hands tied, owing to his mischievous habits. Such a case should be removed to the asylum, where he would receive proper care. He certainly cannot be properly treated here. (*54th Report, p.* 202.)

On the female side there is a little imbecile boy who might improve by training. He was bare-footed when I saw him. I am sure the Guardians, having regard to his mental incapacity to look after his own wants, will direct that he be supplied with some covering for his feet before the cold weather sets in. (*54th Report, p.* 205.)

In dealing with the care and control of the feeble-minded it must be remembered that so rapidly have the numbers of the registered insane increased in Ireland of late years, that it has been found difficult to keep pace with the increase as regards the provision of the necessary accommodation for the fresh admissions.

Owing to the increased numbers seeking admission to asylums, combined with the low discharge and death rates, the accumulation in asylums has gone on. Notwithstanding the efforts made to extend the accommodation, therefore, it is not to be wondered at that the claims of the imbecile class have to a great extent been overlooked.

The figures of the census years from 1871-1901 show the advancing proportion of the insane to the general population in Ireland, England, and Scotland, respectively.

The following Table shows the proportion per 10,000 of the population of the insane in each of the three countries:—

TABLE showing the proportion per 10,000 of the Population enumerated as Insane in Ireland, England and Scotland, at the censuses of 1871, 1881, 1891, and 1901 respectively.

Census Years.	Ireland.	England.	Scotland.	Census Years.
1871	30·49	30·39	33·97	1871
1881	35·58	32·53	38·54	1881
1891	45·04	33·58	38·41	1891
1901	56·18	40·78	45·37	1901

The actual number of the insane in the three countries were as follows:—

TABLE showing the number of the Insane in Ireland, England and Scotland respectively, at the censuses of 1871, 1881, 1891, and 1901.

Census Years.	Ireland.	England.	Scotland.	Census Years.
1871	16,505	69,019	11,413	1871
1881	18,413	84,503	14,397	1881
1891	21,188	97,383	15,462	1891
1901	25,050	132,654	20,291	1901

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22643. (*Mr. Dickinson.*) You are Inspector of Lunatics?—Yes.

22644. Whom are you under?—Under the Chief Secretary.

22645. You have no Board of Lunacy Commissioners?—No, none.

22646. You are the only inspector?—Sir George O'Farrell is my senior.

22647. Therefore you have both?—Yes.

22648. Do you work together?—Yes.

22649. You really constitute a Board?—All our recommendations have to be submitted to the Chief Secretary; it all goes through the Chief Secretary's office.

22650. Do you advise about plans for asylums?—Yes, we recommend to the Lord-Lieutenant, who gives sanction for all plans.

22651. I suppose you have architects and an office?—Yes, an architect to advise us.

22652. Is it the county councils you advise?—The county councils send up their plans to us.

22653. They must get your approval?—They must get the approval of the Lord-Lieutenant.

22654. The same way, I suppose, as in England?—Yes.

22655. With regard to inspection, you inspect the district asylums?—Yes, and the private asylums. Private asylums have to be inspected once every six months—the public asylums once a year.

22656. Is it you who protect the public or the patients from improper detention?—We do. In the case of a private asylum, if we have any doubt as to the sanity of the patient we call in the superintendent of the nearest district asylum, and we pay two visits with him, and then if we believe the patient can properly be discharged we order the discharge.

22657. How soon does the fact of a patient being detained in an asylum come before you?—After the second day and before the end of the seventh in district asylums—within two days in private asylums.

22658. Before the facts come before you, is he certified?—He is certified. The private patient is certified by two physicians. The certificate differs from the English certificate in that they are not bound to give any statement of facts indicating insanity.

22659. And there is no order by the Justice of the Peace?—There is no order for private patients. There is in the public asylums. To the public asylums they are sent in general as dangerous lunatics. Under the Act they become criminals—they are brought up by the police before two magistrates and the magistrates then direct their removal to the asylum.

22660. They are also certified by medical men?—One medical man—the nearest dispensary doctor.

22661. The moment the patient enters the asylum notice has to be sent to you, I suppose?—Notice has to be sent to us.

22662. From all asylums, public and private?—Yes, public and private, within two days for private patients—after the second and within the seventh for rate-paid patients.

22663. You peruse the papers and see the patient if necessary?—Yes.

22664. You have only to deal with certified lunatics ?—That is all.

22665. Do you have to deal with idiots and imbeciles at all ?—If they are certified we have to. There are 721 in asylums at the present time suffering from various forms of congenital defect.

22666. And who are certified as lunatics ?—Yes.

22667. We understood just now that there is only one form of certificate ?—There is only one form for lunatics and imbeciles.

22668. Do you agree with the last witness that there ought to be different asylums for these idiots and imbeciles ?—Certainly.

22669. Would you place them in different institutions ; would you have any different kind of certificate ?—Yes, certainly.

22670. Would you mind telling us what kind of certificate ?—I think the certificate under the Idiots Act—the English Act.

22671. A similar certificate to that which we have ?—It would be an improvement for us to have that. It might go further for the feeble-minded.

22672. What would be your idea supposing that colonies were established for detaining the feeble-minded ? In the first place, would you think it would be advisable for those colonies to be under your supervision, in the same way as the lunatic asylums are ?—I think so.

22673. You, in Ireland, could manage them ?—We should require assistance if they were very largely extended.

22674. We have had evidence to show that the Lunacy Commissioners in England would not view with favour the feeble-minded being placed under their cognisance ; but you would ?—You must remember that in Ireland we have to advance a great deal ; we would have to begin in a very small way in dealing with them. They have not been dealt with up to the present, at all ; therefore we would have to begin with very small colonies—colonies, say, for about 2,000. Up to that, certainly, we could inspect them.

22675. You would rather they were inspected by your organisation than by a separate Government Department ?—I think so ; as long as they were imbeciles they should be inspected by us. When it came to the feeble-minded, then, of course, the question would arise whether they would require inspection by us.

22676. How would you distinguish between what you call "imbeciles" and feeble-minded ?—Feeble-minded, I should say, are children who could be educated to a very large degree.

22677. Would you contemplate a different kind of certificate for them than the one that you suggest for the idiots ?—Yes.

22678. Have you at all thought what kind of certificate ?—Yes, I think a single certificate, simply to say that the child was of feeble mind and required education and care.

22679. It would be a sufficient distinction to say that the child was feeble-minded—those words would be sufficiently clear ?—I think so.

22680. It has acquired a sufficiently definite meaning to put on a certificate under which a person would be detained ?—I think so.

22681. I see you state that the Lord-Lieutenant has power to compel county councils to fulfil their duty as regards the provision and maintenance of sufficient accommodation for the lunatic poor ; what power has the Lord-Lieutenant in that respect ?—He has power to withhold the Government grant.

22682. Has that power ever been exercised ?—Not up till now.

22683. I understood from the other witness that the accommodation for lunatics is quite inadequate ?—Quite inadequate ; but you must remember that the increase of the number of lunatics requiring care has been so rapid that it is very hard to keep pace with it.

22864. Are the county councils increasing their accommodation ?—In some places they are increasing it ; in others not.

22685. In those in which they are not increasing it, what are you doing ?—We are recommending the Lord Lieutenant to bring pressure to bear.

22686. You are already doing that ?—We are already doing that.

22687. What is an auxiliary asylum ?—An auxiliary asylum is constituted under the Local Government Board Act. A county council have power to take any workhouse or any other building and add it on to a district asylum ; that is, it comes under the same governing power for the purpose.

22688. For the purpose of what ?—Receiving lunatics who are certified not to be dangerous.

22689. Then it must be lunatics who are certified ?—Lunatics who are certified.

22690. Could you extend this power to provide for the feeble-minded, under the law as it at present stands ?—Not unless they were certified.

22691. But I understand most of the lunatics who are at the present moment in workhouses—persons of unsound mind at present in workhouses by reason of the fact that there is no sufficient accommodation in the asylums—could be certified for these auxiliary asylums ?—Yes.

22692. Has the Lord-Lieutenant power to compel the provision of these auxiliary asylums ?—Yes, indirectly, by insisting that sufficient accommodation for the insane must be afforded.

22693. I see that only one county council has taken up this.—Yes.

22694. That is at Youghal ?—At Youghal, near Cork.

22695. Is that asylum one for this class of patient ?—This class of patient.

22696. Have they done that on their own motion ?—They have done that on their own motion.

22697. Because they had not room in their own asylum ?—Yes. Not only because they had not room in their own asylum, but because the workhouses were full.

22698. No other county council has done it ?—No other county council has done it ; they are waiting for the report of what is called the Viceregal Commission, who are going round settling the number of workhouses that can be done away with. When that is done, then, of course, the matter will be taken up.

22699. I suppose the cost of these auxiliary asylums will fall on the rates ?—Yes, they will only get the Government support of 2s. a week.

22700. For what reason does the Government only give 2s. a week for lunatics in the auxiliary asylums whereas they give 4s. a week for lunatics in the ordinary asylums ; because they are the same persons ?—It was evidently thought the care would be cheaper.

22701. Is it cheaper ?—It is cheaper.

22702. In Youghal ?—In Youghal it is cheaper ; not as cheap as it was thought it would be, but it is cheaper. As far as we find, it has been about £4 a year cheaper than in the parent asylum.

22703. That is about 1s. 6d. a week ?—Yes.

22704. The result is the Government saves the 2s. and the ratepayers save nothing ?—Yes.

22705. That is not much inducement to the county council to make these auxiliary asylums ?—No inducement at all ; it was a most unfortunate thing.

22706. How does that come about ; is it a decision of the Lord-Lieutenant ?—The Act laid it down.

22707. The Act which authorised the establishment of the auxiliary asylums ?—Yes.

22708. That, you think, is most unfortunate ?—Most unfortunate.

22709. I see you say where you are speaking about workhouses, that the asylum committee has power to enter into contracts with workhouses for the maintenance of lunatics ?—Yes, you have the same provision in England.

22710. Under this provision there are only 119 patients ?—That is so.

22711. Why is that ?—We did not find that it worked satisfactorily ; there is nobody who becomes responsible for the insane who are sent to these workhouses ;

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the Guardians merely receive them as boarders and take as little care of them as possible and the asylum committees, when once they have got rid of them, think they are rid of their care altogether.

22712. You really put a stop to that?—Yes

22713. Because it was unsatisfactory?—On account of the unsatisfactory work.

22714. Have you ever tried boarding out lunatics in Ireland?—We have no power to do it; there is no legal provision for it. We have always said that in any new law it should be introduced, but it has not been. At the same time we have always thought that there would be great difficulties in working it in Ireland on account of the poverty of the inhabitants.

22715. Have the Guardians of the Poor no power of boarding out?—They have power to board out the children.

22716. They have no power to board out feeble-minded adults?—No, they have the power of giving outdoor relief.

22717. I suppose they do give outdoor relief in many cases where a feeble-minded or imbecile person is in its own home?—I think they have to give outdoor relief for a whole family.

22718. (*Mr. Byrne.*) In your memorandum you recite the 76th section of the Local Government Act, 1898, which gives power to county councils to take either a workhouse or other suitable building to provide an auxiliary asylum. The Youghal Asylum was provided under that, was it not?—Yes.

22719. That would enable a suitable institution—and a cheap one as we learnt last week—to be provided for any class of the mentally defective, so long as they were certifiable?—Yes.

22720. It would allow of a colony for working people?—Yes.

22721. Practically among imbeciles who may be discovered to require treatment in Ireland there are a considerable number who might be certified, and it would be available for their use?—It would.

22722. With regard to the imbeciles who are kept in workhouses at the present moment, do they as a matter of fact really discharge themselves from time to time?—Freely.

22723. Do grave evils arise from that?—Grave evils.

22724. How does it come about that they discharge themselves? Is it that the young girls and young men as soon as they become useful and able to work discharge themselves at their parents' instigation?—As soon as warm weather comes on and labour is plentiful they discharge themselves at once.

22725. Do you think it is expedient that that should go on uncontrolled?—It is most inexpedient.

22726. You would like the law to be arranged in some way to enable them to be kept, if they were unfit to be at large?—Certainly.

22727. Do you think that that might be done by medical certificate in the workhouse offices, or would it require the intervention of a magistrate; the detention, I mean? Could there be a sort of order made for their being kept?—Perhaps it would satisfy public opinion better if there were an order.

22728. At any rate it could be quite easily carried out?—Quite easily; there would be no difficulty about it.

22729. Does that apply in any degree to the class of women who get into the maternity wards and other parts of the workhouses?—Yes.

22730. Is the evil as great?—Quite as great, if not greater.

22731. Even if the feeble-mindedness is less?—Even if the feeble-mindedness is less.

22732. Are there many women who are not regarded and treated as imbeciles in the workhouses but who really are in some degree defective in brain?—A large number.

22733. Especially amongst those who come to grief?—Especially amongst those who come to grief.

22734. Is there any restraint exercised over a woman who may come in three or four times with illegitimate children?—None at all; there is no power.

22735. That should be stopped?—That should be stopped, certainly.

22736. Is the same true about those who go out; are there people who go out and fall into crime?—There certainly are.

22737. And they ought to be kept, both men and women?—Men and women, certainly.

22738. I do not know whether you have had any experience of the Inebriates Act?—No; no special experience.

22739. But in these workhouses I have no doubt you have often seen numbers of people who are habitual drunkards?—Certainly.

22740. Some of them, I suppose, are occasionally insane?—Some of them are occasionally insane—very often insane.

22741. Directly they recover they are sent out?—They recover quite quickly.

22742. Do many of them do that quite regularly?—Yes.

22743. I presume it is not a criminal offence in Ireland to make yourself or your family repeatedly chargeable to the rates by your habitual drunkenness?—Not at all.

22744. Would you like it to be?—Certainly.

22745. Would you add such an offence to the Schedule of the Inebriates Act so as to enable people who do so to be treated as inebriates?—Certainly.

22746. We understood from one of your colleagues last week that the Inebriates Act is regarded as a success in Ireland?—There is no doubt it is, so far as it has gone.

22747. Starting on that supposition, have you considered that a person who has gone through the reformatory treatment, but who, from weak-mindedness or other causes, shows it has done no good by immediately falling into drinking habits again, should be promptly either re-admitted into the institution for further treatment, or put into some other suitable place for detention?—He should be put into some suitable place for detention and kept there.

22748. Without going through the whole process again?—Yes.

22749. On his first failure he might be punished?—Yes.

22750. (*Dr. Dunlop.*) You heard the last witness talking about special asylums for prison defectives. How are these places to be maintained; by the State or the local authority?—By the State.

22751. Do you not think that arrangement would be open to some abuse? Why should these cases be put upon the State and the other defectives on the local authorities? Would it not be rather a premium on letting defectives go loose?—I do not see it.

22752. Why should one class of defective be a charge on the State and the other on the local authority?—Simply because they have come under the inspection of the law.

22753. Do you think it would be open to abuse?—Not if it was properly regulated.

22754. Would it not be rather a premium on allowing defectives to be uncared for, and letting them go to prison?—We have had that already in Ireland, in the reformatory school cases, so it would extend that difficulty.

22755. It would be a difficulty?—It would be a difficulty.

22756. Have you any suggestion how that difficulty could be overcome? Would it be a practical measure to have these places conducted by the State and paid for locally?—It certainly would be a way out of it. The local authorities might pay a small amount per week for them.

22757. Or pay a large sum?—Or pay a large sum.

22758. Pay more than it would cost to keep them at home?—They could not do that.

22759. (*Mr. Greene.*) Sir Christopher Nixon has referred to a Royal Commission which sat in Ireland in 1889 upon the subject of providing for imbeciles; do you know the date and the name?—The only Commission that I can suggest is the Commission of Sir Arthur Mitchell.

22760. Can you give me the date or the name or the number of it? (*Report handed in.*) This is 1891; this is lunacy administration?—Yes; that is the only one I know of. It was in 1889 that it sat; it reported in 1891.

22761. There were two reports?—Yes; first and second.

22762. It is a Committee appointed by the Lord-Lieutenant of Ireland on lunacy administration; the reference is C. 6434?—Yes.

E. Maziere Courtenay, Esq., M.B.

16 Mar. 1906.

CONOLLY NORMAN, Esq., F.R.C.P.I., called; and Examined.

22763. (*Chairman.*) Would you be so kind as to tell us how long you have been Medical Superintendent?—I was Medical Superintendent of the asylum that I at present direct in Dublin for twenty years.

22764. You have been so kind as to give us a statement of your evidence; may we put that on our notes?—Yes.

Conolly Norman, Esq., F.R.C.P.I.

16 Mar. 1906.

STATEMENT OF EVIDENCE PROPOSED TO BE GIVEN BY CONOLLY NORMAN, ESQ., F.R.C.P.I., RESIDENT MEDICAL SUPERINTENDENT, RICHMOND DISTRICT LUNATIC ASYLUM, DUBLIN.

There is at present virtually no provision for idiots, imbeciles, and persons of defective intellect, in Ireland. The Stewart Institution for imbeciles, is the only asylum specially set apart for this class in the country. It is admirably managed, but it is too small to be of any great practical value in face of the number of persons to be considered. It is also entirely a charitable institution unsupported by any public grant. Admission is procured through subscribers' votes. The majority of those who might be benefited are thus ineligible. Further details as to the working of that institution and the laws under which it is constituted and guided will no doubt have been supplied by my friend and colleague, Dr. Rainsford.

I understand the scope of the present Commission's inquiries is rather the treatment of persons who cannot—than of those who can—be certified, but in Ireland, before the smaller if more complex question is considered, it will be necessary to deal with the larger. The existence of borderland cases has hardly yet been recognised in our island, whereas a good deal of attention has been given to the question of provision for idiots.

In Ireland idiots and imbeciles who would be generally recognised as such, and who are capable of being certified, are to be found:—

(*a*) At large, under no particular care or supervision.

(*b*) In workhouses, whither they have drifted as paupers.

[It is to be noted that there is no statute whatever under which any class of the insane can be detained in workhouses in Ireland, either temporarily or permanently, as persons of unsound mind.]

(*c*) In district asylums, where they have been admitted under the provisions of the Act 30 and 31 Vic. c. 118, Sec. 10, or under the provisions of the Act 38 and 39 Vic. c. 67, Sec. 4 (as modified by the Local Government Act, 1898).

With regard to the first class (*a*), their neglect is discreditable to humanity and likely to be injurious to public morals. It should be said that this class is undoubtedly diminishing. When I was a boy, forty years ago and more, every village and country district contained one or more idiots or imbeciles of the most varied grades, commonly known as "fools" or "naturals."

These poor people have mostly now disappeared from public view, having got into workhouses or asylums.

In the workhouses there is no classification among these people, no attempt at education, and little or no effort to improve defective habits. All these things are impossible owing to the conditions of existence. There is no staff for teaching, and a very small and insufficient staff, if any, for ordinary supervision. Old and young, low class idiots, high grade imbeciles, chronic dements, and cases of senile decay, are placed together promiscuously. The results are undoubtedly not satisfactory. The period of life when education might be possible passes away; bad habits are confirmed and become ineradicable.

The condition of affairs in district asylums is better as regards general discipline, but hardly better as regards education. In large institutions receiving all classes of the insane, it is impossible to give to the education of idiots and imbeciles that minute attention, that skilled care, that laborious patience, which is required. Nevertheless we do something. Enough is done to show, even in our own experience alone, how much could be done under proper conditions. I recall at the moment four striking cases at present under care in my asylum: (1.) A boy, aged fifteen, illegitimate, utterly neglected and uneducated, sufferer from birth-palsy, commonly tractable, but liable to violent fits of senseless passion. He has been taught to be tidy, he has been taught to read and write, he is able to make himself useful in the weaving shop although the movements of one arm are very limited. (2.) A lad with hydrocephalic head and choreiform movements; though clean, had apparently little other intelligence. An old patient who had been a schoolmaster took a fancy to this boy and undertook to teach him. He made him commit to memory an immense amount of miscellaneous information, and even taught him to read, though imperfectly. (3.) An epileptic idiot aged about ten years on admission, at times tranquil, at times very intractable after the manner of epileptics: absolutely ignorant. Taught to read, taught to sew: usefully employed in tailor's shop. (4.) A young man suffering from right infantile cerebral hemiplegia with certainly complete word-deafness and probably deafness to all sounds. Certain indications showed that the case was not merely one of idiocy by deprivation, as might indeed have been inferred from the obvious and extensive defect in the cerebral mantle. Nevertheless this man has been taught a tolerably extensive system of signs and has learned to be useful in the weaving shop, reeling thread with his only available hand. I do not speak particularly of such cases as that of a microcephalic and epileptic idiot, absolutely incapable of being taught the meaning or relation of numbers, who yet has been taught to work a sewing machine in the tailor's shop, for I suppose such cases are common enough in other asylums.

The greatest difficulty in doing anything for this class in Ireland is the common difficulty of focussing public attention on anything so little controversial as the care of the insane. The want is felt, and it may be even said there has been machinery lying rusting for years which might have supplied it, but which has never been used.

The Act 41 and 42 Vic. c. 60, entitled the Poor Afflicted Persons Relief (Ireland) Act, 1878, gives to the Guardians of any Union the power, with the consent of the Local Government Board for Ireland, to "contract for the reception, maintenance, and support of any idiotic or imbecile pauper in any public or licensed asylum or establishment for the reception and relief of idiots or imbeciles and pay out of the rates the cost of the maintenance, clothing, and lodging of such pauper in such workhouse, asylum, or establishment, as well as the cost of his conveyance thereto or his removal therefrom and the expenses of his burial when necessary. Provided always that the amount to be paid by the Guardians of such Union for the maintenance of every such idiotic or imbecile pauper shall not exceed the sum of 5s weekly."

The Acts 8 and 9 Vic. c. 107, Sec. 15, provides that the Lord-Lieutenant in Council may direct that a provincial asylum for the lunatic poor may be erected, established, and maintained for any or each of the provinces of Ireland, to be appropriated to any particular class or classes of lunatic poor as aforesaid; and the Lord-Lieutenant is authorised to direct the removal of patients for the purpose aforesaid.

These provisions taken together seem to provide means for the foundation of from one to four establishments for idiots, if there were any method by which these enactments could be set in motion.

As it is provided that the special asylums mentioned in the last-quoted Act are to be maintained in the same manner as the district asylums, it may be fairly assumed that they would receive the 4s. weekly rate in aid. This together with the 5s. contributed by the Guardians might perhaps prove sufficient to run the establishment. The cost to the Unions would not, I think, be greater than what these patients, when they are in workhouses, cost already.

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In an asylum for idiots and imbeciles the adults must, of course, be separated from the young. The latter should be the first care. No effort should be spared to kindle any spark of intelligence that may exist. A few cases of higher grade imbeciles may be made self-supporting. Many cases can no doubt be taught to materially assist in their own support, either inside or outside the institution; many more can be taught to occupy their time in more or less active and useful employments. The great majority can at least be improved in habits of cleanliness and self-care, by assiduous and patient attention. We must, of course, recognise that there are a few entirely intractable cases for whom there is no amelioration, but I think this class is small.

When through the advancing age of the patient or for other reasons active educational effort comes to an end, the question of further provision arises. The unhappy class who are incapable of any substantial improvement and who remain at the bottom of the scale must, I think, always be retained in the institution. These people require more nursing and care than they can ever reasonably be expected to get in a private household either with relations or with strangers.

For those who have been taught to earn or assist in earning their own living, for the "harmless" and tranquil, for those who have acquired habits of decency and order, an organised system of family care should be adopted of course under careful central supervision. This would probably require legislation in Ireland, but the sooner such legislation is adopted the better, as some system of family care for the insane is in all probability inevitable. Family care has been a remarkable success in Germany, France, and many other countries. There is no substantial reason why it should not succeed in Ireland, save perhaps the generally wretched housing of the peasantry. But any such system would need the provision of a sufficient and powerful central control.

It is to be supposed that the idiot asylum itself would be constructed on modern lines, after the general model of Alt Scherbitz and other foreign asylums, and Bangour near Edinburgh, and Purdysburn near Belfast. To divide as much as possible the various classes, according to age, teachability, etc., would have many other advantages, besides minimising the "institution" aspect of the establishment, and thereby helping to facilitate the transfer of suitable patients to family care.

CONOLLY NORMAN.

22765. (*Dr. Dunlop.*) I gather from your statement that your opinion is that the congenital defective—idiots and imbeciles—are very badly treated as a class in Ireland at the present moment?—Perhaps it would be a fairer way of putting it to say that I do not think they are treated all.

22766. They are practically untreated?—They are practically untreated.

22767. The Stewart Institution is a very small thing?—It is a very small thing. I see by Dr. Rainsford's evidence it contains about 100 patients.

22768. The great majority are either untreated or put into institutions not adapted for their wants?—Quite so.

22769. You advise that the establishment of training institutions should be made compulsory?—Certainly.

22770. Am I correct in stating that you think the older cases should be kept in these institutions after they are trained? Would you put on an age limit?—I think there is a considerable number of idiots and imbeciles who will have to be retained in the institution always. There is a proportion that perhaps might be sent out to earn their bread, or assist in doing so, and a considerable number in my opinion could be treated in family care, as is done largely on the Continent and in Scotland under the name of boarding-out, but with regard to the patients who are retained under family care I think it is quite essential that they should still remain under Government supervision.

22771. Some would be fit to be discharged; it would be a small number, would it not?—A small number would be fit to be discharged. I am not quite sure that any person who has been under treatment for some time in an idiot institution ought ever to be left absolutely without supervision from the centre, but a small proportion would be, I think, made capable of earning their living.

22772. Boarding-out is a desirable means to use, but that still leaves a large residue of uncured cases—if one may use the term—cases requiring institution care?—Quite so.

22773. Is it your opinion that these should be retained in an idiot asylum or moved on to an ordinary lunatic asylum?—I think they ought to be detained in an idiot asylum, use that name as you say; in a special institution.

22774. What good could they get in an idiot asylum that they would not get in an ordinary county asylum?—I do not think they would get any good in the special institution which they would not get in the ordinary asylum, but I say it is desirable that the classes of unsound mind should be distinguished for the sake of the treating of the more acute cases; the adult persons, the lunatics in the strict sense of the word, should go to the county asylums.

22775. Is there any objection to placing them along with the chronic insane; the dements?—I do not know that there is.

22776. Would it not be an advantage to bring them into line with the other defectives rather than to make a division of defectives?—Perhaps so.

22777. Would not an age limit be desirable?—An age limit could accomplish that, of course.

22778. An age limit for detention in idiot asylums would be an advantage; it would keep the institution within a reasonable size, and enable all the inmates to be under training, and not some under training and some custodial; is not that so?—Yes; it cuts both ways If you have your idiot asylums small and of manageable size, you will then have your lunatic asylum large and of unmanageable size, it seems to me, if I follow you rightly.

22779. Quite; or else further classification—put the chronic acquired defective and the chronic congenital defective together in one class, when once they become adult?—Yes, that might be done.

22780. You have no very decided opinion on it?—I have no very decided opinion on it, for this reason: the question hardly arises in this country, we are so far behind that the ultimate refinements are scarcely to be considered.

22781. So if this suggestion were adopted, if the imbecile asylums were started, the question would arise in the course of a few years?—In the course of a few years, no doubt.

22782. You have not any very decided opinion to give upon that point?—No.

22783. Am I right in saying that in the asylum of which you are superintendent you work your inmates a great deal? Can you tell me anything about the profits of it Can? mental defectives ever be made to work at a profit, or support themselves?—You mean the special class as distinguished from the inmates of asylums generally.

22784. I would not distinguish them myself from the chronic insane?—I am satisfied that a number of the chronic insane in my asylum work with considerable profit—individuals; but I have never put forward the advantage to be obtained from workshops in asylums, to which I am very much wedded, as being one of mere profit. I think on the whole the profit is probably small, but the advantage is immense.

22785. The wholesomeness of the work is immense?—The wholesomeness of the work is immense.

22786. But the chance of getting profit?—The chance of getting profit all round is small, but undoubtedly in individual cases you may. I have carpenters, masons, and other men of that kind, who work in a manner that I am quite sure would be very profitable if they were at large and receiving wages.

22787. I ask this question because we have had a large amount of evidence that if mental defectives were put into labour colonies, they would be self-supporting. Do you think such a thing on the face of it is in any way possible or likely?—"Self supporting," is too large a word.

22788. Far too large a word, is it not?—I think so.

22789. They would not pay for their supervision out of the profit?—They would not pay for their supervision and upkeep; I do not know whether you distinguish. If you mean "would they pay for the whole cost" they certainly would not; I am sure of that.

22790. And they would pay a very small proportion of the cost ?—They would help to keep down expenses.

22791. Not more than that ?—I cannot say much more than that. I would like to add that I entertain the very strongest belief as to the wholesomeness, both physically and mentally, of all kinds of work in asylums, and I am glad to have been able to employ very large proportions of my patients.

22792. But in whatever manner these are dealt with, do you think the charge of maintenance will ever be materially reduced; I see in Ireland it is about 9s. 6d. a week ?—About that.

22793. Is there any chance of reducing that to any material extent ?—I am sure in my asylum it would be higher if we did not do so much work.

22794. But you will not bring it down below the 9s. 6d. ?—I do not think so.

22795. (*Mr. Byrne.*) With regard to that statement that you never hope to bring it down below 9s. 6d: you have two asylums ?—Yes.

22796. What is the difference between them; is Portrane for the old and feeble ?—No; Portrane was constructed as a modern asylum for all classes of patients. As a matter of fact, the admissions only take place to the parent asylum in the City of Dublin for reasons of convenience, and the majority of the cases at Portrane are more or less chronic.

22797. I see at Richmond Asylum you employ a very large number; 75 or 80 per cent. men and women ?—Yes.

22798. Surely that has made some difference in the cost of maintenance ?—It has reduced the cost of maintenance.

22799. By a few pence or by a few shillings ?—By a few pence, I should think; I am afraid I cannot say more than that.

22800. One way in which work in an asylum is useful is that it keeps the people happy and tranquil and makes them less destructive ?—Yes.

22801. And they require fewer attendants ?—Yes; indirectly I have no doubt it contributes to keep down the cost.

22802. If it does all those things, surely one would expect it to make a better contribution towards maintenance than a few pence, considering that good management can make a difference of shillings—putting the people to work and designing your work so that they can make their own clothing, &c., yet you can only save twopence or threepence per head; is that all you can tell us; it is not encouraging, is it ?—A great number of causes have contributed to render an exact calculation difficult. The expenses in my asylum have come down from something like £30 per head per annum to about £24 per annum in the last few years. No doubt our work has contributed to that.

22803. But only very slightly ?—I am not anxious to exaggerate the fiscal importance of our workshops.

22804. Is your proportion of nursing staff unusually small in Ireland; one to fourteen ?—It is lower than England.

22805. Distinctly lower. Is it lower than usual in Ireland ?—I think we are about the same as Ireland generally.

22806. And yet it works perfectly well. I see no accidents; no undue number of suicides or troubles of that sort ?—No; providentially we have been fortunate.

22807. Are there evils conspicuous in Ireland arising from the absence of the early education and training of the mentally defective ?—I think so, decidedly.

22808. The mental defect is emphasised by want of training; is made worse as they grow up ?—Undoubtedly they are made worse by absolute neglect. It must necessarily follow that, in the course of time, when defective children grow up and become men and women, and become exposed to the temptations of life and are engaged in the struggle for existence, they become worse from having been entirely untrained, entirely neglected.

22809. We have had some evidence about the desirability of taking epileptics in hand in order to prevent their rapid degeneration; does your experience make you recommend that ?—Yes.

22810. You have about 10 per cent., apparently, in your institution ?—About that number.

22811. Are there many of them who would have been improved, or perhaps would have had the more serious manifestation of the disease warded off entirely, if they had been taken care of in their youth ?—I think many of them might have been improved; but I have little or no experience of a class that I hear a good deal about, which is the sane epileptic who requires care, because the epileptics who come to me are invariably either idiots or lunatics: I have no sane epileptics. I have no doubt that some of the epileptics who come to me might have had their admission to the asylum postponed, and possibly it might have been avoided altogether, if they had been taken in hand earlier—not been neglected. More than that I cannot say.

22812. Could you give any idea as to the proportion to whom early training would have been a benefit, among the sort that you have seen ?—I am afraid not.

22813. (*Mr. Greene.*) What precautions are taken before liberating a person who is either a lunatic or an idiot, who is in your asylum ?—I presume you mean a person who is not certified as recovered ?

22814. Is there a certification process to establish recovery ?—Certainly.

22815. Is that done by one or two doctors ?—One.

22816. So that there are two required to admit and one to release ?—Yes.

22817. Is it found that that is satisfactory ?—I think so.

22818. I will tell you why I am asking; it is because one of His Majesty's judges has just been travelling round the Oxford circuit and he called the attention of the Grand Jury a few days ago to the fact that in a great number of the towns he has visited he has found people charged with crimes of very serious violence, and on inquiry they have turned out to be people who have been liberated from asylums. In the course of his address to the Grand Jury at Stafford he pointed out the necessity of having greater care taken of people who have been incarcerated and under care as lunatics; that they should not be released so as to cause violence to the rest of His Majesty's subjects ?—Yes. The subject is an extremely difficult one. We unfortunate men who are engaged in asylum work are generally accused of keeping in people who ought to be at large, but if anything goes wrong with people who have been discharged then we are accused of having discharged people who ought to have been kept in. We are rather on the horns of a dilemma. There, is however, a special provision of the Irish law by which patients can be discharged without a certificate of recovery.

22819. Is that confined to Irish law ?—Confined to Ireland; the Act is the Act of 30 and 31 Victoria, cap. 118.

22820. That is the Irish Lunacy Act ?—The short title is the "Dangerous Lunatics Act." It is an Act under which patients are committed by magistrates to asylums as dangerous lunatics or idiots. There has been some evidence given, I think, to-day, with reference to the fact that patients are committed to Irish asylums as lunatics and not as idiots; but that is not quite correct, because that Act states that a person can be committed as a dangerous lunatic or as a dangerous idiot. Under a special provision of that Act a patient may be discharged on his relatives or friends entering into recognisances for his good behaviour and safe keeping. I need not say that recognisances under the circumstances are absolutely valueless as any sort of guarantee that the lunatic or idiot will behave himself.

22821. Would you suggest, so far as Ireland is concerned, an amendment of the Dangerous Lunatics Act to this extent that there should always be required a pronouncement by some medical authority or authorities that the patient had recovered ? As you say, the recognisances are absolutely useless, because you could not sue upon them with any effect ?—They are not to the purpose at all.

22822. Detention is what is really required ?—I think that a patient ought not to be discharged who has not recovered, unless the medical authority of the asylum is prepared to say that the person is not dangerous to society. It is too large an order to say that every person of unsound mind is to be confined permanently.

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22823. It would not be a large order if you had a recurring visit or a recurring inspection by a medical man; it would only be a pronouncement for six months or twelve months at a time ?—That would be a very good provision.

22824. With recurring inspection it would be safe enough ?—Yes.

22825. Do you think the Dangerous Lunatics Act, Ireland, might be amended in the way that is now being suggested, so as to prevent dangerous idiots being released at the desire of their friends ?—I think so.

22826. Can you throw any light upon a reference which was made by Sir Christopher Nixon in his evidence to a Royal Commission which in 1899 reported with absolute unanimity that liberal grants should be made for maintenance to two institutions for imbecile children in Ireland—one for Catholics and the other for Protestants ? Do you know anything of that Commission ?—I think that was presided over by Sir Arthur Mitchell of the Scotch Lunacy Commission, as he then was.

22827. It was a Committee appointed by the Lord-Lieutenant, not a Commission; Dr. Courtenay was telling us about that ?—I am afraid I cannot add anything to what he said.

22828. (*Dr. Donkin.*) Are you aware whether in Ireland there are many cases of imbeciles or feeble-minded persons convicted and sent to prison for short sentences, being found to be feeble-minded in prison, and then coming back to prison on fresh sentences ? Is it a difficulty and is it an evil which is much recognised in Ireland ?—I do not know much about the question of persons being sent to prison, but I have known a considerable number of people arrested under circumstances such as you describe and sent from prison to my asylum.

22829. I thought possibly in that way you might have heard of some being certified in prison and sent to you; you take them in ?—Yes. I must take in a person sent to me from prison, because she or he is sent on a warrant from the Lord-Lieutenant; it is mandatory.

22830. Would most of those cases be cases of acquired insanity, not congenital imbecility ?—I think most of them are cases of acquired insanity; some of them are cases of congenital imbecility; some are cases of recurring drink tendency.

22831. You are not aware that it has ever become a burning question, or a very important question, in Ireland, as to what to do with the class of imbeciles who are constantly fluctuating between the workhouse, the prison, and the street ?—No; I have no knowledge of that.

22832. You say there is so little accommodation for the obviously insane that those refinements have not been gone into ?—Yes; I am afraid those refinements have not been discovered in our country.

22833. (*Chairman.*) Is there anything you would like to add ?—I notice in the evidence of a considerable number of witnesses whose evidence I have had the privilege of glancing over, that a good deal of question is made with regard to the accommodation for treatment of drunkards. Unfortunately, although I have no experience of inebriates' Homes, and so forth, I have a very large experience of constant recurrence of the admission of drunkards to the asylum that I direct.

22834. Insane or feeble-minded ?—I think a large number of them are persons of a peculiar class, probably more or less feeble-minded from birth, but persons who are incapable of restraining the tendency to drink, and who are discharged and return over and over again.

22835. They are drunkards because they are feeble-minded ?—I think so.

22836. Can you give any numbers as regards such persons ?—I had occasion to make up a brief return for my committee a little while ago, which I will put in if you will allow me, and that shows that during the last few years a proportion of about 33 per cent. of my male patients admitted were persons in whom drink had been the most important element in the immediate production of insanity. Some of those were persons who had been admitted over and over again. The proportion of women is smaller, about 15 or 16 per cent.

The Return was handed in and is as follows :—

RETURN SHOWING THE ADMISSIONS AND RE-ADMISSIONS OF PATENTS AT RICHMOND DISTRICT ASYLUM IN WHOSE CASES ALCOHOLISM WAS THE CHIEF CAUSE OF INSANITY, AND THE PERCENTAGE OF THOSE CASES ON THE TOTAL ADMISSIONS FROM ALL CAUSES.

Year.	Total Admissions due to Alcohol.			First Admissions.			Re-Admissions.			Total Admissions from all Causes.			Per cent. of Alcoholic cases on Total Admissions.		
	M.	F.	Total	M.	F.	Total	M.	F.	Total	M.	F.	Total	M.	F.	Total
1901 -	96	41	137	76	32	108	20	9	29	259	260	519	37·1	15·8	26·4
1902 -	131	58	189	94	51	145	37	7	44	368	294	662	35·6	19·7	28·5
1903 -	92	51	143	73	38	111	19	13	32	350	308	658	26·3	16·6	21·8
1904 -	89	37	126	58	29	87	31	8	39	288	259	547	30·9	14·3	23·

22837. In this case you say drink has caused the feeble-mindedness ?—Drink has caused the outbreak of insanity that produced the admission of the patient at the asylum; but numbers of these patients recover apparently from the attack for which they were admitted and I have to discharge them with the perfect knowledge that they will return again perhaps in a week, perhaps in six weeks, perhaps in three months. They are persons who ought to be dealt with, I think, in some other way than by sending them to an asylum where they can only be kept for a month or six weeks.

22838. You suggest that they ought to be detained permanently ?—I suggest that they ought to be detained for a lengthy period in an institution where, under terms of enforced abstinence and treatment, they might improve their condition. It is useless treating them in asylums; it is waste of money and does harm.

22839. (*Mr. Hobhouse.*) You say they ought to be detained somewhere. For what length of time do you suggest ?—To some degree that would depend on the history of the case, but I should not say that less than a year would be of any use; I should say from one year to three years.

22840. Why do you fix a limit of three years ?—For ever, if the person is apparently intractable.

22841. There is no special scientific reason, or medical reason, for fixing three years ?—No, it is merely a question of degree. I think in many cases a year's enforced abstinence and a year's careful discipline would have the desired effect; in other cases nothing.

22842. What is the longest period of enforced abstinence that you know of in the case of a drunkard ?—I think the Inebriates Act provides three years.

22843. But have you ever known a case yourself?—No, I have never known a case.

22844. Have you any actual experience of a person compulsorily detained, compulsorily abstaining from drink for three years?—No.

22845. Therefore any period of time you suggest is merely conjectural?—Merely a conjectural one.

22846. (*Mr. Byrne.*) This is the last Report of the Irish Lunacy Commissioners. There is an interesting Table showing the receipts and expenditure in connection with the farms attached to the district and auxiliary asylums. Can you tell me on what principle these figures are put down; for instance, I see in your own asylum you put down "milk sold £2,633;" I suppose that is milk supplied to the asylum?—That is milk which is produced at our dairy farm at Portrane and sold. Of course it is merely transferring it from one book to another. It is sold to the institution for the supply of the patients; to the parent institution and the institution at Portrane.

22847. What price is it put down at?—I do not recollect at the present moment. I think 7½d. per gallon; whatever happened to be the lowest price at which milk was bought by contract. It was done on a business principle. We now supply all our own milk; for a long time we did not, until we got our new farm; then for some time we only supplied a portion. The price that we charge ourselves for milk is the price which we last happened to pay by contract which was, I think, 7½d. per gallon.

Conolly Norman, Esq., F.R.C.P.I.

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22848. You think all the other figures are fair *bona fide* prices practically representing the lowest contract prices—contracts on a large scale?—Yes.

22849. Because we have been struck by the large amount of apparent utility of the farms to the asylums?—Our farm at Portrane contains nearly 500 acres and some of it is very good. I hope and believe that we make a perfectly honest and large profit on it, and I am sure that we get good milk.

22850. At Richmond you have nothing but a small kitchen garden, apparently?—That is all.

22851. (*Dr. Dunlop.*) Talking about the profits on the farm, you do not include the total receipts as profits? All that you receive is not profit, is it? You have to write off your expenses, have you not?—Certainly. The expenses are shown on the one side and the income on the other.

22852. All the milk that you get is not clear profit; you have to pay for the milk indirectly by buying cows and so on?—Yes, certainly.

FORTY-EIGHTH DAY.

Saturday, 5th May, 1906.

At the Shelbourne Hotel, Dublin.

PRESENT.

The Right Hon. The Earl of Radnor (*in the Chair*).

W. P. Byrne, Esq., C.B.
H. D. Greene, Esq., K.C., M.P.
C. E. H. Chadwyck-Healey, Esq., C.B., K.C.
The Rev. H. N. Burden.
J. C. Dunlop, Esq., M.D.

Hartley B. N. Mothersole, Esq., M.A., LL.M. (*Secretary*).

Robert E. Matheson, Esq., LL.D., Registrar-General for Ireland, called; and Examined.

22853. (*Chairman.*) You are Registrar-General for Ireland, I believe?—I am.

22854. Would you tell us, so that we may have it on the notes, what other appointments you have had?—Well, before I was appointed Registrar-General I was Assistant Registrar-General from 1879 to 1900. I was one of the Commissioners for taking the Irish census in 1881 and 1891, and I was Chairman of the Census Commission, as Registrar-General, in 1901. I am also President of the Statistical and Social Inquiry Society of Ireland, and I am examiner in Vital Statistics in the University of Dublin.

22855. I gather from that that you take a decennial census as we do in the rest of the kingdom?—Yes, at the same time.

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22856. Can you give us any statistics as regards the bearing of our inquiry?—I can. I have prepared some statistics. First, I beg to submit to the Commission a Table (*vide Table I., infra*) showing the number of idiots and the proportion to the population, distinguishing those in various classes of institutions and at large

TABLE I.

Showing the Number and Sexes of Lunatics and Idiots at large, or in the custody of their Friends, or in Workhouses, or who were confined in Public or Private Asylums in Ireland, at each of the Censuses of 1861, 1871, 1881, 1891 and 1901, with their proportion to the Population.

Censuses. General Totals.	Lunatics.												Idiots.												Total Lunatics and Idiots.			Proportion of Lunatics and Idiots to the Population.		
	At Large.			In Asylums.			In Workhouses.			Total.			At Large.			In Asylums.			In Workhouses.			Total.								
	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	Lunatics.	Idiots.	Both Lunatics and Idiots.
1901	236	360	596	8,938	7,649	16,587	1,039	1,612	2,651	10,213	9,621	19,834	1,918	1,354	3,272	481	282	763	547	634	1,181	2,946	2,270	5,216	13,159	11,891	25,050	1 in 225	1 in 860	1 in 178
1891	328	565	893	6,041	5,224	11,265	1,094	1,693	2,787	7,463	7,482	14,945	2,427	1,650	4,077	534	462	996	540	630	1,170	3,501	2,742	6,243	10,964	10,224	21,188	„ 315	„ 754	„ 222
1881	451	492	943	3,878	3,669	7,547	528	756	1,284	4,857	4,917	9,774	2,642	1,906	4,548	1,126	770	1,896	906	1,289	2,195	4,674	3,965	8,639	9,531	8,882	18,413	„ 529	„ 598	„ 281
1871*	675	668	1,343	3,785	3,356	7,141	471	803	1,274	4,934	4,829	9,763	2,970	2,177	5,147	246	164	410	528	655	1,183	3,746	2,996	6,742	8,680	7,825	16,505	„ 554	„ 802	„ 328
1861*	827	775	1,602	2,330	2,283	4,613	176	401	577	3,500	3,565	7,065	3,213	2,462	5,675	213	190	403	399	535	934	3,841	3,192	7,033	7,341	6,757	14,098	„ 821	„ 825	„ 411

* Included in the totals but not in the details for 1861, 273 Lunatics and 21 Idiots confined to prison; and for 1871, 5 Lunatics and 2 Idiots.

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22857. We had some evidence in England from the Registrar General which went to prove that the statistics were not very reliable. Would that apply also to these, do you think?—I think they are fairly reliable. There may be perhaps some danger of mixing the idiots and the lunatics, but I think the statistics are fairly reliable. In Ireland the vital statistics have formed a part of the census since 1851 and special attention has been paid to them.

22858. How is the information got with regard to the imbeciles and the feeble-minded?—With regard to idiots at large it is got through the police, and with regard to those who are confined in asylums and workhouses it is got from the asylums and workhouses.

22859. I notice that the headings are only "Lunatics" and "Idiots." This would not include imbeciles and feeble-minded?—No, it only includes lunatics and idiots. People who are weak in intellect, yet who are not idiots, would not come under that heading.

22860. They would not?—Of course it would be a matter of discretion with the police or the officer of the institution who had to enumerate them.

22861. Yes, but you have not any knowledge from your statistics of the feeble-minded and imbecile persons in that institution?—No, the words "feeble-minded" do not form part of our heading. You see it is a rather indefinite term, "feeble-minded," and it is very hard to say how you would classify people under that heading.

22862. But the children of defective intellect you think ought to be included in the returns?—Yes, if they are "idiots," but not otherwise.

22863. Do your returns also show the geographical distribution of the numbers?—They do, as shown by following Table II.:—

CENSUS OF IRELAND FOR THE YEAR 1901.

TABLE II.—Showing, by PROVINCES and COUNTIES, the NUMBER and SEXES of IDIOTS at large, or in the Custody of their Friends, or in Workhouses, or who were confined in Public or Private Asylums in Ireland on the 31st of March, 1901.

In this Table the Inmates of Institutions have been distributed according to the localities whence they were admitted.

Provinces and Counties.	Idiots.											
	At Large.			In Asylums.			In Workhouses.			Total.		
	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.
LEINSTER:												
Carlow County	19	16	35	5	3	8	9	19	28	33	38	71
Dublin County and City	73	50	123	53	33	86	29	11	40	155	94	249
Kildare County	21	16	37	4	1	5	9	4	13	34	21	55
Kilkenny "	29	27	56	–	2	2	20	31	51	49	60	109
King's "	47	23	70	12	5	17	10	19	29	69	47	116
Longford "	33	40	73	8	4	12	–	–	–	41	44	85
Louth "	36	16	52	6	9	15	27	42	69	69	67	136
Meath "	53	35	88	11	3	14	19	20	39	83	58	141
Queen's "	35	14	49	5	3	8	1	3	4	41	20	61
Westmeath "	43	29	72	12	7	19	9	12	21	64	48	112
Wexford "	67	39	106	2	1	3	27	31	58	96	71	167
Wicklow "	37	17	54	10	5	15	4	6	10	51	28	79
Total of Leinster	493	322	815	128	76	204	164	198	362	785	596	1,381
MUNSTER:												
Clare County	81	51	132	3	4	7	42	37	79	126	92	218
Cork County and City	168	137	305	25	13	38	42	51	93	235	201	436
Kerry County	87	82	169	17	9	26	13	19	32	117	110	227
Limerick County and City	52	51	103	10	4	14	25	17	42	87	72	159
Tipperary County	83	56	139	29	15	44	35	44	79	147	115	262
Waterford County and City	35	28	63	11	5	16	30	43	73	76	76	152
Total of Munster	506	405	911	95	50	145	187	211	398	788	666	1,454
ULSTER:												
Antrim County and Belfast City	89	70	159	31	10	41	29	37	66	149	117	266
Armagh County	65	35	100	4	1	5	13	22	35	82	58	140
Cavan "	57	42	99	17	6	23	3	7	10	77	55	132
Donegal "	98	58	156	7	9	16	1	1	2	106	68	174
Down "	65	48	113	31	13	44	31	27	58	127	88	215
Fermanagh "	35	32	67	7	4	11	7	4	11	49	40	89
Londonderry County and City	45	28	73	19	14	33	12	6	18	76	48	124
Monaghan County	36	25	61	15	5	20	11	13	24	62	43	105
Tyrone "	88	57	145	12	9	21	18	21	39	118	87	205
Total of Ulster	578	395	973	143	71	214	125	138	263	846	604	1,450
CONNAUGHT:												
Galway County	108	70	178	16	9	25	6	24	30	130	103	233
Letrim "	27	31	58	5	1	6	7	3	10	39	35	74
Mayo "	128	75	203	1	–	1	29	25	54	158	100	258
Roscommon "	50	29	79	13	3	16	20	23	43	83	55	138
Sligo "	28	27	55	5	5	10	9	12	21	42	44	86
Total of Connaught	341	232	573	40	18	58	71	87	158	452	337	789
Natives of Great Britain	–	–	–	4	1	5	–	–	–	4	1	5
" Foreign Countries	–	–	–	4	1	5	–	–	–	4	1	5
Locality Unspecified	–	–	–	67	65	132	–	–	–	67	65	132
General Total, 1901	1,918	1,354	3,272	481	282	763	547	634	1,181	2,946	2,270	5,216

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22864. Can you give us, roughly, in a few words what the result of this is, whether there are more in towns or more in counties, whether there are more in the south, or whether there are more in the north ?—Well, I am afraid they vary in the different counties, as you can see, and we would have to make an analysis. I can, of course, get you an analysis.

22865. We will put it in our notes, and we shall take it from that ?—Yes, I could do so, but it would take some time to make it.

22866. Have you worked out the percentage of the population that these classes would mean ?—I think it is in that Table that I have just handed in.

22867. It is in the Table, is it ?—I think so.

22868. Yes, I see :—Lunatics, 1 in 225 ; idiots, 1 in 860, which gives in the total 1 in 178 ; but that again does not include feeble-minded at large ?—It included idiots at large. You will see they are divided there into "at large," "in asylums," and "in workhouses" ; and then there is the total. It does not include the "feeble-minded" who are not "idiots."

22869. I think you wanted to give some evidence as to the causation of the disease, but before I ask you that, is it the case, from these Tables, that the numbers are increasing in Ireland ?—You will see the exact figures there at each census, from 14,098 in 1861 to 25,050 at the last census. The increase of lunatics and idiots is very great in Ireland, and I have got something to say to you about that.

22870. I should like you to tell us now whether you can give us any reasons for that increase ?—Well, I put it down under the head of the "Prevention of the marriage of persons of feeble mind," in my statement.

22871. Would you like to take it when we come to that ?—Perhaps you would leave it till the fourth head of my evidence. Now if you look at that you see there is a little diagram taken from a paper read by me before the Statistical Society, which refers also to England and Scotland, and includes lunatics and idiots, and you can see that we are far ahead. There is a Table there, and then a diagram which shows it in graphic form. And I will give that in.

22872. With regard to the causation of the disease ?—The census contained elaborate Tables on that subject, and also with regard to the ages, sexes, and the state of marriage and education amongst lunatics and idiots. I have just removed the lunatics out of that Table, and so you have only the idiots in this (*vide Table III., infra*). In the Table in the report you have got mania and dementia, and so on, which apply to lunatics.

CENSUS OF IRELAND FOR THE YEAR 1901.

TABLE III.—Showing, by Sexes, the Description of Disease and its presumed cause in Idiots.

Description of Disease.	Moral or Mental Causes.																								Physical Causes.											
	Disappointment.		Love and Jealousy.		Terror.		Grief.		Reverse of Fortune.		Religious Excitement.		Excitement.		Ill-treatment.		Study.		Anxiety.		Pride.		Total Moral or Mental Causes.			Sunstroke.		Injury to Head.		Fever.		Epilepsy.		Intemperance.		
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	Total.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	
Idiocy - -	2	4	1	2	42	38	4	23	8	9	8	6	-	4	8	9	6	6	5	11	-	-	84	112	196	17	7	63	25	10	17	19	22	22	1
Ditto, with Epilepsy - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3	1	-	-	12	3	2	-
Total Idiots—Males and Females. (Census 1901.)	2	4	1	2	42	38	4	23	8	9	8	6	-	4	8	9	6	6	5	11	-	-	84	112	196	17	7	66	26	10	17	31	25	24	1
	6		3		80		27		17		14		4		17		12		16		-		196			24		92		27		56		25	

TABLE III.—*continued.*

Description of Disease.	Physical Causes.																				Hereditary.		Unspecified.		Gross Total.		
	Cerebral Disease.		Childbirth.		Diseases of Nervous System.		Syphilis or Mercury.		Climate.		Puerperal.		Seduction.		Rheumatic Fever.		Malformation of Brain.		Total Physical Causes.								
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	Total.	M.	F.	M.	F.	M.	F.	Total.
Idiocy - -	27	24	-	7	24	16	3	2	3	-	-	-	-	-	1	-	18	7	207	128	335	460	309	2,103	1,662	2,854	2,211	5,065
Ditto, with Epilepsy - -	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	18	4	22	30	13	44	42	92	59	151
Total Idiots—Males and Females. (Census 1901.)	27	24	-	7	25	16	3	2	3	-	-	-	-	-	1	-	18	7	225	132	357	490	322	2,147	1,704	2,946	2,270	5,216
	51		7		41		5		3		-		-		1		25		357			812		3,851		5,216		

CENSUS OF IRELAND FOR THE YEAR 1901 —*continued.*

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TABLE IV.—Showing, by Ages and Sexes, according to the Description of Disease, the State of Marriage and Education among Idiots.

Description of Disease.	Ages in Quinquennial Periods.																									
	Under 10.		10 and under 15.		15 and under 20.		20 and under 25.		25 and under 30.		30 and under 35.		35 and under 40.		40 and under 45.		45 and under 50.		50 and under 55.		55 and under 60.		60 and under 65.		65 and under 70.		70 and under 75.		75 and under 80.	
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.
Idiocy - -	92	40	203	137	353	231	386	255	393	246	331	239	217	145	219	192	153	119	125	172	92	81	116	127	58	58	58	92	28	31
Ditto, with Epilepsy	–	1	4	3	16	12	11	7	5	4	11	8	11	6	10	7	6	5	7	1	4	1	2	2	4	–	–	2	1	–
Total Idiots—Males and Females. (Census 1901.)	92	41	207	140	369	243	397	262	398	250	342	247	228	151	229	199	159	124	132	173	96	82	118	129	62	58	58	94	29	31
	133		347		612		659		648		589		379		428		283		305		178		247		120		152		60	

TABLE IV.—*continued.*

Description of Disease.	Ages in Quinquennial Periods.								Marriage.						Education.						General Total.		
	80 and under 85.		85 and under 90.		90 and upwards.		Ages unspecified.		Unmarried.		Married.		Widowed.		Read and Write.		Read only.		Uneducated.				
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	Total.
Idiocy - -	22	23	6	15	2	8	–	–	2,735	1,973	71	118	48	120	491	450	126	133	2,237	1,628	2,854	2,211	5,065
Ditto, with Epilepsy	–	–	–	–	–	–	–	–	84	55	6	1	2	3	29	17	6	3	57	39	92	59	151
Total Idiots—Males and Females. (Census 1901.)	22	23	6	15	2	8	–	–	2,819	2,028	77	119	50	123	520	467	132	136	2,294	1,667	2,946	2,270	5,216
	45		21		10		–		4,847		196		173		987		268		3,961		5,216		

22873. I think you wanted to make some suggestion to us as regards prevention of the marriage of persons of feeble mind?—Yes. The present state of the law is that neither lunatics nor idiots are capable of entering into the marriage contract. 51 Geo. III., c. 37 declared that the marriage of lunatics and persons under phrenzies (if found lunatics under a commission or committed to the care of trustees) before they are declared of sound mind by the Lord Chancellor, or the majority of such trustees shall be totally void. It is not material whether the want of legal consent arises from lunacy or idiocy, or from both combined. If the party is incapable of understanding the nature of the contract itself, and incapable, from mental imbecility, of taking care of his or her own person and property, they are incapable of legally contracting marriage. But the marriage of a lunatic (not under a Commission of Lunacy) during a lucid interval is valid. It is here that in my opinion legislation is needed. A case recently occurred in which notice was served in Ireland for the marriage of a gentleman with a person of inferior position. The male had been under detention as a lunatic, and a *caveat* was lodged with the district registrar on the ground of mental incapacity, supported by a certificate from the family medical attendant. The *caveat* was referred to me for decision, as Registrar-General. After examining him I came to the conclusion that the man was of unsound mind, and my opinion was supported by that of two eminent medical men who examined him at my request. He was then removed by his family to an asylum. After he had been for a short time there, he was discharged as cured. He immediately served a fresh notice of marriage, which I was then powerless to prevent. There are three children as the issue of this union. It is no wonder, in such a state of the law, that the number of lunatics is on the increase. Another case occurred some years ago in which an army officer of high rank proposed to get married in Ireland to a person much beneath him in social position. Evidence was tendered to me of mental derangement, in consequence of which I interdicted the solemnisation of the marriage. The parties then went to England, and got married there. After the man's death the validity of his marriage was called in question in an administration suit in London, in which I was subpœnaed as witness. The judge upheld the marriage as he considered that deceased was sufficiently capable of understanding the nature of the marriage contract, though his mind was deranged on other subjects. I do not remember whether there was issue from that marriage, but the case affords another illustration of the way in which the present state of the law operates in producing hereditary lunacy. I consider the law requires amendment, and that no person who has been under detention as a lunatic or idiot should be permitted to marry without special permission from the Lord Chancellor, obtainable only after a full consideration of the circumstances, viz.:—

(1) The nature of the attack;

(2) The length of time which had elapsed since the individual was under detention; and

(3) The family history.

22874. I gather from that that you think the increase in diseases of the brain is mostly to be attributed to heredity?—Well, I do not say mostly, but I say largely. There are other things, as I will show you now.

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22875. Have you any statistics which go to prove that, which go to show the cause ?—No, it would be very difficult, except in cases of this kind which come specially under the notice of the Department, to procure such statistics, but there is no doubt that that is so. I can, from my own private information, supply instances.

22876. But no body of statistics ?—I do not know of any.

22877. But you have not been able to get them ?—No, it might be possible to obtain such, though it would need a very special inquiry.

22878. Yes. Now there is a particular point as regards this question on which I think you wish to say something, and that is with regard to the protection of girls and young women of feeble mind ?—Yes. There is no doubt that girls and young women of feeble mind frequently become the mothers of illegitimate children. Had time permitted I might have made more extended inquiries from official sources, but I find that amongst the illegitimate births in the two Dublin workhouses last year there were four such cases. I have been engaged for some time in philanthropic work in Dublin amongst girls of the humbler classes, and within a short period have met with two cases of this kind, while in another case I know of a girl who was taken into a Home as she was in imminent danger. In my opinion the seduction of girls and young women of feeble mind should be made a criminal offence.

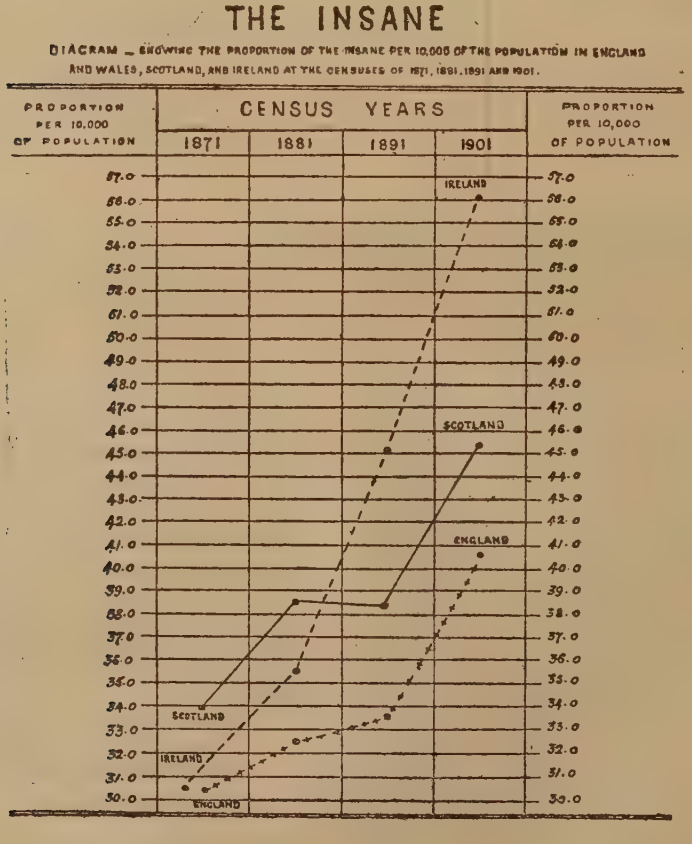
22879. I think there are one or two questions with regard to that that my friend, Mr. Greene, will ask you. There is also a further point of which you made a note for us with regard to the return to Ireland of emigrants who have become lunatics in other countries ?—Yes.

22880. But that would not relate to feeble-minded ?—Yes, in that case it might include such.

22881. Perhaps you could give us some information on that subject ?—I first beg to submit the following Table and Diagram, showing the proportion of the insane per 10,000 of the population of England and Wales, Scotland, and Ireland at the Censuses of 1871, 1881, 1891, and 1901 (*vide Table IV., etc., infra*).

TABLE SHOWING THE PROPORTION PER 10,000 OF THE POPULATION ENUMERATED AS INSANE IN IRELAND, ENGLAND AND WALES AND SCOTLAND, AT THE CENSUSES OF 1871, 1881, 1891, AND 1901 RESPECTIVELY.

Census Years.	Ireland.	England and Wales.	Scotland.	Census Years.
1871	30·49	30·39	33·97	1871
1881	35·58	32·53	38·54	1881
1891	45·04	33·58	38·41	1891
1901	56·18	40·78	45·37	1901


THE INSANE
DIAGRAM — SHOWING THE PROPORTION OF THE INSANE PER 10,000 OF THE POPULATION IN ENGLAND AND WALES, SCOTLAND, AND IRELAND AT THE CENSUSES OF 1871, 1881, 1891 AND 1901.
PROPORTION PER 10,000 OF POPULATION
CENSUS YEARS
1871
1881
1891
1901
IRELAND
SCOTLAND
ENGLAND

From the above it will be seen that in England and Wales the proportion of the insane per 10,000 of the population increased from 30·39 in 1871 to 40·78 in 1901, that in Scotland the proportion per 10,000 increased from 33·97 in 1871 to 45·37 in 1901, and that in Ireland the proportion of the mentally deranged per 10,000 of the population rose from 30·49 in 1871 to 56·18 in 1901. Thus Ireland occupies the unhappy position of having by far the highest proportion of insane in its population, Scotland coming next, while England and Wales stand third in the list. A considerable factor in the large increase of the insane in Ireland at the last census is the return to this country of Irish emigrants to the United States who have lost their health and reason while working there, and have been sent back to this country. This fact first came under my notice in a somewhat peculiar way. A medical officer of health of one of the large cities in our Australian colonies called on me. In discussing with him the mode adopted by his colony of dealing with various social problems which affect my department, amongst others the subject of lunacy, he mentioned that he had travelled *via* New York, and on the steamer made the acquaintance of a lady who told him she was an official from the United States, and was in charge of lunatics who were being conveyed to Ireland, and that she had previously been over to this country on the same business. He conversed with two of these lunatics, and ascertained some particulars of their history, which he gave me. I made inquiries, with the result that it appeared that in both cases these girls were inmates of an institution for the reception of the insane in the United States. One of them had been induced to travel to Ireland on the representation that it was for a holiday, the money which she had on entering the institution being applied, apparently, to pay her passage. This girl, a melancholic, after being landed at Queenstown, was given a railway ticket to the town where her mother lived, and arrived there alone. The other girl was dumped down at her father's house, without any previous notice whatever, a wild and ungovernable lunatic, by two women who, having left her there, drove away. Further inquiries go to show that numbers of persons of unsound mind have been deported to this country, so that we are now supporting not only the lunatics amongst our own population, but in addition a considerable number drawn from the large Irish population in America. The Aliens Act prevents the landing of lunatic aliens, but this does not apply to British subjects, and I consider a law should be passed imposing severe penalties on shipping companies who attempt to land persons of unsound mind without the licence of the Lord-Lieutenant, which should be granted only where the relatives of such lunatics have entered into a bond to maintain them.

22882. Is there anything further?—Well, there is another matter, but it is trifling. The only other matter, so far as I am aware, in which my department is concerned, in the inquiry being instituted by your Commission, is the question of consent in the case of marriage of minors where the parent or guardian is *non compos mentis*. This case is now provided for under 7 & 8 Vic., c. 81, Sec. 20. I give you the section. It shortly provides that a judicial declaration may be procured from the Lord Chancellor or the Master of the Rolls, which would take the place of a consent on the part of the parent or guardian who is *non compos mentis*. While this procedure provides for cases which may occur amongst the richer classes, it is, on account of the expense of legal procedure, unavailable to the poor, and I would suggest that the law be amended so as to vest in the Registrar-General the power of dispensing, by declaration under the Seal of the General Register Office, with consent in cases of parents or guardians who may be *non compos mentis*. That is absolutely in the interests of the poorer classes. Of course it is easy for persons of means to instruct their solicitor and get counsel to apply to the Lord Chancellor or the Master of the Rolls and get a judicial declaration, but the case is otherwise if it is a poor person who wants to get married, and I would suggest an amendment of the law in favour of such persons. I have already a jurisdiction, as you will see with regard to persons *non compos mentis* under the Marriage Act; and a declaration under the seal of my office, I propose, should in such cases take the place of a judicial declaration by the Lord Chancellor.

22883. (*Mr. Greene.*) Dr. Matheson, have you got with you a copy of the form which was served upon occupiers when the census was taken in 1901?—I have not got one here, but I can easily get it.

22884. Perhaps you would tell me what question was put, what phrase was used, to ascertain the state of mind—soundness or unsoundness—of the persons for whom the occupier was to answer. Was the phrase used, or the inquiry, "if deaf or dumb or blind or imbecile or idiotic or neurotic"?—I would rather have the form before me before answering the question. The word "feeble-minded" was not used.

22885. You are aware that in England that was introduced in the last census?—Yes, I am, and when I saw it I thought it was a rather indefinite term.

22886. Then has the same form been always used since 1861, when your statistics commence?—I think so, practically.

22887. Because since the use of the term "feeble-minded" has been introduced in England a larger number of persons have been returned as feeble-minded who formerly would not have been noticed as idiots. Their friends would not have regarded them as idiots, but since that term "feeble-minded" is allowed they have been enumerated?—Yes, but the introduction of an indefinite term like that appears to me very doubtful. I would not like to criticise the statistical work of my colleagues in England, but if it had been proposed to introduce any such term in Ireland I would strongly have objected.

22888. Then if the same terminology has always been used for the last forty years your statistics are more reliable perhaps than those of England?—For the purposes that we have in view our statistics are very reliable indeed. And we have a very great advantage over England in this respect that our statistics with regard to the general population are collected by an admirable body of men, the Royal Irish Constabulary, who know everything about their districts. In England the Registrar-General had to collect a large army of enumerators, which was exceedingly difficult for him, but we had the whole machinery here ready, and some of the men engaged in the previous censuses were engaged again as enumerators in the subsequent census, and the police know all about this kind of work and all about their districts, so that we had, I should say, an advantage. While the Registrar-General in England has a larger number of enumerators, and we are limited by the conditions of the police force to a much smaller number, *i.e.*, the number that could be spared temporarily from their duties, at the same time I should say the system of having an organised force such as the police here, is a much more satisfactory one than the system which was necessarily adopted in England.

22889. (*Mr. Byrne.*) The process was exactly the same?—Yes.

22890. (*Mr. Greene.*) Would you consider that the increase in the lunacy returns is due to any improvement in the method of taking the statistics, or is it that the only real increase of insanity is from feeble-mindedness and idiocy?—I think the statistics have been taken in the same way for all the censuses, except perhaps that of 1851. That was the first time for this inquiry, but for the subsequent ones, those of 1861, 1871, 1881, 1891, and 1901, they have been taken on precisely the same lines, and I think they are quite comparable. But, as I said before, there may have been some mixing between idiots and lunatics.

22891. Now, has the proportion of cases risen with any increase of population in the particular areas?—No, as a rule, you know, the population has been going down.

22892. But I did not know; I have not seen your statistics, and did not know whether they had reference to particular localities?—You will see it at once from one of those Tables that I have handed in. That gives the figures in proportion to the population, and as regards the country at large the diagram I have handed in will enable you to compare the English and Scotch figures. (*Vide p. 126.*)

22893. Can you suggest any reason for the almost regular progressive increase that there has been in the return of lunatics and idiots?—Well, I have mentioned

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two. I have mentioned heredity as a very important factor. I have also mentioned that we are drawing our lunatics, not from Ireland only now, but that a number of lunatics have come back from America. That is a very important thing to my mind, very important. With regard to the general causation of it I fear that drink is largely, from my own personal observation, at the bottom of a good deal of it. But that, you see, is outside my sphere. That would be rather within the sphere of the Inspectors of Lunatic Asylums.

22894. Now, with reference to what you have stated as to the law of marriage, you stated, I think, that neither lunatics nor idiots can marry ?—Yes, there is a statute.

22895. That statute is also applicable to England ?—No, it is a different statute for England.

22896. Yes, the 51st Geo. III., c. 37, is it not ?—The English statute is the 15th Geo. II., c. 30, but the Irish statute—you see it there—extends the law.

22897. I am aware of that, but it has been held in England that, owing to complicated and unsatisfactory enactments, the Irish law—what we call the Irish statute—is applicable in England, and that the marriage of a lunatic so found is null and void in England, but you have your own statute ?—Yes, this is the statute under which we prohibit the marriage of a lunatic or idiot.

22898. Well, the words there are "lunatics or persons under phrenzies"; do you understand that that would include idiots ?—Well, if a case came before me of an idiot proposing marriage I would direct the registrar not to proceed.

22899. On the ground that he was a lunatic or a person under a phrenzy ?—Well, I do not know whether there are judicial decisions on that point—probably you are aware of it—but acting as an administrative officer of the Irish Government I should refuse to allow the marriage to go on, on the ground that the intention of the law was that a person of unsound mind should not get married.

22900. What is your Marriage Act which enables you, as the Registrar-General, to interpose ?—The section ?

22901. Under what statute are your functions laid down ?—The 7th and 8th Vic., c. 81, sec. 23. The local officer refers the *caveat* to me, and I am the judge of whether the *caveat* is entered on frivolous grounds or not.

22902. The Irish Marriage Act ?—That is the Irish Marriage Act. In the second case which I have mentioned, the case of the Army officer, there was no *caveat* lodged, but I was satisfied from the evidence collected by the police that the man's mind was deranged, and I refused under the general statute as to the marriage of lunatics to allow the marriage to go on.

22903. Does that statute give you an opportunity of holding an investigation and inquiry as to the state of mind of the proposed spouse ?—Certainly; as a matter of fact I had the man in the first case I mentioned in my office. I sent for him and spoke to him.

22904. Do you hold a formal inquiry ?—Yes, if they wish to have an inquiry, but it was not necessary. The law vests the power in me absolutely.

22905. I have not seen your statutes before ?—Well, when any *caveat* is lodged with a district registrar, he generally for his own protection refers it to me. I am to decide whether the ground alleged in the *caveat* is sufficient to stop the marriage. Well, of course, lunacy would be a ground, and consequently that has to be substantiated.

22906. Is your decision final, or is there any sort of appeal from it ?—I do not think there is any appeal from it.

22907. How long does that prohibition or declaration of yours last ?—Well, in the case of lunacy, it would be till the frenzy were terminated. In the case that I mentioned to you the man was afterwards declared and certified to be recovered by the medical attendant of the institution in which he was confined, and of course that settled the whole question.

22908. Who has a *locus standi* to lodge a *caveat* ?—Any person.

22909. The public at large ?—Any person, yes.

22910. (*Mr. Chadwyck-Healey.*) How did you hear of that case in which there was no *caveat* ?—The registrar applied to me.

22911. He knew of it personally ?—He applied to me, and stated the facts of the case, and I made inquiry then through the police as to the general sanity of the man, and I had evidence from what was alleged by the registrar and by the police that the man was not of sound mind.

22912. (*Mr. Greene.*) Do you chance to know how the registrar became aware of the imbecility ?—He was living in the town.

22913. He was personally or non-officially aware of it ?—It was a notorious fact.

22914. It was not knowledge officially acquired but public notoriety ?—Yes.

22915. And is there any process for hearing people of unsound mind by solicitor or counsel before you ?—If they wish to do that, I can, we often hold public inquiries in connection with my Department, but in the other case I mentioned I saw the lunatic myself. What happened was this—I sent for him and spoke to him and told him that there had been a *caveat* lodged against his marriage, supported by a medical certificate from his family medical attendant, and he then said that that was a trumped up business, and that the family had succeeded in persuading the medial attendant to give a certificate. "Well," I said, "under these circumstances are you willing to be examined by two medical practitioners of eminence—the Lord Chancellor's two visitors ?" He said, "Yes," and I said, "Very well," and I appointed a day, and he came, and I had him examined in my room by those two medical visitors of the Lord Chancellor, and their opinion entirely agreed with mine, and as a result the marriage was stopped, but as I told you he was subsequently declared to be cured. I then intimated to the person who had lodged the *caveat* that a fresh notice had been served, and no further attempt was made to stop it.

22916. This power to stop a marriage only applies to cases before the registrar ?—Yes.

22917. And it does not affect marriages contracted in ecclesiastical places ?—Well, it affects all marriages which are solemnised on a licence or certificate from the registrar. That includes all the bodies, such as the Methodists, the Congregationalists, the Baptists in Ireland, and a number of other bodies who receive authority for their marriages from the registrar. It does not apply to marriages in the Church of Ireland, nor does it apply to marriages in the Presbyterian Church.

22918. Nor to Roman Catholic marriages ?—No; I have no jurisdiction with respect to marriages celebrated by the Roman Catholic clergy, except with respect to their registration.

22919. Is it your suggestion that there should be more power to stop marriages which may take place in any of those other religious bodies, in religious bodies that are not limited by having to obtain licence or certificate from the registrar ?—My suggestion is that there ought to be general power or a general requirement that before a lunatic can get married there ought to be an inquiry into the circumstances before the Lord Chancellor.

22920. Whether the marriage be solemnised in the Church of Ireland or the Roman Catholic Church ?—Decidedly. The object is to prevent the birth of children of those parents.

22921. Then it is your suggestion that in the Lord Chancellor's Court some office should be formed where *caveats* should be lodged, and if that were done it would stop marriages in the Roman Catholic Church between two Roman Catholics ?—What I have said is that I consider that the law requires amendment, and that no person who has been under detention as a lunatic or idiot should be permitted to marry without special permission from the Lord Chancellor, obtainable only after a full consideration of the circumstances, namely, the nature of the attack, the length of time which had elapsed, and the family history. If that is not done I think it would be far better in the case of Protestant marriages for all those cases to be referred to the Registrar-General. At present in the case of the Church of Ireland, they are referred to the Bishop. The licenser for the

Church of Ireland marriages is an officer of my Department. I have his bond for £100 for the proper discharge of his duties, but if he issued a licence after getting a warning with regard to a person being a lunatic it is doubtful at present whether I could pull him up under the bond on account of the *caveat* being legally referable to the Bishop.

22922. But is there any marriage by way of banns?—Yes; that is altogether an ecclesiastical thing, and I have nothing to do with it.

22923. Do you suggest that the same power to stop marriages by banns should be conferred?—I suggested that no person who has been under detention as a lunatic should be permitted to marry without special sanction of the Lord Chancellor.

22924. Would you extend that to the feeble-minded?—I think "feeble-minded" is an unsatisfactory term, as I think I said before.

22925. Now, with respect to the protection of girls, I dare say you know the Criminal Law Amendment Act which is applicable in Ireland; that is, the Criminal Law Amendment Act of 1885. Are there many cases brought up in Ireland of assaults upon girls, in which the girls are of feeble mind or idiots?—Well, I do not think the criminal statistics show that.

22926. It does not come up very much? I observe that you used the word seduction, which would hardly apply to a case of assault?—Of course. If it is a rape it is a criminal offence already.

22927. My attention has been directed to the statement that it does not appear that there is any provision of the Irish law under which an assault on a lunatic or idiot patient or his injury by his custodian is specially punishable. Are you aware of that, or is that a correct statement?—Well, I cannot offer any opinion about it.

22928. The Lunacy Acts do not come under your observation?—No, that would be under the control of the Inspectors of Lunatic Asylums.

22929. Is this a right statement, that "there is no provision against indecent assault on a lunatic except that contained in the Criminal Law Amendment Act of 1885, and that the words "idiot or imbecile" occurring there have been interpreted in the Irish Courts with regard only to persons congenitally weak-minded." Do you know whether that is an accurate statement?—I cannot express any opinion about that.

22930. Has your attention been called to the fact that under the Criminal Law Amendment Act the burden lies on the prosecution to show that the person who has unlawfully and carnally known or attempted to have had unlawful carnal knowledge of any female must be proved by the prosecution to have known at the time of the commission of the offence that the woman or girl was an imbecile or idiot?—No; that does not come in any way within my official control.

22931. But as a gentleman engaged in philanthropic work perhaps you would agree with the proposal that it should be made punishable to anyone who has unlawfully or carnally known or attempted to know a girl who is an idiot?—Yes.

22932. Or whom we should call feeble-minded?—Yes.

22933. Who is unable to appreciate morally and physically the effect of what is taking place?—Yes.

22934. And you would make it punishable?—Most decidedly.

22935. Without requiring the prosecution to prove that the man knew the state of mind of the victim?—Yes, I think so.

22936. He must run the risk himself?—Yes, I think so.

22937. Of his illicit or attempted illicit action; that is his business, you say?—Yes.

22938. And that if he wants exculpation he must prove that he had reason to believe that she was of sound mind and capable of giving consent to his advances?—Yes, I would put the *onus* of proof on him.

22939. Would you go a step further and say that apart from any *onus* of proof there should be an absolute legal sanctuary for this girl; that she should be protected whether the man knew or did not know of her imbecility or mental weakness?—Do you mean that the man should be punishable for having connection with the girl?

22940. Whether he knew or did not know that she was an idiot?—She being feeble-minded?

22941. She being feeble-minded?—Certainly I would punish him for having connection with her.

22942. (*Chairman.*) Even if he did not know anything about it?—Even if he did not know anything about it.

22943. (*Mr. Greene.*) It is his business to find out?—Yes.

22944. Do you think that your view of that matter is one that would be generally entertained in Ireland?—I could not speak for others.

22945. There was one other point about which I was going to ask you, whether it comes within the range of your experience to deal with criminal law trials, and whether you could give any suggestion as to the way in which persons who are being tried should be dealt with, who are obviously feeble-minded?—Well, it comes within my province to edit the ordinary criminal statistics. I edit them for the Irish Government, the judicial statistics, but the details in that way would not come within my province.

22946. (*Mr. Chadwyck-Healey.*) I should only like to ask one question. Admitting that the term "feeble-minded" is indefinite, as you have put it, are you prepared to say that the figures which you have given to-day do not include the whole of the persons who are mentally defective—I use the negative term; that probably the figures would be higher if you could take in a class who are just outside, who are not of sound mind?—They include all persons who are lunatics or who are commonly known as idiots. But when you come to a question of "feeble-minded" it is a question of what you mean. If they are really idiots my figures do include them.

22947. But I am asking you to assume that they are not idiots and not lunatics, that they would not be certifiable, but they are nevertheless so defective mentally as not to be able to do perhaps everything for themselves that a sane person could do; they would escape notice, would they not—they would not be returned?—If they were not idiots they would not be returned. That is the only answer I can give. They must be idiots in the ordinary meaning of the term.

22948. (*Chairman.*) That is, certifiable?—There is no one to determine that. A policeman comes to a house and there is a member of the family who is weak-minded, and he must be the judge. You see you are getting into a very indefinite region indeed.

22949. (*Dr. Dunlop.*) Now as to these figures I notice that there are 5,216 returned as idiots in Ireland?—Yes.

22950. And of these only 763 are in asylums, 1,181 in workhouses, while 3,272 are at large?—Yes. Are those idiots or lunatics?

22951. This is from the Table of idiots?—Yes.

22952. The conclusion is that there are 3,272 at large. Does that show that there is a necessity of further provision for them or not?—It shows I say that they are persons whose imbecility of mind does not make them dangerous to other people and that there is no necessity for confining them in institutions. They are at home and their presence there does not cause any danger or inconvenience.

22953. Would you put danger down as the one *sine qua non* for treatment in an asylum?—No.

22954. Surely some of these 3,272 must be neglected at home?—Oh, that may be.

22955. Perhaps it is a point you have not considered?—Yes, but you see, what is to be done? To put people who are really not causing danger at home or serious

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inconvenience, to put them into an asylum and make them chargeable to the public would be a very serious thing. We are already being charged to a tremendous extent and you have probably had evidence to show that the charges are tremendous for the maintenance of idiots in Ireland.

22956. Do you think we may take it that some of these cases—that a large proportion of them—are not sufficiently cared for at home, or that the majority are well cared for at home ?—If you ask me "are there persons of insane mind who are not in institutions and who ought to be there," I should certainly say there are, but to what extent of course I cannot offer any opinion.

22957. There is another figure that I abstract from one of your Tables. You are aware that there is in Ireland one institution for the training of imbeciles in the country and it may come to be a question whether further provision ought to be made. Now from your figures I see that at the trainable age, under 15, there are only 480 for the whole of Ireland. Do you think that a reliable figure ?—Allow me just to look at that. Oh, I do. I see no reason to question it..

22958. But do you think the 480 will include all the cases which require training ?—That is, under twenty ?

22959. Under fifteen ?—Now you are dealing with idiots alone.

22960. Which includes imbeciles for census purposes, does it not ?—Yes.

22961. Well, my reason for questioning that figure is this : You are aware that it is a congenital defect ?—Yes.

22962. And a great many of them die off, and you would expect a diminishing number as age increases; you would expect more between ten and fifteen than between twenty and twenty-five, probably three times as many, and you have got exactly the reverse in your Irish figures ?—Well, if these marriages are permitted to go on as they are, don't you see, the supply comes up very well.

22963. The supply would come usually at one year old instead of simply arising at twenty ?—All I can say is that those are the figures which have been returned to us by the police and we have no reason to doubt the accuracy of them.

22964. But as a statistician I should like your opinion on this point. The numbers at the quinquennial age periods should be markedly diminishing quantities, but here they are increasing quantities, and that shows there must be some error somewhere. You would not question that ?—That there is an error ?

22965. Yes ?—No, but it may come from something that has not come before you.

22966. How do you explain the fact that the numbers increase over twenty years old ?—I would like to look into that question. It has not been started before and I did not know that you were going to ask me that question. If you will allow me to look at it I will be very happy to give you the result of an inquiry into it.

22967. Do you think that this figure, 480, would cover the demand of Ireland for training institutions—it is proportionally far lower than in England or Scotland, or anywhere else ?—Yes, but then you see that this question of feeble-minded is introduced in England, and I do not think the statistics are comparable at all.

22968. Well let us compare with Scotland. We have a population about the same ?—But you have got feeble-minded in Scotland too.

22969. Certainly we have, there is no difference. We estimate there about 2,000 to 2,500 children requiring training in an imbecile institution ?—And how many of them are there ?

22970. But your estimate according to this particular return is only 480 for Ireland ?—Well if you will allow me to look into the point I will give you an answer about it. I will look into it and I shall be happy to attend again and give you all information about it. The figures are correct as returned to us. The explanation of them is quite another question.

22971. But for this conclusion and especially at this early age you are prepared to stand guarantee ?—I cannot explain the difference between the Irish and the Scotch figures, but as a matter of fact it has not come under my notice.

22972. And you cannot explain the general increase after twenty ? It is an age at which idiots are not produced; instead of its being a diminishing quantity it is an increasing quantity ?—I think I stated that there was a danger of lunatics and idiots being mixed up, and there might have been at this age some transfer of the figures. That might account for it.

22973. Some mixing of the figures ?—The figures between the two I mean. You must remember that the enumerators are policemen and that they are not specialists in mental diseases, and they may have mixed up the cases. However, do you wish me to get you the information ? Do you wish me to have that matter looked up ?

22974. Please, yes.

22975. (*Mr. Byrne.*) I should like to ask you one question about the collection of those figures. You have described them as being collected by the police ?—Yes.

22976. As if that were an official return ?—Yes.

22977. But as a matter of fact the system is the same as in England except that instead of having enumerators appointed from the civil population for the purpose the papers are collected by the police ?—Yes.

22978. The system is that you leave the papers with the residents to be filled up, and that these are collected by the police ?—Yes.

22979. It is not a return made by the police and verified by police knowledge and observation and under police responsibility. It is just simply a paper filled up by the inhabitant. That is the essential point, is it not ?—Well, but suppose the policeman got a statement in the return which he knew to be false ?

22980. Yes, but if, as in the great bulk of these cases, he was not sure one way or the other, he would leave it alone, would he not ?—Yes, but these police have got a very intimate knowledge of the whole population of their district, and they know everything about the people.

22981. Do the police as a matter of fact correct and alter the returns, and to a certain extent make them their own ?—No, they do not alter or correct them in any way, but they know the facts and if there were a gross misstatement they would, of course, be responsible to bring the matter before the Census Commissioners.

22982. (*Chairman.*) We are very much obliged to you. Is there anything else ?

22983. (*Witness.*) How shall we get this question settled that Dr. Dunlop has raised ?

22984. If you will give us an explanation of that we shall be very much obliged.

22985. (*Witness.*) I need not tell you that with an enormous administrative department under my attention, to be taken on two or three columns, it is quite impossible to answer it at the moment, but I can get the information.

22986. (*Dr. Dunlop.*) Probably it needs consultation.

22987. (*Witness.*) Might I understand exactly what it is you want ? Under fifteen the number is something like four hundred and odd in Ireland, whereas in Scotland it is something like 2,000.

22988. (*Chairman.*) The point is rather this : We are given these figures and told they are reliable. We take it from these figures that the total number of imbeciles under 15 years of age for whom accommodation is required is only 480 for Ireland. It is the number of persons, you see.

22989. (*Witness.*) For whom accommodation is required ?

22990. So would one imbecile asylum with 480 beds meet all the requirements of Ireland ?

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22991. (*Witness.*) That the total number of imbeciles for whom accommodation is required in Ireland——

22992. Does not exceed 480.

22993. (*Witness.*) What Table is that ?

22994. Table IV. ; the census number as given here.

22995. (*Witness.*) Oh, I understand.

22996. The quinquennial period ages, and sexes

22997. (*Witness.*) I can easily do that.

[*Note to Q. 22997.*—The witness subsequently informed the Commission that having made inquiry he finds that according to eminent medical authority (*vide* Quain's "Dictionary of Medicine," 1902, article on "Idiocy," by Dr. R. Langdon Down), idiocy is not regarded as an exclusively congenital disease, but is classified into two groups. (1) Transmitted, and (2) Acquired, the former including congenital and developmental cases, and the latter accidental and nutritional cases; and that on an examination of the original Irish Census Returns it appears that numbers of cases, other than congenital, have been included in the returns of Idiots.

He also stated that on reference to the Report of the Scotch Census of 1901, he finds that the "feeble-minded" were included with "Idiots" in Scotland in 1901, and that therefore no comparison can be made between the Scotch figures and those for Ireland which refer to "Idiots only.

The witness further informed the Commission that the 480 persons returned for Ireland as "Idiots" under 15 years of age, do not include all the cases which require training, and that he had no means of supplying them with the actual number of such persons.]

STEWART WOODHOUSE, Esq., M.D., F.R.C.P.I., Medical Member of the General Prisons Board, Ireland, called; and Examined.

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22998. (*Chairman.*) Would you be so good as to tell us how long you have been a medical member of the Prisons Board ?—Over sixteen years. Before that I was for six years an Inspector under the Local Government Board of Ireland.

22999. You have been so kind as to give us a statement of your evidence ; might we put that on the note ?—Please.

By "feeble-mindedness" I understand, in accordance with Dr. Alfred Eichholz's definition, a partial derangement of normal human activities as a result of impaired brain development—a derangement which in degree falls short of certifiable insanity.

The number of feeble-minded in Irish prisons is not large—I believe a smaller proportion than in England—probably because the bulk of our population is rural, so that the feeble-minded member of a family is better protected and hedged in by the rest of the family or the village ; also because the employment in our country is chiefly agricultural, so that the weaker-minded can lead his life with his fellows in simple forms of occupation, whereas the skilled work required from the mechanic or factory hand would differentiate and separate him from his brethren. Less fit for the workshop than the normally developed, he would have a greater tendency to become a loafer, a waif, and a criminal. In Maryboro' convict prison out of about 240 convicts only about five or six could be described as feeble-minded, and even in some of these few criminal-mindedness is the more prominent characteristic. In Ireland a Parkhurst is unnecessary.

In Irish prisons the facilities for detecting a defective or deteriorating state of mind in prisons are ample and efficient. Besides the medical officer examining every prisoner on his committal and seeing him at stated intervals, and keeping under his special observation any prisoner whose mental state he suspects is becoming enfeebled by his imprisonment, the officers in charge are required to direct the attention of the governor to any prisoner whose state of mind appears to be deserving of special notice and care in order that the opinion and instructions of the medical officer may be taken ; the chaplain is required to pay particular attention to the state of mind of every prisoner, and the governor in his turn must call the attention of the medical officers to any prisoner whose state of mind appears to require attention, and must carry into effect the medical officer's directions respecting alterations of the discipline or treatment of any such prisoner. Moreover, those who receive sentences long enough to render them eligible for instruction come under the observation of the schoolmaster, for not less than four hours' teaching every week, partly in cell and partly in class.

Courts of justice occasionally, in sentencing a prisoner, give a direction that when in prison his mental condition be specially observed. To help a medical officer in arriving at a conclusion a governor can obtain, through the police of the district in which the prisoner has resided, accurate information regarding his family history, his habits, his reputation for eccentricity, etc.

In Ireland the number transferred each year to district asylums from local prisons is large, ranging during the last ten years from 102 in 1897 to 51 in 1903.

Some of these sentenced by Courts of Summary Jurisdiction to short periods of imprisonment were really known at the time to be insane and might readily have been dealt with by the magistrates as lunatics. Prison medical officers have complained that the prison was regarded by magistrates as a mode of admission to the asylum. Besides lunatics, idiots and pronounced imbeciles, if committed to prison, are certified and sent to an asylum. About 80 per cent. of those sent from local prisons to district asylums were found on their admission to prison to be insane. Out of the remaining 20 per cent. the proportion of one-fifth would cover the number of cases of feeble-mindedness which had become worse in prison or which had been found to be more marked than had at first appeared.

As it is generally speaking minor offences for which feeble-minded prisoners are convicted, their stay in prison is usually short. It is unnecessary to form them into a special class. We have no prisons comparable in size to the large English prisons. Our largest prisons (Mountjoy Male, and Belfast Male) have a daily average population of under 400, and even in these the number of those who could properly be classed as feeble-minded would be small and variable. Any case requiring association is either placed in association or in hospital. Special treatment, including diet and exercise, can be ordered by the medical officer. Special employment can be assigned by the governor on the recommendation of the medical officer, and neither dietary punishment nor close confinement can be awarded without the previous sanction of the medical officer. Further, as employment in prisons is mostly of a simple character such as nearly every one can take a share in, the working in association with average-minded prisoners is distinctly healthy and more likely to educe and strengthen the torpid activities of their mind than segregation, whereby they would come to regard themselves as a select and privileged class.

This opinion, of course, does not militate against the utility of the "colony" training of feeble-minded children. Here the formative influence would be continuous for years, employment would be found suited to the various capacities, and they would be at the most critical periods of their lives protected from the struggles and temptations that would in the outer world be their pitfalls. Such colonies or institutions for mentally defective children could in this country be managed by religious bodies or county councils under the supervision of the Inspectors of Lunatic Asylums. The most hopeless of the inmates would gravitate into asylums, but some would develop sufficient stability to find a place in the world at large, while the remainder would lead a life not unhappy and not detrimental to the community.

Such an institution would not provide for the feeble-minded recidivist for whom short sentences of imprisonment occur at lessening intervals. If legislation should empower Courts of Justice to pronounce indeterminate sentences on habitual criminals, whose reformation admits

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of less than average hope, the place of detention which would suit these could also shelter—in a separate class, if need be—the criminal weak-minded. The principle of the Indeterminate Sentence is recognisable in the Inebriate Act of 1898, even though the maximum sentence in that Act is limited to three years. That principle is the imposition of a sentence much in excess of what would be imposed for the offence if the offender were to be sent to prison, in the hope that the habit which led to the committal of the offence might be eradicated, the progress of reformation being tested by graduated liberty in the institution and the tutelage of friends outside. The first of these privileges may begin at the end of eighteen months (half the longest sentence), and both are granted or withheld, not by any automatic rule, but by the hopefulness of the cases, carefully and individually considered. At Ennis, the only State inebriate reformatory in Ireland, the results so far have been encouraging. I append a paper read by the Chairman of the Irish Prisons Board at the International Penitentiary Congress held at Buda-Pesth last September on the working of this Inebriate Reformatory:—

INTERNATIONAL PENITENTIARY CONGRESS.

Held at Buda-Pesth, September, 1905.

PAPER BY MR. J. S. GIBBONS, C.B.,

Chairman General Prisons Board of Ireland.

Being a Report on Question 1, Section III., in the Programme of the Congress, viz.:—

Quelle est dans les divers pays l'influence reconnue de l'alcoolisme sur la criminalité ?

A quels moyens spéciaux y a-t-il lieu de recourir à l'égard des condamnés en général pour combattre l'alcoolisme ?

(What, in different countries, is the recognised influence of alcoholism on crime ?

What are the best means of combating alcoholism in the case of convicted criminals ?)

The Inebriates Act, 1898, was passed to enable curative treatment in a reformatory to be substituted for imprisonment in certain cases of offences of drunkenness and drink-caused crime. By that Act new powers were given to judges and magistrates to commit the delinquent for cure to one or other of the institutions hereinafter described. The policy of this Act was based upon the recommendations of several Royal Commissions and on the advice of those whom either duty or philanthropy had brought into close relations with the criminal inebriate class. Experience had proved how unavailing fine or imprisonment is to effect any reformation in the habits of the confirmed drunkard. No prison system yet devised has effected any improvement in the drunkard committed for the usual seven days' or fourteen days' imprisonment.

There are few more familiar objects than the habitual drinker of city, town, and countryside, idle, dissolute, and quarrelsome when in drink, committed again and again to short terms of imprisonment, and forming the centre of disorder and evil example in every locality in which he resides. A large proportion of men of this class become heavy charges upon the rates as paupers, or ultimately, after a course of evil-doing, find their way into asylums as imbeciles or dangerous lunatics. The sober man's burden does not end with the support of these. He is taxed for the large police force which must be maintained to save the drunkard from himself, and the public from the drunkard. Police courts and public prosecutions follow in due course, together with their adjuncts, prisons and bridewells. Sixty per cent. of the crimes are committed in order to obtain drink, or the means of obtaining drink, or are done under the irresponsibility produced by excessive drinking. In this state of things counsel was taken of experts interested in the diminution of crime and drunkenness, with the result that the Inebriates Act, 1898, was passed for the United Kingdom. Two classes are affected by this Act, viz.:— (section 1) habitual drunkards guilty of indictable crimes committed by them under the influence of drink; (section 2) habitual drunkards committed four times within any one year of certain scheduled offences of drunkenness. The Inebriates Act gives jurisdiction to judges and magistrates to send persons to whom the Act applies to a reformatory instead of to a prison. It prescribes a course of treatment mild and generous in character, but sufficiently long to afford reasonable prospect of the inebriate's cure and reformation.

Two objects, it has been thought, will be effected by these means—one, to take the habitual drunkard away for a lengthened period from the locality in which he resides, and which he makes the centre of disorder and evil example; the other, the reformation of the habitual drunkard himself, by a curative course of treatment extending over an adequate period. Three years is the maximum period of detention. Experience has shown that very little can be effected in short periods of detention, such as one year or eighteen months.

Two distinct types of reformatory are provided for by the Act—(1) the State Inebriate Reformatory; and (2) the Certified Inebriate Reformatory. Habitual drunkards committed under section 1 may be sent either to the State Reformatory or to a Certified Reformatory the managers of which are willing to receive them. Habitual drunkards committed under section 2 must, in the first instance, be sent to a Certified Reformatory. The need for the classification and separation of drunkards rendered these two types of reformatory necessary. Drunkards more than other people range themselves into categories of the tractable and the intractable. The action of continuous drinking on the nervous system accounts for this. Ten per cent. of "cases" are irresponsive to kindness, and are quite unmanageable under rules and restrictions found to suffice for the amenable majority. The State Reformatory, with its stricter rules and slightly penal methods, is intended for these intractables. Experience has shown, contrary to expectation, that troublesome "cases" are more numerous among section 2 convictions than among those convicted under section 1; and although the former, as the Act stands, must go in the first instance to a Certified Inebriate Reformatory, they can, under other powers given in the Act (section 6 (*d*)), be quickly and readily transferred from one type of institution to the other. Thus a well-disposed and amenable "case" committed to a State Reformatory may be transferred to a Certified Reformatory the managers of which are willing to receive him. Similarly, a troublesome "case" in a Certified Reformatory may be removed to a State Reformatory, should the managers of the former find the more mild resources of their institution ineffective. Unruly "cases" in a Certified Reformatory are much benefited by the knowledge that they can be removed, if needful, to an institution of stricter discipline and more penal methods.

The State Inebriate Reformatory is a Government Institution, and in Ireland is under the control and management of the General Prisons Board; and the expenses are paid out of the moneys voted by Parliament.

Certified Inebriate Reformatories may be established by (1) county or borough councils, singly or by joint action; (2) philanthropic or religious bodies; (3) private persons. The founders of a certified reformatory must provide the ways and means, but a very substantial contribution is made by the Treasury out of money provided by Parliament. The grant amounts to 10*s*. 6*d*. per week per inmate committed under section 2; and 16*s*. per week per inmate committed under section 1, during the period of detention. It is expected that local bodies will make such additions to this grant as will enable reformatories to be started and successfully maintained. The work and labour of the inmate is also an item to be taken into account. After 1905 the grant will not be made unless a contribution of not less than 7*s*. per week for each inmate committed under section 2 is made by the local authority. Before a certificate is given to carry on a reformatory, certain conditions must be complied with. The situation of the building proposed to be used must be healthy, must be distant from large centres of population, must be adequately drained and ventilated, and must afford sufficient area for out-of-door employment and recreation. The building itself must conform to certain conditions as to dormitories and day-rooms, rooms for association and recreation, baths and infirmaries, kitchens and lavatories. The course of treatment is also subject to State regulation and control. Alcohol is to be strictly prohibited. Every means must be taken to restore muscular and nervous vigour, and to build up the inebriate's constitution. Habits of regular, healthy, and useful work must be cultivated. Moral and religious influences are to be employed, and means taken to help the inebriate to regain self-control, and to prepare him or her for a fresh start in life under favourable conditions.

Having regard to the fact that the drinkers whom the Act had hoped to reach and reform are mainly of the "drunk and disorderly" class coming under Section 2, and that these can only be sent, in the first instance, as the law now stands, to a certified reformatory, the need of sufficiently equipped certified reformatories is obvious. No certified inebriate reformatory has so far been established in Ireland; but the matter is under consideration. Several certified inebriate reformatories have been established in England and Scotland.

The Irish Government have established and equipped a State Inebriate Reformatory at Ennis, in the County of Clare. It was opened on the 1st of June, 1899. It was formerly the Clare County Prison, and underwent several structural alterations before being opened as aReformatory for Criminal Inebriates. It stands upon four acres of land, and is situated in one of the most salubrious parts of Ireland. Each inmate has his own private room, heated by hot-water pipes in winter, and at all times thoroughly well ventilated. These little apartments are plainly and comfortably furnished—a spring bed, scrupulously clean linen and bedding; a strip of carpet by the bedside; a wash-stand; a table on which are placed books, together with, perhaps, a bowl of flowers collected on some country walks—these are not the least striking of its features. Then there are the common rooms and workshops; and outside a considerable garden, a little pleasure-ground with seats, and a much-used ball-alley. For wet days, magazines, newspapers, chess, dominoes, etc. are provided. A reformatory for females adjoins, and is alike in all particulars. The female inmates are under the care of a specially chosen Lady Superintendent, and a staff of assistant matrons; and the whole reformatory is under Mr. King, a zealous and energetic governor, deeply interested in the work of reform.

The treatment in the reformatory is mainly hygienic—viz., a good and plentiful dietary, a wholesome, regular life, the formation of industrious habits, the acquisition of a trade, plenty of fresh air, discipline, total abstinence, and the good influence of the staff and chaplains. The male inmates are employed at gardening, shoemaking, carpentering, chopping firewood, etc.; and the females at cooking, cleaning, washing, sewing, knitting, making uniforms for female officers of the Prisons Service, etc. Every inmate takes his "cure" seriously and hopefully, and much excellent work is being done. The usual course is this: when an inebriate is received at Ennis, the governor, without the least delay, puts himself in communication with the police of the district in which the inebriate is known. He requests, confidentially, the particulars of the previous history, manner of life, habits, and circumstances of the inebriate; and whether any member of his or her family took intoxicating liquor to excess, or any other matter known to them affecting the inebriate, of which it is desirable that the medical officer of the reformatory should be informed. This communication is made in the case of every inmate that comes to the reformatory. The reply is recorded, with particulars of the patient's physical and mental health, in a book called the Medical History Book, which the governor keeps in his own custody, and to which the medical officer, the inspector of the Prisons Board, and the governor alone have access. Thus, at the very beginning, a valuable guide to treatment is furnished. What may be regarded as the complement of this book is the "After-Treatment Book," in which are entered all the particulars which can be ascertained as to how a discharged inmate is doing, his surroundings, occupation, etc. This latter book is valuable in a double sense. Its compilation necessitates a sympathetic and helpful interest in the patient after discharge. When the record discloses a relapse, temporary or permanent, the cause must, if possible, be ascertained for entry, and the information thus derived is valuable in providing against the dangers likely to beset other patients on discharge.

Less than two years cannot be considered sufficiently long to secure hopeful results in any but exceptionally mild cases of inebriety. Every inmate whose sentence is sufficiently long passes through three stages of six months each. By industry and good conduct he can earn two marks a day; and 364 marks represents a stage, at which when earned he passes up to the next higher stage. Certain privileges are attached to each stage, including a gratuity at the rate of one penny per day for each day when full marks are earned, such gratuity being paid on discharge to the inmate himself or to some one on his behalf.

When in the second half of the second stage, the inebriate is allowed out of the reformatory for country walks under escort, and in the second half of the third stage he is allowed out on parole without an escort. When eighteen months have been completed, the inebriate passes into what is called the intermediate class. He is then due to be allowed to go home on licence. If his conduct in the third stage has been exemplary to the satisfaction of the governor and medical officer, and if there is good reason to believe that he will be a total abstainer while on licence, and that a proper guardian is willing to look after him, his case is submitted to the visiting committee. They may then authorise the governor to submit the inebriate's name to the General Prisons Board for the licence of the Chief Secretary for Ireland. The licence contains stringent conditions to secure the inebriate from the dangers of relapse during the first months of freedom, and every effort is made, through the agencies of ministers of religion, aid societies, friends, and the police, to help the inebriate to a safe and useful career. It will be seen, therefore, that it is only after eighteen months that an inmate of the reformatory can be discharged on licence. Before the completion of that period an inebriate may always petition the Lord-Lieutenant for his release, and every circumstance which may warrant the exercise of the clemency of the Crown is carefully considered. The cases must be very exceptional in which any good purpose can be served by granting the inebriate his release, just as the good influences of training and discipline are beginning to have effect. The earliest symptom of reformation is the strong desire of the inebriate for his discharge. He has begun to feel the beginnings of physical and moral health, and mistakes his good intentions for will-power to resist temptation. How illusory these feelings are many a falling away has proved. The new influences must be left to work for a considerable period if they are to have any permanency. As to the class of persons committed to Ennis Reformatory, I cannot do better than quote the words of Mr. King, the able and sympathetic governor of the reformatory. He says:—"Now, as regards the class of persons usually committed, I should like to say a few words in the shape of a plea for earlier committal and recommittal. We are now called upon for the first time to deal with persons who have been drunkards for many years—drunkards over whom there has been but the most transitory restraint, and that restraint of a penal nature. There have been a number of women committed here with previous convictions ranging from 60 to 333 times. I do not object to cases such as these being sent here, for even they should have a chance of reformation, and at least be prevented from doing harm to others; but let us also have some persons sent as soon as they become habituals and qualified for committal, and before such a history mar the chances of success."

It will be useful to note here a few cases typical of the rest, to show what degree of reformation has been achieved at Ennis State Inebriate Reformatory during the five years the Act has been in operation.

Case 1.

A female. Aged thirty-six. Had been a prostitute and drinking to excess for several years.

Sentence.—Twelve months' detention. Released from Ennis Reformatory, July, 1901.

Report after two years and eight months at liberty.—". . . I am glad to be able to say that —— is going on right well. She has got married to a corporal in the army; and she is steady and correct in every way."

Case 2.

A male. Aged forty-one. Had been an habitual drunkard for years, and of the loafing class. Did no work. Seven times in prison.

Sentence.—Eighteen months' detention at Ennis Reformatory.

Report, one year and ten months after release.—". . . is driving a car, and going on well. He occasionally takes a drink of porter, but never to excess."

Case 3.

A male. Aged thirty-six. Ten convictions for drunkenness.

Sentence.—Two years' detention at Ennis Reformatory.

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Report, one year and seven months after release.—"I have made inquiries about ——. He gets a good many jobs from builders; and is keeping sober."

CASE 4.

A female. Aged thirty-nine. Had been a hopeless drunkard for a number of years. Married, and has a family; husband earning £3 a week.

Sentence.—One year and six months' detention at Ennis Reformatory.

Report, eleven months after release.—"... is living with her husband and family at ——. Mr. —— states his wife has become temperate, and is going on well. He gives her the handling of some of his wages for housekeeping; and states she is much improved."

CASE 5.

A female. Aged fifty. Ten years addicted to drunken habits. Married. Pawned everything, and broke up home. Former convictions:—assault and ill-treating children.

Sentence.—Two years' detention at Ennis Reformatory.

Report, ten months after release.—"... is with her husband and family at ——. Her statements in her letters are correct. She is good, and goes to mass every day. Her home is clean and comfortable; and she is living on very good terms with her husband and family."

The following are extracts from a letter from her, dated 25th March, 1904:—"I write you these few lines, hoping you are well. I am not taking any drink. I am very comfortable. I hope you will pray for me. My husband is well, and all the children."

CASE 6.

A male. Aged forty-five. Seventy-six times convicted of assault. A wanderer from place to place with a roulette table; invariably drunk or getting drunk.

Sentence.—Three years' detention at Ennis Reformatory

Report, Ten Months after Release.—"... was released on licence to the care of a guardian, June, 1903. The guardian reports thus:—"I am happy to inform you that—— is going on well, thank God. He is working every day, and not touching alcohol in any shape or form."

CASE 7.

A male. Had an insatiable thirst for drink. Twenty-three times convicted of drunkenness and assaults. Did no work. Was released on expiration of sentence in October, 1901. Employment found for him. Soon gave way to drink again. In cases such as this, recommittal to the Reformatory is recommended. Dr Braithwaite (Inspector of English Inebriate Reformatories), in his report for 1901, states that he has known many voluntary cases regain self-control after repeated terms of detention in retreats (with intermediate relapses), and he sees no reason to anticipate other than the same result following reformatory detention.

CASE 8.

A male. A gentleman of good family. He was separated from his wife on account of his intemperate habits. Ran through very considerable means.

Sentenced to Ennis Reformatory. Was released on licence in 1902. For three months he refrained from drink and eventually gave way to temptation. His licence was revoked. He is now doing the unexpired portion of his sentence. His case is not unhopeful.

CASE 9.

A male. A married man; has children. Once occupied a very important public position, which he lost through intemperance. His wife has separated from him on account of his intemperate habits. He is now undergoing a term of detention at Ennis Reformatory, and is doing well. He has begun once more to take a keen interest in life; is learning carpentry; and intends on his release to start life among new surroundings in Australia or Canada. This is a promising case.

Many other cases could be cited which place the benefits of the Ennis Reformatory treatment beyond question. On the whole, Ennis may claim a large percentage of permanent reformations—eighteen out of thirty-six—*i.e.* about 50 per cent. of those who have been discharged having gone on well since discharge; and when success has not been achieved, the causes of failure have been studied and noted. There are other benefits which must not be forgotten. The habitual drunkard is the cause of much evil and great misery to others. He is a public nuisance and a public scandal, and his removal for a lengthened period from his haunts is a public good. Homes which his conduct has perhaps broken up are, on the inebriate's removal into safe custody for a lengthened period, again established, which was impossible while the home-breaker was at large. There is a deplorably large number of men and women gradually giving way to drinking habits, impoverishing themselves and the helpless children dependent upon them. The fear and dread of the reformatory does, and will, appeal to these, and has stopped, and will stop, many on their downward course when nothing else will. So far, therefore, the Inebriates Act, 1898, has been an undoubted success, fully justifying the expectations of those who were instrumental in placing it on the Statute Book. It should be remembered that the medico-legal considerations which resulted in this wise and beneficial legislation are based upon the widest experience of those who have had to do with drink-caused crime.

It is a matter of much satisfaction that there has been no difficulty in maintaining discipline at the reformatory. If inmates misconduct themselves, they are removed from association at meals and recreation, and are placed in separate confinement. It is recognised by the members of the inebriate community themselves that this is in the interests of all.

Sixty-two inebriates were committed to Ennis State Inebriate Reformatory up to 31st December, 1903, viz.:—

In 1900,	2	males and	5	females.	Total,	7
In 1901,	8	„ „	17	„	„	25
In 1902,	3	„ „	5	„	„	8
In 1903,	9	„ „	13	„	„	22
Total,	—		—			—
	22		40			62

The numbers remaining in the reformatory on the 31st December, 1903, were:—

12 males and 19 females. Total, 31.

The return of results, *i.e.*, of permanent reformations given in the above paper may be here supplemented by a return furnished at a later date by the governor, who writes:—

"Since the opening of the reformatory, fifty inmates have been discharged on completion of their sentence or on licence. The careers of these have been carefully watched, and I am happy to be able to state that twenty-four, or forty-eight per cent. have been reported on as sober and well-conducted. It is well to note, as showing the permanency of the reformation, that some of these cases have been two and three years out of the reformatory.

In some other cases an improvement had been reported in the conduct of the discharged inebriates, but these, not being properly speaking reformations, have been counted as relapses.

Of the twenty-six relapses sixteen had undergone sentences short of the period necessary to allow of the inmate passing through the different stages of treatment. Many of these cases were, at the time of their discharge, beginning to show signs of reformation, and in my opinion, and that of the medical officer and chaplains, it is greatly to be regretted that they were not committed for longer terms, as they would then have a fair chance of returning to the world sober men and women."

I desire to add my concurrence with the view emphatically expressed by Sir Christopher Nixon that convicts of criminal habits who are still insane at the expiration of their sentence should not be sent to district asylums.

23000. (*Mr. Byrne.*) In giving us the particulars of the feeble-minded in your prisons whose numbers are somewhat less than we have been told is the case in English prisons, you use the word "feeble-minded" with a definition. Have you collected this information

yourself or has it been done through a number of different persons ?—Well, I have collected it myself, but I have had the advantage occasionally of conferring with others.

23001. Do all the other prison officers whom you have consulted apply the word in the same sense ?—I did not ask them definitely with regard to this, but it is a subject on which I have sometimes spoken to different medical officers in visiting prisons. But I did not institute definite inquiries with regard to this Commission.

23002. You would expect to find a considerable difference of standard ?—Well, considerable. It is such an elastic term.

23003. And some people think all prisoners are insane ?—We have a considerable number of lunatics passing through our hands from different prisons, most of them being insane when they were committed, some of them merely awaiting removal owing to being found insane at the time when they committed the crime.

23004. There are not many of the feeble-minded among the rural population who get into prison ?—We have only two or three large towns and the mere imbecile in the country escapes notice and escapes imprisonment. He is protected to a greater extent than he would be in a large population by his family. The family tie is very strong and the family would help him not to get into mischief.

23005. He is also protected by the indifference of the rural population to things that would be a scandal and offence in a town ?—No, not entirely. The standard of morality, generally speaking, is high in Ireland, and there is not an indifference.

23006. There are a considerable number of imbeciles and idiots in the population of Ireland ?—Well, in country workhouses, especially in the West of Ireland, the illegitimate children are chiefly the children of women who may be called feeble-minded.

23007. And that is what I meant to refer to as a scandal ?—Yes, there is a high standard, especially of sexual morality, throughout Ireland, and the high standard deters from offences.

23008. But it would make the offence of a person of feeble mind more glaring, and they would prosecute him and send him to prison ?—And it would help to deter him from committing it, and it would be looked upon as a shame and a scandal, and the man knows that, and though it happens sometimes, there is less of it than there would be otherwise.

23009. I suppose in your Irish prisons you have an enormous number of convictions with short sentences for small offences ?—A very large number.

23010. Has there been any important public utterance among the prison authorities in Ireland with regard to the utility or inutility of short sentences ?—Oh, yes ; the Visiting Committee have drawn attention to it, and we have endorsed it in our report, *e.g.* short sentences for such matters as drunkenness.

23011. Do the Irish prison authorities practically agree with the statement made by the Chairman of the Irish Prisons Commission at the Buda-Pesth Congress last year that short sentences for these offences were always absolutely futile and sometimes positively injurious ?—We do.

23012. Have these conclusions, which I understand are universally accepted among you in Ireland, led to any formal proposals for a change in the law ; have you drafted a bill ?—No formal proposals for a change have been made. It has been present to the mind of many that something of the kind ought to be done, that in the case of habitual criminals, in extreme cases, an indeterminate sentence would be desirable. But that is a long way off.

23013. Why is it a long way off if you are all unanimous ?—Because judges jealously guard the prerogative of saying what is the proper sentence to be inflicted and of gauging sentences.

23014. And if the judges inflict 230 consecutive sentences of seven days or a fortnight they must be right ; is that the idea ?—I do not like to put it in that way.

23015. At any rate a good many people are of opinion that there should be something in the nature of indeterminate sentences ?—Yes ; in the case of habitual criminals it would be very desirable.

23016. Which indeterminate sentence would you recommend—the mark system not exceeding two or three years during any portion of the currency of which you might be licensed, or an absolutely indeterminate sentence under which you would be liable to stay there all your life ?—Well, the indeterminate sentence that would commend itself most to us would be the indeterminate sentence for a long period and under which a licence might be granted by a special committee, say of the governors, chaplains, and doctors of the prisons, the Chairman of the Prisons Board, and with the consent of the Chief Secretary.

23017. Would such a system, if introduced, in your opinion require a modification of the existing system ?—It would require a new sort of institution less penal than the existing prison, with ampler facilities for training and prison industries.

23018. Would the prison authorities in Ireland be prepared to start this at once if the necessary change in the law was made ?—As soon as we got the necessary means from the Treasury.

23019. But that has been thought out ? And what modification of the prison service would you be disposed to recommend for this ?—An institution more like an asylum perhaps than a prison, with a large amount of land, as the Irish population is largely rural, for farm work, and greater facilities for technical training for trades requiring skill and employing men, than we have at present.

23020. A penal colony, in fact ?—A penal colony, with greater privileges, of course, for matters such as smoking and games, in the style of our inebriate reformatories in which games of different kinds, and association, and privileges are allowed.

23021. Speaking from your official experience, you yourself are not satisfied with the suitability of the existing system of punishment for its object ?—Punishment is only perhaps a subordinate object with us. Our chief object is reformation.

23022. Do you mean you would like it to be ?—Yes, we want reformation. The class of criminals for whom the indeterminate sentence would be desirable would be rather the irreformable criminals who are repeatedly in prison and whom we have lost all hope of reforming under ordinary circumstances.

23023. (*Mr. Chadwyck-Healey.*) You think they ought to be kept out of mischief and made to work ?—And made to work under happy conditions.

23024. So much as regards the punishment of prisoners ; but as regards the conviction, what is your opinion of the sufficiency of the law in Ireland as regards the conviction and punishment of feeble-minded prisoners ? Do you think they are adequately protected by the existing law, or do you get people sent to your prisons who ought not to be punished at all because they are irresponsible ?—I think we occasionally get people sent to prison who ought not to be punished at all, but who ought perhaps to be sent to asylums.

23025. Whose insanity has not been discovered ?—Not been discovered.

23026. Do you get any persons who you cannot say are insane but who are of such retarded mental development that their responsibility ought to be regarded as imperfect ?—We get only a few of them.

23027. It is not a crying question ?—Not a crying question.

23028. (*Dr. Dunlop.*) I notice in your statement that you give a very glowing account of the results of the State asylum at Ennis ?—Yes ; I can supplement that a little, because I have got a return which brings it up to the end of December last year. From this return I find that out of 63 inmates discharged 32 have turned out well and 31 have not turned out well, and that brings it up to 50 per cent. reformation.

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23029. That is a very much higher figure than we heard elsewhere ?—Yes; and also the larger number is of women who are more difficult to reclaim.

23030. Have you been in any of the English reformatories ?—No.

23031. Have you any means of telling us whether the class of cases here is in any way different from what it is in England ?—I think we get as bad or worse cases in our reformatories, because we have not certified reformatories. We are only beginning a certified reformatory now. These statistics refer to cases from the State reformatory, and we have not the same class committed to a State reformatory as to a certified reformatory.

23032. They are all Section I. cases ?—All Section I. cases.

23033. What is the offence in most instances ?—Matters such as violent assault, cruelty to children, neglect of children, stealing to get drink. Those are the indictable offences.

23034. Do you think we may take it that cruelty and neglect towards children are the most frequent ?—Yes.

23035. And you are aware that that is the most hopeful class we have got in the English reformatories ?—I am not aware.

23036. But that might help to explain the brilliant result here ?—I think our results are largely due to the care they get from religious societies or clergymen or philanthropic people who keep in touch with them.

23037. The after-care ?—Yes.

23038. Do you think you would get the same results from the habitual "drunk and disorderly" or "drunk and incapable" ?—If we get long sentences we can get good results. With short sentences we are hopeless, but with sentences of two or three years we look for good results.

23039. Even with the old jail-bird who has been in prison two or three hundred times ?—That is not hopeful, but we would have a try at it.

23040. I notice a statement that the feeble-minded or weak-minded prisoners are dealt with in three different ways on discharge. One is to hand them over to their relations, one is to remove them to the workhouse, and the third is to report them to the police ?—Yes.

23041. Can you give us any information as to how these apply and the numbers thus dealt with ?—Well, I cannot quite answer that.

23042. Are they reported to the Prison Commission ?—Not necessarily. Anyone who is sent to the care of the police would be reported to the Commission, but cases in which they are handed over to friends would not be reported.

23043. Nor admission to the workhouse ?—Probably not.

23044. Are they bound to take imbeciles in the workhouse if they are handed over to the Board, or to the relieving officer ?—No, it is discretionary with the relieving officer to admit them, but he generally does. We have no authority to compel the relieving officer.

23045. They are not bound to give relief to a weak-minded or feeble-minded person ?—That is in the discretion of the relieving officer. He is bound to afford relief to a destitute person, but the destitute person is a matter for his discretion.

23046. Imbecility itself does not amount to grounds for relief ?—It probably would amount in this case, but it would not necessarily.

23047. Now in the prisons are you aware of cases of weak-minded persons coming back time after time ?—Yes, some do.

23048. You have some in your convict prison, I dare say ?—We have two or three people who may be described as feeble-minded

23049. Paranoics ?—Yes.

23050. Most convict prisons contain some people who are called paranoics; what would you do with those when the time has expired ?—If they are feeble-minded we communicate with the police.

23051. A class of convict always complaining that his food is poisoned, etc.; are they handed over to the police at the end of their sentence or not ?—If they were likely to be of any danger to themselves or to the public the police would be informed if they are going to their neighbourhood so that they may supervise them.

23052. As a general rule they find their way back to the convict prison in two or three months ?—They are out on licence and then they might come back to us if their licence were forfeited within that period. We have a small class in convict prisons. We have only 240 male convicts all told in Ireland, and there are perhaps six of those who are half insane, and perhaps not more than two of these may be described as feeble-minded.

23053. Then tell me, are there criminal lunatics under your control ?—No; they are in Dundrum Asylum.

23054. Not under the Prisons Board ?—Not under the Prisons Board.

23055. Do you transfer convicts from the prisons to Dundrum ?—Occasionally.

23056. (*Mr. Greene.*) Out of the daily average population of Mountjoy and Belfast Prisons which you state is under 400 ?—I mean under 400 in each male prison.

23057. What would be about the percentage of those who could be properly classed as feeble-minded ?—There might be two or three in each prison that could be properly classed as feeble-minded.

23058. You eliminate the lunatics who are certifiable and send them off to asylums ?—Yes, any certifiable lunatic is sent off to an asylum, or an idiot. We would not keep a pronounced idiot, unless there was some special reason for it.

23059. What would become of him ?—He would go to an asylum also.

23060. That is, immediately on his conviction ?—Yes.

23061. You would allow an idiot to be convicted ? How would an idiot come to be convicted ?—Well, sometimes magistrates in the country take the view that they will find out this man's state of mind better in prison where they have plenty of time to do it, and they will send him to prison and he will be well taken care of and if they like they will send him to an asylum.

23062. And you send them on ?—We send them on. They pass through our hands and we transmit them.

23063. So that the certifiable lunatics and these idiots are easily dealt with and those that remain are a very trifling percentage indeed ?—A very trifling percentage.

23064. And the question of feeble-mindedness is not a pressing one in Ireland ?—Not in Irish prisons.

23065. Is it talked of much outside Irish prisons ?—Well, indeed it is not, amongst us, a very burning question, but no doubt it would be very desirable to protect the female feeble-minded more than at present, and to extend the existing facilities for that purpose.

23066. Would you think there is any extension of the criminal law which might be with advantage adopted to protect them from assault ?—I think from what I have spoken of and heard and read, that it would be desirable to treat them all as girls under sixteen.

23067. To throw on the alleged culprit the *onus* of showing that he had reason to believe that the person was sane; or would you make it an absolute prohibition so that whether he knew it or did not know it would be immaterial ?—Well I think I would rather have it absolute, but that could not be our work.

23068. Is there much of that class of offence committed in Ireland ?—I do not think so. I have seen it in workhouses, in the maternity wards of workhouses, but I should think there is less in Ireland than in the sister countries.

23069. The standard of purity is better maintained in Ireland ?—The standard of sexual purity is higher.

23070. Are there many people convicted of it coming into jail ?—Not any large proportion but of course some. Not very many would come in unless there was a violent assault or rape case.

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23071. Under the Criminal Law Amendment Act in England there are a great number of persons convicted? —There are not many in Ireland.

23072. I want to ask you whether you think that any of the persons convicted of an offence of that kind and who underwent imprisonment were feeble-minded?—Well I do not think so. I think they are of average intelligence. We have a machinery more capable of dealing with persons of feeble mind, and a possibility of institutions in Ireland superior to what there is in England. We have more religious bodies.

23073. What class of institutions are those?—Well I do not know how far they actually exist, but I know that we have a great many religious bodies and communities in Ireland who could undertake such work.

23074. Do they maintain them for life in those places?—I do not know that they are actually existing, but they may be introduced. We are at present having a certified reformatory for inebriates started by a religious body. With so many religious communities as there are in Ireland there seems to be a possible machinery for the work.

23075. For taking care of feeble-minded people?—Yes.

23076. Without some State subvention?—With State help, and for training those who are capable of being trained.

23077. (*Chairman.*) Is there anything, Dr. Woodhouse, that you would like to add?—I do not think there is.

23078. (*Mr. Byrne.*) On the subject about which you have just been speaking, I suppose there are institutions for fallen women kept by the Sisters of the Good Shepherd and other Sisters all over Ireland?—Yes, all over Ireland a great deal of good work is done.

23079. Do any precise statistics exist of the work done?—Each institution has its own statistics. I am not aware of them.

23080. But still on the whole these institutions do a great deal of good work?—Yes; and many of those fallen women are feeble-minded, I know, as a governor of the Lock Hospital. I see a larger number of feeble-minded women in the Lock Hospital than in prison.

23081. Would you say that children in Ireland need reformatory prisons?—No, because under the present law a child sent to a reformatory does not go to prison. It is sent direct to the reformatory. It used to be sent first to prison but not now. We have a class for juveniles in all our prisons where they are kept separate from adults, and for juveniles sentenced to a month and upwards there is a special part of Mountjoy set off where they are put.

23082. There is considerable talk in England at the present time about the desirability of appointing probation officers to all magistrate's courts for the purpose of looking after juvenile offenders, and—it has been suggested—discharged inebriates. Would you be in favour of that?—No. We do not require it in the same way, because we have to our hand an excellent body available for that purpose in the Irish Constabulary. They manage convicts with very considerable tact and I have never known a case where a convict has lost a situation by being observed.

23083. There is a difficulty I think with regard to women?—Yes.

23084. A very considerable difficulty?—Oh, some of them have perhaps been sentenced to death for the murder of an illegitimate child or something of that sort. We have very few female convicts, only thirteen.

23085. You have no necessity to recommend probation officers in Ireland?—No, the Prisoners' Aid Societies do good work for us in our large towns.

23086. Do they get plenty of money in Ireland, the Prisoners' Aid Societies?—Not as much as we should like. Still they do much good, especially by helping discharged prisoners to get employment.

R. G. Dowdall, Esq., M.D., D.P.H., Resident Medical Officer of Mountjoy Prison, called; and examined.

R. G. Dowdall, Esq., M.D., D.P.H.

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23087. (*Chairman.*) You have been so good as to send us a statement of your evidence. Might we put it on the notes? Oh, with pleasure.

I am the resident medical officer of Mountjoy Prison, and previously held the office of assistant medical officer there. Immediately preceding the latter appointment I held the office of medical officer at Grangegorman Prison. My experience at Mounjoy extends over a period of eight years.

The prison is used for the reception of all male and female local prisoners convicted of offences in the city of Dublin.

Female prisoners also are received at Mountjoy from the following counties:—Carlow, Cavan, Kildare, Longford, Louth, Meath, Queen's, Westmeath, Wicklow, and Wexford. Where females are sentenced to terms of penal servitude, they are transferred to Mountjoy from all parts of Ireland. They represent but a very small number of the prison population.

During the year ended on the 31st December, 1905 the number of prisoners committed to Mountjoy prison was:—

Males	4,171
Females	4,730
Making a total of	8,901

Of this number sixteen males and four females were found to be mentally deficient and quite unfit for prison discipline.

The offences of which they were charged were as follows:—

Males.

Attempted suicide	5
Larceny	2
Threats	1
Loitering	1
Profane language	1
Indecent exposure	1
Drunk and disorderly	16

Females.

Begging	1
Indecent behaviour	1
Larceny	2

Prisoners of feeble mind are either admitted to the hospital for treatment or kept under special observation in their class, and are under the special observation of officers day and night. They are placed on special diets where circumstances require it. They are also treated as patients rather than prisoners. The ordinary conditions of penal discipline are relaxed, and everything possible is done with the object of improving their mental and bodily state. Where the rules are transgressed, punishment is not inflicted.

They are, as far as possible, employed at work in the open air, at gardening and other suitable employment.

On the expiration of the sentence of feeble-minded prisoners, steps are taken to safeguard them, and one of the following courses is invariably adopted. (1) Where the relatives can be found they are notified of the impending discharge of the prisoner; that he or she is of weak mind, and that it will be necessary for them to appear at the prison, and take charge of the person about to be liberated; (2) or the person is transferred to the Union workhouse, accompanied by an officer who delivers to the master of the workhouse a letter describing the nature of the case, and pointing out that further medical treatment would be requisite.

In any case in which the practice at (1) or (2) is inapplicable, the police are notified of the time of the discharge of the person, with a view to his being subsequently kept under supervision.

I append a brief history of four prisoners of weak mind, three of whom are at present in custody at Mounjoy Prison.

(1) M. S.—Male, aged thirty-one years, unmarried, has never previously been in prison, and is now undergoing a sentence of one calendar month for loitering. He is disinclined to speak, but replies to questions put to him in a fairly intelligent manner, but with much hesitation.

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He stands with his eyes fixed on the ground, and smiles immoderately while answering simple questions.

He was arrested in the city of Dublin, but used to reside in the county Wexford. Both of his parents are alive, and he has three sisters. They are all healthy. He was at school for three or four years, but can neither read nor write, and he is unable to add or multiply simple figures. He used to earn his living as a labourer.

(2) M. K.—Female, age twenty-two years, sentenced to six weeks' imprisonment for indecent behaviour. She speaks in a very low voice, and dislikes anyone coming near her. She is very sulky and never smiles, and she can neither read nor write. This is her second offence. One of her parents (her mother) is alive. She was educated at a convent school, but does not know for how long nor at what age she left school. She forgets her own age. When at home she does washing. Her husband who was a labourer has deserted her, and she has one child, a girl two years of age.

(3) E. D.—Male, age forty-two years, unmarried, was for seven years in the Royal Artillery, and afterwards acted as a groom. He can read and write. He has been sentenced to two calendar months' imprisonment with hard labour for malicious damage of glass, and there are thirteen previous convictions against him, mostly for glass breaking. His father possessed land worth about £500 per annum. He had two brothers and one sister. One brother was a tutor, and the other a medical man. This propensity for glass breaking is not attributable to intoxication, but is attributed by the prisoner to the annoyance caused to him by his friends.

(4) M. E.—Female, aged fifty-one years, has been committed to prison on seventeen occasions, two of the sentences being for terms of penal servitude. The conviction in each one of these cases has been for larceny. The woman never drank to excess. Her two uncles (on father's side) were mentally affected, and were addicted to stealing. Her sister is not in her right mind, and is an inmate of an asylum. She always had a comfortable home until her husband died some three years ago. Two of her daughters have, on at least one occasion, been imprisoned for theft. The patient is very emotional, and trembles all over when addressed. She tells me she cannot resist the temptation to steal, and often wishes she was dead. She is employed altogether at needlework, which she does remarkably well, and appears to be quite satisfied and comfortable while in prison.

In two of the cases above referred to, Nos. (3) and (4), the conduct of the prisoners, and the manner in which they have performed their task, has been most satisfactory.

The work done by them contributes materially to their support.

In both cases the education received had been fairly good for persons of their class, and should, in the ordinary course, have enabled them to maintain themselves respectably and in comfort.

On more than one occasion suitable employment has been obtained for each of these prisoners on previous discharges from prison; they appear, however, to lack the application necessary to enable them to work for their own support, where there is no control exercised over them. They consequently drift into prison time after time.

Owing to the very limited number of persons of weak intellect committed to Mountjoy Prison, but little difficulty has been experienced in dealing with them; and particular care and attention has been devoted to them by all the members of the staff.

23088. (*Dr. Dunlop.*) You have given us some figures as to the number of imbeciles in prison?—Yes.

23089. Do you include all cases in that or only the more extreme cases?—I included only those who are called feeble-minded; not idiots or imbeciles, but a degree above that.

23090. How many would you say they would amount to in all, not the extreme cases merely, but all the cases?—Well, I could hardly give you the number. Do you include insane or idiots?

23091. Those with congenital deficiency?—It would not be a very large number, I suppose; possibly double, but I could not give it to you with any degree of accuracy.

23092. What is the population of the prison of which you are in medical charge?—572 daily, that is including male and female and some thirteen convicts.

23093. And how many feeble-minded persons would be there on the average?—I have made it this year about twenty. I could not tell you for a lengthened period.

23094. But for one day?—You would find half a dozen.

23095. Then I notice that you dispose of them in three ways at the end of the sentence?—Yes.

23096. Which of them is the most usual?—The usual way is to notify to the relatives and they call and take care of them. Well, then, in case of illness they are transferred over to the workhouse with a letter to the master of the workhouse, and failing that the police are notified.

23097. You only send them to the workhouse in case of illness?—That is all.

23098. So that the regular habit is to merely notify the relatives?—Yes.

23099. Can you give me any percentage of what proportion of this class come back under the same sentence for another offence?—I think there are two or three cases which return frequently.

23100. Is there any possibility of getting these cases taken care of outside the prison at the present time?—Not that I am aware of.

23101. It is a very serious form of insanity?—Yes.

23102. They are lunatics for all practical purposes?—Yes, they are really.

23103. Now you are entitled to certify these people as lunatics?—No.

23104. Why not?—Well, there would be a difficulty. Not in such extreme cases as all that.

23105. What would be the difficulty?—Well they are really not lunatics. You could not specify any particular delusions or anything of that kind.

23106. It is not necessary to specify delusions in the certificates?—Well, it is well to put something in it.

23107. "Lunatic" includes idiots, and idiots do not have delusions. Is not that so in Ireland?—I suppose so, but the habit is to lock up these people and not to send them to an asylum. If I sent them to an asylum they would be kept for a short time and sent away again.

23108. Perhaps the reason that you do not send them is that they would not be kept?—Yes.

23109. Now if you had it in your power to certify these under some permanent form for detention at an asylum you would use that power?—Undoubtedly.

23110. Would that be a very valuable thing to have?—It would; but of course, where the number is so small it does not make much difference.

23111. Quite so; but the few cases that you get would be secured proper attention in that way?—Yes.

23112. (*Mr. Byrne.*) I should like to ask you the same question as I asked the previous witness: What do you think of the utility of the present system of short sentences?—I think they are perfectly useless.

23113. Do you think it is a crying evil?—A very great one indeed.

23114. You have thought of the indeterminate sentence?—Yes.

23115. It is the only direction of reform?—Yes.

23116. Which form of indeterminate sentence do you prefer—a sentence up to two years or three years, or one simply indeterminate?—I should not be inclined to think that an indeterminate sentence ought to be passed. The way I should like it would be a sentence for a lengthened period.

23117. Subject to probationary licence?—Subject to probationary licence.

23118. And would that, in your opinion, involve the establishment of a new type of institution or merely a modification of the present system?—I should think it would be possible to have it in connection with the present system.

23119. Would you have a penal colony?—Yes, I would have some arrangement of that kind.

23120. And you would not call it by the name of a prison?—Not by the name of a prison.

23121. And that would satisfy public opinion?—Yes.

23122. I wish to ask you a question with respect to the steps you take as an experienced official of a convict prison ?—Yes.

23123. In England, when a feeble-minded person is discharged from prison, in addition to the other steps taken, notice is also sent to the police with a view to supervision and with direct instructions that, if that person gets into trouble again, the magistrate before whom he is brought shall be provided with a copy of the prison medical service letter so that he shall know that the man is feeble-minded and not perfectly responsible or fit for prison discipline. Do they do that in Ireland ?—No, I do not know.

23124. Do you know that it is done privately or whether the police bring such matters before the Court ?—I do not think as a matter of fact that they are brought before the Court.

23125. If a man who has been known to be feeble-minded assaults the police he is just brought up as a criminal and tried in the ordinary way ?—In the ordinary way.

23126. Would you think it a good thing to have that system that I have mentioned introduced into Ireland ?—I should think it a good thing.

23127. What would the magistrates and judges do in Ireland if they had that before them, do you think ?—I should not be prepared to say.

23128. Would you be surprised to hear that in England they go on sentencing just the same ?—Very probably.

23129. Remember the procedure under Section I of the Inebriates Act, that a person is charged with an indictable offence practically in the same way as with drunkenness, and if an habitual drunkard he may be so charged; would you be in favour of a similar procedure being applied to a feeble-minded person not confined as a lunatic ?—I do not quite understand you.

23130. It is unsatisfactory that a feeble-minded person who has been in prison and who commits a breach of the criminal law should be brought before a Criminal Court which Court has no power to send him to prison again for anything but that breach of the criminal law. Would you allow the Court to have power to pronounce an indefinite sentence within limits ?—Undoubtedly.

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23131. And the further question I asked was how you would bring it about that the Court should always have this matter before it. Would you allow such persons to be charged in the same way as inebriates ?—Yes, as showing that they are of weak mind, and that the crime was the outcome of the weak mind.

23132. And would you make it the duty of the police to bring these facts before the Court ?—Yes.

23133. (*Mr. Greene.*) Of those prisoners, the sixteen males and four females, that you found to be mentally deficient, did it appear to you, or have you any knowledge whether they were congenitally deficient, or whether it was due to some deterioration from other causes ?—Well, I could hardly form an opinion on that in these particular cases. They are middle-aged people, and it would be very difficult indeed to form an opinion. In both of the cases that I give here, they have had a fair education, and there is nothing to show that there is any congenital defect, and I should be inclined to think that it is more due to the lives led by them.

23134. But I suppose the extent of their mind was not such that it would be taken cognisance of by the Court that sent them to prison ?—No, I should not think it was considered by the Court at all at the time. The crime was simply dealt with.

23135. I think you were in the room when Dr. Matheson and Dr. Woodhouse gave evidence with respect to their strong opinion that more protection is necessary for women. Do you agree with that ?—Quite.

23136. Might I ask whether you think that that opinion would be generally shared ?—Oh, a general opinion I should think.

23137. (*Chairman.*) Is there anything that you would like to add ?—I do not think so.

23138. We are very much obliged to you.

JOHN FAGAN, Esq, F.R.C.S., Inspector of Reformatory and Industrial Schools, called; and Examined.

23139. (*Chairman.*) You have been inspector of industrial schools since 1897. Would you be so kind as to tell us whether you had connection with this work before that ?—No.

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23140. Or any official position ?—No.

23141. You have been so kind as to give us a statement of your evidence. Might we put it on the notes ?—Yes.

There are five reformatory and sixty-eight industrial schools in Ireland.

REFORMATORIES.

The first reformatory school established in Ireland was certified in 1858.

The principal Act governing reformatory schools in Ireland is the Irish Reformatory Schools Act, 1868. Under the provisions of this Act any person apparently under sixteen years of age convicted of any offence punishable with penal servitude or imprisonment may be sent to a reformatory. The provisions of this Act have been modified by the Reformatory Schools Act, 1893, the Reformatory Schools Act, 1899, and the Youthful Offenders Act, 1901. Under existing legislation the period of detention in a reformatory school must be not less than three, and not more than five years, and in no case must an offender be detained beyond the age of nineteen years. A child under the age of twelve years not previously convicted may not be committed to a reformatory school.

There were 559 inmates—520 boys and 39 girls—in reformatory schools at the end of the year 1905. In that year 164 boys and 7 girls were admitted into reformatory schools.

The government capitation grant for juveniles in reformatory schools is 6s. per week. Local authorities contribute at rates varying from 1s. 6d. to 3s. 6d. per head per week.

INDUSTRIAL SCHOOLS.

The first industrial schools established in Ireland were opened in 1869.

The principal Act governing industrial schools in this country is the Industrial Schools Act (Ireland), 1868. The provisions of this Act have been extended by subsequent enactments. The Acts at present in force provide for the admission into industrial schools of two classes of children:—

(1) Children under the age of twelve years charged with an offence punishable by imprisonment or a less punishment, who either have not been convicted of felony or, having been convicted of felony, were discharged or punished with whipping only.

(2) Children under the age of fourteen years coming within some one of the following descriptions:—

Found begging or receiving alms, whether actually or under the pretext of selling or offering for sale anything; or

Being in any street or public place for the purpose of begging or receiving alms, whether actually or under the pretext of selling or offering for sale anything; or

Found wandering, and not having any home; or

Found wandering, and not having any settled place of abode; or

Found wandering, and not having any proper guardianship; or

Found wandering, and not having any visible means of subsistence; or

Found destitute, and being an orphan; or

Found destitute, and having a surviving parent who is undergoing penal servitude or imprisonment; or

Frequenting the company of reputed thieves; or

Lodging, living, or residing with common or reputed prostitutes; or

Lodging, living, or residing in a house resided in or frequented by prostitutes for the purpose of prostitution; or

Frequenting the company of prostitutes; or

Being under the sole charge of a mother convicted for the second time of crime, and having no visible means of support or being without proper guardianship; or

Having offended a second time or subsequently after a previous conviction of a contravention of any bye-laws as to street trade made under the Employment of Children Act, 1903.

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Since the passing of the Youthful Offenders Act, 1901, managers of industrial schools have power to exercise supervision over those discharged from their schools until they attain the age of eighteen years.

Excluding voluntary cases, there were 7,951 inmates—3,670 boys and 4,281 girls—in industrial schools at the end of 1905. In that year 1,294 children, of whom 652 were boys and 642 girls, were admitted into industrial schools. The Government capitation grant for children in industrial schools is 5s. per week. A capitation grant of from 1s. to 2s. 6d. per week is made by the local authorities.

Committals to industrial schools, with very few exceptions, are made at Petty Sessions Courts and at the police courts of the Dublin Metropolitan Police district. Any person may bring before a court an application for the committal of a child to an industrial school. Managers of schools may at their own discretion refuse to admit children committed to their schools. They may also apply for the discharge of children, who, after admission, are found to be unfit for industrial training, owing to mental or physical defects. When an application for the discharge of a child comes before me, I inquire into the case, and having fully considered it in all its bearings, I either recommend the Chief Secretary to discharge the child, or postpone taking any action until I have an interview with the manager. In not a few cases, where the latter course was adopted, I advised further detention, and in some cases this was attended with good results for the children. From returns prepared by managers of schools, it appears that at present the number of weak-minded inmates in reformatory schools is four, and the number in industrial schools sixty-six.

It is not to be wondered at that the number of such cases in industrial schools is so small. Those who are active in bringing children before magistrates for the purpose of having them committed to industrial schools know that managers will not receive defectives, and the magistrates, who are also aware of this fact, do not as a rule commit cases of this kind. Furthermore, should a defective be committed, on the medical attendant of the school certifying that the child is unfit for industrial training, the managers may refuse to receive the child without assigning any reason therefor.

The presence of weak-minded children in the schools, provided that their numbers are limited, and that their mental defects are not of too pronounced a type, is mutually beneficial. The dull and weak are stimulated by coming in contact with brighter and more alert children, and are benefited by being in daily touch with an active, well regulated life.

I have sanctioned the removal to a reformatory of a few morally defective children. A few have been sent to lunatic asylums.

The question that gives the greatest concern to managers of schools is how to dispose of the weak-minded, when they arrive at the age at which they must be discharged from school. I have been consulted on this matter on occasions. If a child is an imbecile, there is no alternative but to send him to the workhouse. In the other cases the managers do their best to get the children into Homes where they believe their weakness will be understood, and special care will be bestowed upon them. The religious communities occasionally keep the mentally affected in their institutions, after their term of detention has expired, or send them to some other convent. It would be a great boon if there were some suitable institution to which these children might be sent when discharged from school.

A number of dull and some weak-minded children have passed through the industrial schools of this country who greatly benefited by the training they received in the schools. It is evident that children of this class, if left in their unhealthy surroundings, ill-treated and neglected, would eventually join the ranks of the feeble-minded, and become a burden on society. The training of those of them admitted into industrial schools rescues them from such a fate, and enables them to earn their own livelihood.

It occurs to me, having experience of the careful and successful way in which managers of reformatory and industrial schools deal generally with children, that some of these institutions might be made available as Homes for the feeble-minded, with separate accommodation for children and adults. This holds good more especially in the case of girls. There are three girls' schools under my supervision, which are admirably adapted for the training of this class. One of these institutions is in Limerick, where one community has under its charge an industrial school, a reformatory school, and a penitentiary. The second is at High Park, near Dublin, where a reformatory school and a penitentiary are under the management of one community. The third is in Cork. In this case an industrial school and penitentiary are under the management of one community.

23142. (*Mr. Byrne.*) I should like to ask you a question as to the utility of the industrial and reformatory schools system with respect to the feeble-minded. I see they are fairly rigidly excluded from the schools at present?—Yes.

23143. Is that because the admission body asks a question as a rule as to whether they are feeble-minded and the answer is "Yes"?—No, the reason is that managers are supposed not to receive those that are defective either mentally or physically as they are unfit for industrial training.

23144. And the police and magistrates know that?—Yes.

23145. Are there many rejected from the schools because of unfitness for industrial training or mental weakness?—Not many, because few are admitted. There is less than one per cent. of feeble-minded in the schools.

23146. Presumably a large number are brought up at the Courts who but for that restriction would be sentenced?—No; it is pretty well known that they will not be received, and those persons who are instrumental in bringing the cases forward pass over cases of the kind.

23147. What becomes of them, say, in Dublin; say there is a girl of school age who will not attend school and who runs about the streets and falls into precocious immorality as well as precocious crime, what becomes of her, since if she is sexually immoral to the extent of being an immoral imbecile, they would not allow her into the school; would the police allow her to run about the streets?—She might be committed to a reformatory or industrial school provided she came within the scope of the provisions of the reformatory or industrial schools Acts.

23148. And precocious vice, sexual vice even, is not a disqualification for industrial schools in Ireland?—It is not a disqualification.

23149. It is not a disqualification?—It is not a disqualification for reformatory or industrial schools, but to be committed they must possess the qualifications required by the Reformatory or Industrial Schools Acts. They can only be committed on the grounds prescribed by these Acts. If you wish I can let you have particulars of a very interesting case which I followed up. Perhaps it might not be well to mention the names.

23150. (*Chairman.*) Put initials if you like?—This is a case of a girl from F., who was committed on the 17th of January, 1898, to a reformatory school for the larceny of a halfpenny. It was simply that she was induced more or less to commit this larceny, it was condoned as it were, and she was charged on the ground of larceny and committed for four years to the reformatory. And this is the report that the district inspector of the constabulary got of her case:—

> "I have to report that the family circumstances in this case are good, the surroundings respectable, but owing to the disposition of B.O., I consider it would be a standing danger to the youth of F. if she were at large. The girl is afflicted with a form of nymphomania, and quite recently a man received eighteen months and a boy four months for having connection with her. Undoubtedly several other similar cases by the town lads took place, but those two were the only ones we were enabled to bring forward. Corroboration of my statement can be obtained from doctors and ——of F."

Well, that girl was discharged on the 16th of January, 1902. I wrote to the manager for the history of the girl, and this is the reply I got:

> "I am happy to send you the attached letter from the solicitor who was instrumental in getting the girl committed."
>
> "In reply to your inquiry I am pleased to be able to report that B.O. is giving satisfaction since she returned from your institution. From a moral point of view she is entirely changed in her propen-

sity to do wrong, and has caused no trouble. Prior to her committal she was a positive danger to the youth of the town, and had gone beyond the control of her parents. This is all changed. She now assists her mother in household work. She passes my office on the way to the creamery at this end of the town and in that way comes under my personal observation. I have also made inquiries from the residents in the immediate neighbourhood as well as from the Constable G., who has known her for the last dozen years, and all speak highly of the great change in the girl. Her mind is a little weak, inclined to be simple, and were it not for this infirmity the girl would be in service

The constable says :—

"I beg to say that B.O. is residing with her parents in Prince's Street, F., since her discharge in 1902, and is going on well, but appears not to be quite right in her mind, and in consequence is unable to fill any situation."

23151. (*Mr. Byrne.*) How old was that girl when she went to the reformatory ?—Fourteen and some months.

23152. That is an illustration of the use of the reformatory school system ?—Quite so. You see that that child could not have been committed to the reformatory on the ground of her misconduct.

23153. And you had to make a bogus crime ?—I presume so.

23154. From the number of feeble-minded persons who are living in their homes in Ireland it is clear that there must be a good many of that sort in existence ?—Yes.

23155. Are there a good many in the schools ?—Of simple-minded children ?

23156. Yes, who are bound to go wrong sexually unless under supervision ?—There are some, not very many. You will see by the returns I propose to lay before you that the number of feeble-minded children of every description in the schools is not large. After getting your notice I sent out this circular directed to the manager of each industrial school :

Office of Inspector of Reformatory and Industrial Schools,
Dublin Castle.

MANAGER,

Industrial School.

Please state in the margin :—

(i.) The number of children at present in the school whom you consider mentally deficient or feeble-minded.

(ii.) The number of such cases which were discharged from the school during the last ten years.

(iii.) State generally how such children have been disposed of, and, as far as you can, state how they have turned out in after life.

(iv.) Also state whether you consider such children have benefited by the training they received.

(v.) Give any views you have as to the treatment and disposal of such children

I will read one of the replies I got in answer to the circular. It is from the manager of a male school in which there are 411 boys. The number of feeble-minded children in the school is two and the number discharged during the past ten years one. The manager says : "He returned to his mother and is at present employed in a mill and doing fairly well. Period of detention for boy discharged too short to enable him to receive any benefit from training. The two boys at present in school are much brighter and more intelligent than they were when admitted. I think that mixing with other children who are free from mental defects has a decided advantage for children who are only mentally deficient, as it tends to sharpen their intellect. Feeble-minded children who are practically idiots require much more personal supervision than would be possible in a large school. I believe Cottage Homes would be the most beneficial for them, and that they should be in a country district." I can let you have the statements by the managers of all the schools and reformatories in answer to these questions. They are very interesting.

23157. (*Mr. Byrne.*) That would be very valuable.

23158. (*The Chairman.*) We are very much obliged.*

23159. (*Mr. Byrne.*) What is your personal opinion as to the effect on the discipline and general march of the school of the presence of a few feeble-minded children ?—I think a few feeble-minded children are a benefit for both, both for the others and for themselves ; for the others it generates a kindly disposition towards children afflicted as they are, and I have noticed it in the schools, and it is also the opinion of all the managers ; and the children themselves benefit very much by coming in contact with other sharper and smarter children.

23160. That is opposed to the opinion prevalent in a great many schools in England where they get that bribe of 8s. a week. And do you think that the Treasury are acting wisely in England in paying them ?—Well, I should say that a certain percentage is beneficial, but you must not have too many of that class. The presence of one or two in a school, I believe, not alone does no harm, but it does good to both. I am perfectly satisfied on that point.

23161. Is it a financial matter in Ireland at all—are the reformatory schools and the industrial schools ranked in the line of schools that require to work hard to make their way ?—No ; I think they are fairly well paid here. The grants from the Government and the local bodies meet all their requirements.

23162. Have you come to the conclusion that there are many people in Ireland who are so lacking in self-control, in working power, and in general business aptitude that they are bound to come to grief and be a burden on the community ?—Yes, I have. I obtained from the manager of a reformatory school, under whose management is also a penitentiary for the unfortunate class of women, her views on the subject of dealing with this class. She quite approves that the class in question should be kept under restraint for an indeterminate period. In answer to my question whether she would be prepared to take the care of children when they came up to the age of sixteen years, when they were bound to be discharged from the school, she said she would be willing on reasonable terms to provide for and look after a certain number who were not lunatics, epileptics, or idiots, and who only required careful supervision.

23163. And do you share that opinion yourself ?—I do.

23164. You go so far as to think that the extension of the industrial and reformatory school system would be at least one very good way of dealing with this difficulty ?—Yes, for a certain class of the feeble-minded that would not require much restraint.

23165. Do you think it is the best way ?—Well, in this country I should say so. In connection with these schools they could utilise the existing accommodation or erect cottages or such additional buildings as would be considered suitable, provided they were given the power of supervising the cases entrusted to their charge for an indeterminate period. Should any of the cases under their care pass into the category of lunatics, epileptics, idiots or objectionable imbeciles there should be provision to transfer them to an Institution provided for the treatment of such cases. The services of those remaining could be utilised and their lives made happy in the institution while those of them who improve by the treatment and training may be allowed out on licence to the care of respectable trustworthy people. In this way the cost of maintenance would be lessened.

* *Vide* p. 143 *infra.*

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23166. Would it, in your opinion, be economical?—I should think so.

23167. At least as economical as any other system?—I think so, and certainly more efficient.

23168. It would meet any popular objection as regards the liberty of the subject. I suppose you would have them committed?—Yes.

23169. And inspected?—Yes, closely inspected.

23170. You would have their lives regulated, so to speak, and you would have a committee and visitors and so on?—I think inspection by a responsible official sufficient.

23171. And all these things would immediately follow from its being grafted on to the reformatory school?—Yes, to such reformatory and industrial schools as were willing to receive them.

23172. And that is the ground on which you recommend it?—Yes.

23173. Would you admit to this old reformatory school, if I may so call it, both those who have been in the reformatory school, and suitable children who have never been in that school, but are picked up by the school?—Yes, to those schools which could provide suitable accommodation and the managers of which were willing to receive them

23174. Do you think it would be either necessary or desirable to have one State reformatory of that sort?—Not for the feeble-minded, but I think there should be one for idiots, imbeciles, and epileptics, into which all such cases could be drafted. The feeble-minded could be dealt with in those reformatory institutions in connection with existing schools to which I have alluded.

23175. You would have some very unpleasant people in those schools, would you not?—Possibly.

23176. Those who were rapidly degenerating and who would probably get into a condition in which they would interfere with the school and the school would ask you to take them away?—Yes, in such cases I should recommend them to be transferred to the special institution referred to.

23177. And you might have moral enormities with which the school could hardly cope?—Yes, very marked cases of this kind should also be transferred.

23178. Some things with which the managers of an ordinary school would feel themselves incapable of coping?—Yes, such cases should be transferred to this institution already mentioned or to the Poor Law Unions where special accommodation should be provided for this class. At the present time it occasionally happens that children of this class are sent from industrial schools to reformatories and sometimes to the Poor Law Unions.

23179. Of course, in the absence of such a place as that, a number are taken in the poor-houses, are they not?—Yes.

23180. Do you think as a temporary measure that the poor-houses, should have power to detain them?—I think so.

23181. And would it be your idea that if those permanent institutions were established they should aim at preparing men and women?—Yes, they should train those committed to them. After a course of training they might, if considered safe, return to their parents or be sent out to work with reliable trustworthy persons,

23182. Would you describe it, then, as a very elastic system?—Yes, a very elastic system.

23183. You think it would work well for that reason?—Yes.

23184. (*Dr. Dunlop.*) There is a word that I have some difficulty in interpreting—"penitentiary." What sort of an institution is that?—It is one for fallen women.

23185. Is it a prison?—No.

23186. It is a house of refuge?—Yes, a house of refuge.

23187. Because penitentiary generally means a prison? Here it is used in the sense I have mentioned.

23188. Your advice is this, that your congenitally defective should be divided into two classes?—Yes.

23189. The feeble-minded in reformatory schools and the imbeciles in asylums?—Yes, imbeciles meaning those bordering on idiocy.

23190. Two different classes of people?—Yes.

23191. One philanthropic and the other State?—Yes but in the case of the philanthropic there should be also State and local aid.

23192. Do you think you are able, or that anyone else is able, to separate the defective into two classes?—When you get to the boundary line I suppose you will have differences of opinion. It is hard to distinguish between them, the shades are so very indistinct.

23193. In fact the two classes are practically indistinguishable?—They merge into one another.

23194. And the amount of overlapping might be enormous?—There might be overlapping.

23195. Do you think it is good policy to divide one class by such artificial means by putting them under two different authorities that might be supported from two different sources?—I think it would be very much to the advantage of the feeble-minded, using the word "feeble-minded" in the ordinary sense as meaning people that we call "not all there."

23196. That is the imbecile?—I associate with the term "imbecile" rather the grave and worst case of the feeble-minded.

23197. Is not that the idiot?—Yes, bordering on idiocy.

23198. But the point I want to put is that there is no distinction between the two classes?—The dividing line must be an arbitrary one.

23199. Do you think it is good policy to make any distinction between them and to put them under entirely different authorities and supported by different money and very probably on different lines?—Yes, more especially for the well marked cases in both classes. I consider it would be a hardship to allow the feeble-minded to associate with the other class consisting of the depraved imbecile, the epileptic, and the idiot. This class is hopeless. In the other class there are possibilities of improvement to the extent that they may be able to earn their own livelihood. For those who are not distinctly feeble-minded it is a hardship to be put in the other class, and a great many of those could be licensed out and the State and the local bodies be relieved of supporting them.

23200. Now you have a fairly wide knowledge of the children of Ireland?—I have about 8,000 children under my observation.

23201. You have heard a witness to-day say that 480 was a fair estimate of the number of feeble-minded and imbecile children in the country generally?—I think there must be some mistake there.

23202. (*Mr. Greene.*) You have presented us with a very interesting narrative of a feeble-minded young woman who had lapsed into immorality, and it is suggested to me to ask you a question which I have asked each of the other witnesses. Do you think it would be advisable to extend the protection given by the Criminal Law Amendment Act to feeble-minded women so as to make it punishable for any person to attempt carnal knowledge of them whether the accused knew or did not know of the feeble-mindedness of the victim?—Yes, I think so.

23203 In the case you have given to us this person was evidently sought after and abused by a great number of people?—Yes.

23204. And there would be no way of stopping that possibility unless there was some extension of the law?—No.

23205. And therefore this unhappy woman would have been saved a great deal of that degradation if the law had been so amended?—Yes.

23206. And would you accept the theory that there should be an absolute prohibition?—Yes.

23207. That any person attempting to have such illicit connection should run his own risk?—Yes.

23208. (*Mr. Byrne.*) Have you anything in your reports of recent years referring to this subject?—No; such cases are very few. In the Convent Industrial Schools many of these cases are taken charge of by the community, some remain until they are up to 30 and 40 years of age, and some are sent to other convents where they are suitably employed.

John Fagan, Esq., F.R.C.S.

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REPLIES TO CIRCULAR SENT BY WITNESS TO MANAGERS OF REFORMATORY AND INDUSTRIAL SCHOOLS.

(Vide Q. 23156.)

MALE INDUSTRIAL SCHOOLS.

	Number of Inmates in School	Number of Feeble-minded Children in School.	Number of Feeble-minded discharged during past 10 years.	Disposal of those discharged during past 10 years.	Remarks on the effect of the training received by Feeble-minded Children.	Views of Managers as to the treatment and disposal of the Feeble-minded.
1	411	2	1	He returned to his mother and is at present employed in a mill and doing fairly well.	Period of detention for boy discharged too short to enable him to receive any benefit from training. The two boys at present in school are much brighter and more intelligent than they were when admitted.	I think that mixing with other children who are free from mental defects has a decided advantage for children who are only mentally deficient as it tends to sharpen their intellect. Feeble-minded children who are practically idiots require much more personal supervision than would be possible in a large school. I believe cottage homes would be the most beneficial for them and that they should be in a country district.
2	161	1	—	—	—	
3	200	2	5	Two to service on farms. Three to friends. Of four I have heard favourable reports as farm servants.	They benefited from the training.	Such children are not likely to succeed at trades, whilst they may become useful as farm servants. I would have them trained to such agricultural operations as would be suited to their mental and physical powers, and on discharge would send them to farmers, or return them to respectable friends in a position to provide them with suitable employment.
4	58	—	2	One was transferred from this school which is for junior boys to a senior boys' school. The second boy was discharged by order of the Chief Secretary and sent back to his father. This boy in addition to being deficient in mental capacity was excessively scrofulous.	One boy, when first admitted, had most vicious tendencies, and if not carefully watched would select the smallest and weakest children as the objects of his cruelty. By much careful training and constant advice he became gradually a kind and amicable companion, but all efforts to teach him to read and write were useless. A second boy who was under the care of the Sister Infirmarian the greater part of his time, benefited a little during his stay in school.	That an Institute be established for such children where they would receive individual attention and the vigilance of proper guardians, which would prevent in a great measure much of the evil caused by their being allowed unrestrained liberty to their evil propensities, which is often the case when such children are discharged to relatives or friends.
5	152	1	1	—	These boys have benefited to a certain extent.	I consider such boys are improved by mixing with boys of strong mind, whilst their presence in a school where boys of healthy intellects are detained interferes with the general efficiency of such schools.
6	206	1	—	—	I consider this class of children totally unfit for Industrial Schools or industrial training.	There should be a separate Institution for the treatment of children mentally deficient or they should be sent to the Poor Law Unions.

MALE INDUSTRIAL SCHOOLS—*cont.*

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	Number of Inmates in School.	Number of Feeble-minded Children in School.	Number of Feeble-minded discharged during past 10 years.	Disposal of those discharged during past 10 years.	Remarks on the effect of the training received by Feeble-minded Children.	Views of Managers as to the treatment and disposal of the Feeble-minded.
7	96	2	1	The boy discharged is in the county workhouse.	This boy certainly was incapable of deriving any benefit from the training of the school, but hi was an extreme case.	It is doubtful whether such children should be committed to Industrial Schools at all. They become eventually the objects of the ridicule and contempt of the school, and when they go out into the world they are subjected to coarse treatment and finally drift to the workhouse or go to swell the ranks of our country beggars. Then there is the danger of marriage and begetting children who exhibit in an intensified form the weakness of the parents. Such boys become industrious farm labourers, and this inclines me to the belief that they should be detained during life in Institutions and employed at garden or farm labour under kindly supervision.
8	804	3	8	Three went to employment. One is in an asylum. One in a Reformatory. One went to friends, and two died.	Three of the eight profited somewhat by the school, five derived only a minimum profit.	Boys who show defectiveness soon after admission should be medically examined, and if seriously affected discharged to their friends or to their respective Unions.
9	152	—	1	Discharged by order of the Chief Secretary after being in school three months. He was sent to the workhouse.	—	—
10	136	—	2	The two discharged are brothers and are in the Stewart Institution, Chapelizod, where they are doing well	They benefited.	I consider such cases should be under special supervision while in school, and, where possible, as soon as the opportunity permits, they should be transferred to an Institution similar to the Stewart Institution, Chapelizod.
11	156	1	—	—	The boy at present in school has derived very little benefit.	They are unfit for industrial training. They should be in some Home or hospital.
12	102	2	—	—	—	I intend to apply later on for the discharge of the two boys at present in school.
13	179	—	1	Returned to his mother.	It was found that the boy after eight months in school was incapable of being trained.	

MALE INDUSTRIAL SCHOOLS—*cont.*

	Number of Inmates in School.	Number of Feeble-minded Children in school.	Number of Feeble-minded discharged during past 10 years.	Disposal of those discharged during past 10 years.	Remarks on the effect of the training received by Feeble-minded Children.	Views of Managers as to the treatment and disposal of the Feeble-minded.
14	171	—	—	—	—	The ordinary Industrial School is not, in my opinion, a suitable place for such children. I would suggest that they be placed in a separate institution in which their training would receive exclusive attention and special treatment.
15	115	—	2	Sent to the workhouse.	These two boys were not capable of being trained.	—
16	147	2	1	Placed with a farmer and has given satisfaction to his master by making himself generally useful.	I consider they derive benefit from their training, but not sufficient to justify expense and trouble entailed.	Nobody will employ feeble-minded boys but farmers, and they only to use them as creamery messengers.
17	54	1	—	—	—	Individual interest should be taken in such children. They improve and develop under kind treatment. If they could be licensed to a trustworthy person it would be more to their advantage than to be placed in an Institution.

FEMALE INDUSTRIAL SCHOOLS.

	Number of Inmates in School.	Number of Feeble-minded Children in School.	Number of Feeble-minded discharged during past 10 years.	Disposal of those discharged during past ten years.	Remarks on the effect of the training received by Feeble-minded Children.	Views of Managers as to the treatment and disposal of the Feeble-minded.
1	166	4	6	One returned to friends. The remainder were sent to service. Those in service are continually changing situations and are occasionally in the Union.	Undoubtedly they have been improved by the training, though incapable of benefiting as much as others.	A Home in Ireland, such as Dr. Banardo has in England, for feeble-minded girls, would be a boon to this country. There they might be taught some one kind of work which they could do, and be under protection, which they badly need all the time. One of the cases at present in the Home is quite incapable of being sent to service, and in the absence of any other place we shall have to send her to the Union when her term expires.
2	93	.	1	Retained in school till a suitable place offered. Since then she has developed symptoms of epilepsy.	Incapable of literary work of any kind, but was capable of being taught domestic work.	I consider that feeble-minded children benefit much by being trained to domestic work in industrial schools.
3	125	2	5	Two are assisting in the school laundry. Two went to Good Shepherd Home. One unaccounted for.	The training they received made them fairly competent in laundry work and thereby enabled them to earn a livelihood	It would be well to have them taught one branch of domestic economy—whatever they have aptitude for, and then to send them to a Home or Institution where they would be employed according to their capabilities.
4	122	—	2	One in Larne Workhouse where she is employed washing. One is supported by the Committee of the school in a comfortable Home in the country. She can help with light work.		
5	54	1	5	Sent to domestic service in country places to people we knew would be kind to them. One is dead. Three are doing well and one unknown.	Such children have benefited by the training, especially the industrial training.	These children, I think, should be treated very kindly, and made to cultivate a love of work. We find they do better in country places than in large towns.
6	120	1	1	Sent to Auxiliary Asylum, Youghal. Last report from Asylum stated the child was improving.	The manager considers the school training very beneficial for these children except in the case of real idiots.	The manager thinks if these children were placed in a school where they could receive special training, they might so far improve as to be able to help a little towards their own support. For real idiots the manager would recommend their being sent to an asylum for such cases.

FEMALE INDUSTRIAL SCHOOLS—*cont.*

	Number of Inmates in Schools.	Number of Feeble-minded Children in Schools.	Number of Feeble-minded discharged during past 10 years.	Disposal of those discharged during past 10 years.	Remarks on the effect of the training received by Feeble-minded Children.	Views of Managers as to the treatment and disposal of the Feeble-minded.
7	118	2	3	One returned to friends and is doing fairly well. One is employed in the Convent as kitchen maid. She has not been very satisfactory. The third girl, who returned to friends, is now in a lunatic asylum.	We think that these children have benefited by the training they received.	Some of these children, as they advance in years, develop a taste for manual work. So we consider it would be useful to cultivate this taste by devoting most of their training to work for which they show an aptitude.
8	176	—	2	Discharged by order of the Chief Secretary to the Union Hospital.	These children have not benefited by their time in the school.	I consider such children should be treated in Institutions specially organised for them.
9	85	—	1	Was engaged in the Convent for some time, and was then sent to a respectable person to assist in household work. She is paid a small salary and is doing well.	She benefited by the training she received.	When kindly treated and not overworked they can be made useful. They should be given only to a reliable person in the neighbourhood of the school.
10	149	1	7	Four sent to service—three doing well. One does not keep her situation. Three returned to friends.	These children have certainly been benefited by school training.	Though dull and deficient in intelligence, I consider it most desirable that such cases should receive what training and instruction they are capable of, and get such a start in life as may enable them to earn an honest living.
11	70	6	2	Sent to take humble situations and earn a decent livelihood.	Had these children not been trained under discipline they would certainly have been vicious and useless.	Strict discipline, tidiness, punctuality, kindly, firmly, and perseveringly enforced have wonderful effects in these cases. A safe home with humble people can be nearly always procured.
12	142	9	23	Twelve went to situations. Eleven returned to friends. Nine have turned out fairly well.	The average have benefited in a slight degree.	That such children should be given a separate and special system of training chiefly through (1) Object Lessons, (2) Oral Instruction, (3) Physical Drill. If this cannot be given, these children should be returned to their Unions as I consider that they harm those children with whom they associate by lowering their mental standard.
13	80	3	4	Three returned to friends. One went to a situation, which she still holds.	Such children are benefited by the training, as they learn how to do manual work.	These children should be treated kindly but firmly and should only be given to good trustworthy people.

FEMALE INDUSTRIAL SCHOOLS—*cont.*

	Number of Inmates in School.	Number of Feeble-minded Children in School.	Number of Feeble-minded discharged during past 10 years.	Disposal of those discharged during past 10 years.	Remarks on the effect of the training received by Feeble-minded Children.	Views of Managers as to the treatment and disposal of the Feeble-minded.
14	53	1	—	—	The child at present in school is incapable of being taught.	The manager thinks it would be a good thing if there were special Institutions for such children.
15	53	—	—	—	—	Our experience among the poor is that there are girls very weak in intellect who are capable of being trained to rough house work and laundry work, etc., and of thus becoming able to earn an honest living for themselves and escape an idle life in a workhouse ward or perhaps worse.
16	34	—	1	Returned to friends.	I consider such children much improved by the training they receive	—
17	81	—	1	Living with her mother, doing well.	The training is beneficial.	—
18	74	—	1	Discharged by Order of Chief Secretary, was committed to a Lunatic Asylum. She is now with her mother.	They do not benefit by the training.	I think such children ought not to be committed for industrial training at all.
19	103	1	3	One was sent to imbecile ward in workhouse. Two went to service but had to be sent to Homes for safety as they were incapable of minding themselves.	They benefit, for all are found useful for manual work in their respective places—in washing, scrubbing, etc.	That there should be some institution to receive such children as they are incapable of receiving industrial training, which would enable them to earn a livelihood outside.
20	77	1	2	One died in hospital, one, a very bad case, is doing well helping in kitchen and laundry of a convent.	—	If a school were set apart for girls not fit to leave at sixteen years of age it would be a blessing. Besides those of weak intellect there are girls whose levity of character renders them unfit for service at that age; a few additional years of careful supervision and plenty of employment would make them excellent servants.
21	111	2	5	They are all employed and doing very well earning fair wages.	Without the training they received they could not do what they are now doing, earning their living.	Our experience of such cases makes us think that such children do best and are happiest among senior children who are steady, gentle, and well mannered; they look up to these, try to imitate them, and in time acquire cleanly and regular habits, while they resent the society of those afflicted like themselves and in it become quarrelsome, vicious, and unmanageable.

FEMALE INDUSTRIAL SCHOOLS—*cont.*

	Number of Inmates in School.	Number of Feeble-minded Children in School.	Number of Feeble-minded discharged during past 10 years.	Disposal of those discharged during past 10 years.	Remarks on the effect of the training received by Feeble-minded Children.	Views of Managers as to the treatment and disposal of the Feeble-minded.
22	142	—	1	Sent to imbecile ward of workhouse.	The child was incapable of being trained.	
23	127	1	3	They became charwomen and have gone on well.	Did not benefit in a literary line; often very good at manual work.	
24	77	—	1	The girl is living with her friends and able for nothing.	Did not benefit by the training she received.	They should never be admitted, or if admitted in ignorance of their state should be discharged as soon as possible.
25	95	1	—	—	—	Hetretofore we had had no experience of such cases; the only case we have will be discharged next June. We purpose sending her to one of our branch houses.
26	119	—	—	—	—	As a general rule we decline to receive such cases. After a fair time, should we find any child who was admitted to this school either mentally or physically unfit for a large public school or industrial training, we should apply for her discharge and get her discharged accordingly on the doctor's certificate. There are a few of such cases still in the Union hospital to which they belong.
27	52	—	1	Returned to friends.	She benefited. She learned to knit and sew and could read a little after some years.	
28	115	—	—	—	—	Would it not be well to train such children to do light farm work, care for poultry, etc., and where possible employ them at such work after their sixteenth birthday?
2	60	1	—	—	—	I am of opinion that feeble-minded children, like the girl at present in school, are unfit for industrial training.
30	75	2	2	Sent to domestic service. One was going on well until she died. The other came back to school and is engaged between the bakery and laundry at small wages.	Decidedly they have benefited.	A kind patient leading through the different stages of training has proved most effectual, and not requiring more than the girls are capable of in each case.
31	172	6	32	They have got situations suitable to their capacity and have all turned out well.	I consider such children have benefited very much by the training they have received, as it has developed the little intellect they had.	We try to give more care to the industrial training of this class of children and to get them places suitable for them.

John Fagan, Esq., F.R.C.S.

5 May 1906.

FEMALE INDUSTRIAL SCHOOLS—*cont.*

	No. of Inmates in School.	Number of Feeble-minded Children in School.	Number of Feeble-minded discharged during past 10 years.	Disposal of those discharged during past 10 years.	Remarks on the effect of the training received by Feeble-minded Children.	Views of Managers as to the treatment and disposal of the Feeble-minded.
32	60	1	2	One returned to friends. One who was sent to a situation was brought back to Convent, being so refractory.	To a certain degree they are benefited by training.	Our views are that those children would benefit more if there was a system of training (apart) suitable to their capacities.
33	66	1	1	She returned to her mother who finds her very useful. She learned to sew and knit and do housework while in school.	I consider that such children have benefited very much from the training they received.	Many young children who have suffered from cruelty and want become feeble-minded, but when kindly treated and when they get good food and air they improve both mentally and physically. This is my experience. If they are placed in a situation with kind mistresses they get on very well.
34	118	1	—	—	—	If such children are friendless and homeless and not admitted to an Industrial School, the workhouse must inevitably be their doom.
35	62	—	2	One subject to epileptic fits was placed in the "Meath Home of Comfort." One placed in the Stewart Institute, Chapelizod. She is subject to epileptic fits and is an imbecile.	—	—

MALE REFORMATORY SCHOOLS.

	No. of Inmates in School	Number of Feeble-minded Children in School.	Number of Feeble-minded discharged during past 10 years.	Disposal of those discharged during past 10 years.	Remarks on the effect of the training received by Feeble-minded Children.	Views of Managers as to the treatment and disposal of the Feeble-minded.
1	233	—	—	—	—	For this class of boys I consider a term in school is the only salvation.
2	166	3	2	Both returned to friends and turned out badly.	The two discharged while under detention benefited morally and physically. After discharge they had not the strength of character necessary to resist temptation.	I doubt very much whether a Reformatory or Industrial School is a suitable place for such cases. There should be a school or institution for children mentally or physically defective, where the special circumstances of these cases could be dealt with by curative treatment and appropriate training.

FEMALE REFORMATORY SCHOOLS.

	No. of Inmates in School	Number of Feeble-minded Children in School.	Number of Feeble-minded discharged during past 10 years.	Disposal of those discharged during past 10 years.	Remarks on the effect of the training received by Feeble-minded Children.	Views of Managers as to the treatment and disposal of the Feeble-minded.
1	17	—	1	Sent from Reformatory to prison for refractory conduct. From the prison she was sent to lunatic asylum. After her discharge from the asylum she returned to her friends and got employment in a sack manufactory. The last account we have of her is that she is in the Union.	We do consider that children benefit by industrial training, no matter what their capacity may be. The girl discharged while in the asylum was useful in the laundry.	We believe that such cases eventually drift into institutions, where they are safe, as they are mentally in the borderland of insanity and incapable of managing for themselves.
2	22	1	3	Returned to friends One is doing well. One being epileptic is unfit for constant employment. The third who periodically got mentally deranged was reconvicted for vagrancy.	I consider they benefited by their training in school.	

J. W. GARDNER, Esq., Lunacy Office, called; and Examined.

J. W. Gardner, Esq., 5 May 1906.

23209. (*Chairman.*) Mr. Gardner, you are the consulting architect of the Lunacy Office, are you not, and all the plans that come before the Lunacy Commission have to be passed by you?—That is so.

23210. Perhaps you could give us some idea of the comparative cost of the buildings in Ireland as compared with England. Can you do so?—Well, I can give you the prices paid to all the different tradesmen in the town and in the country. You see when a man takes a contract in Ireland he has to pay what is called country money, and in town a bricklayer gets 8½d., perhaps, and if he goes to the country he gets 9½d. or 10½d. A plumber gets 8½d. in town and 10½d. in the country. The hodman, the scaffolder, gets 5d. here.

23211. And that would be the same thing in England?—Well, no; 6d. is the common price of labour in England. The other rates run about nearly the same as England. A slater gets 9d. in town and 11d. in the country; a painter 7½d. in the town and 9½d. in the country; a plasterer gets 8½d. in the town and 10½d. in the country. The cost of bricks is much greater here; bricks cost here 42s. a thousand, that is ordinary common stock bricks.

23212. How does that compare with England?—Much dearer than England.

23213. (*Mr. Chadwyck-Healey.*) They are clean brick?—Oh, clean brick.

23214. Best brick?—Only common stocks. You buy them in England for about 25s. to 28s. Slates here cost about £15 a thousand, and that is the cheapest. They run from £16 to £20 and that is the average price per thousand.

23215. Before leaving the cost of bricks, you said in Dublin the cost was 42s. Is it better or cheaper?—You see there are very few brick works here. The principal part of the bricks area is at Belfast, and bricks are cheaper there, but if you want to go to the South you have to bring the bricks from Durrow or Athy or some place like that. There are only bricks in certain centres—Dublin, Athy, Durrow, Youghal and Belfast, so that any bricks that you use—

See Q. 23271. 23216. You were going to show us some plans?—These are the Purdysburn villas that I understand you went to see (*showing plans*).

See Q. 23271. 23217. Is the other one which is going to be built at Antrim of the same character?—No, it is different. This one which is proposed at Antrim is going to cost £73 per bed (*showing plans*).

23218. (*Chairman.*) That is for the house alone?—And furniture.

23219. Does that include lighting?—Yes

23220. And draining?—Drainage.

See Q. 23271. 23221. And any administrative block?—No administrative block at all. It is an addition to the existing asylum at Antrim. Then I also have the plans here (*showing plans*), if you want to see them, for Downpatrick, which is supposed to be one of the cheapest places that have been built. You went to see Downpatrick.

23222. Might we have any of these plans?—Well, you see these all happen to be the ones that have been approved by His Excellency. I can let you have tracings of them, but I could not let you have these, for these have all been approved by His Excellency, and we have to keep these on account of the loan.

23223-4. But we should be glad to have them copied?—You will also have to ask whether Graeme-Watt and Fulloch, the architects, of Belfast, would allow them.

23225. Would you ask their permission for us?—I will ask them, of course, to give me permission to send you copies of the Downpatrick plans, and I have also to ask Basil Wilson to allow me to give you a copy of the Antrim plans. (*See* Q. 23271.)

23226. (*Mr. Chadwyck-Healey.*) Now Purdysburn, Block B, what did it cost per bed?—£100.

23227. Now that did not include the land?—Oh no, the land was bought years ago.

23228. Did it include the fittings, did it include the furniture?—Yes, not all the furniture, only what was fixed.

23229. (*Chairman.*) The permanent furniture, not chairs or beds?—No, I do not think it included any furniture. The cost, including equipment and permanent furniture, is £1,046 3s., just at the rate of £100 a bed.

23230. (*Mr. Chadwyck-Healey.*) Now by permanent furniture you mean something of what we should call in England fixtures?—Yes, more or less, such as presses.

23231. Quite so; it includes kitchen apparatus?—Apparently. Yes, there is a range in the kitchen, and it also included hot water supply and plumbing and drainage.

23232. All the drainage?—Yes.

23233. Down to the main drain?—Up to the outfall.

23234. It included more than connecting the house drain with the main drain?—No, I do not think it did. Purdysburn was only done in patches, and this was connected with the main drain. If you will allow me to see the plan I will tell you in a moment. I would say it only included a certain amount of drainage, just a small run-out and that is all, just a little beyond the house.

23235. Did it include the telephone?—Oh yes, it included everything; the building was finished complete.

23236. It did not include any lighting, did it?—I do not know what sort of lighting they have at Purdysburn.

23237. I think I can tell you. It is wired for electric lighting, but it is not on?—It included everything up to occupation.

23238. Did it include the wiring for the electric light?—I should say up to this, but they have no electric light there.

23239. But the house is wired?—Yes, but that was included in the contract.

23240. What do you say as to the comparative cost; if a house like that were built in England how would the cost compare, do you think?—It ought to be done for less.

23241. Less in England?—That particular contract was taken exceptionally cheap.

23242. And yet you say it could be done cheaper in England?—Yes, because you can get far more work out of an English workman than out of an Irishman.

23243. Any other reason?—Yes; materials cheaper.

23244. Cheaper in England?—Yes; a bricklayer in Ireland, I understand, is bound down not to lay more than 250 bricks a day. In England I have often got a man to lay 1,000 bricks a day.

23245. That was some time ago, I believe?—1882 to 1885.

23246. Is it not 300 a day?—500 is the average now.

23247. And you say you can get more work out of an English workman?—Yes.

23248. But then you pay lower wages?—The pay is higher in England, but then you get more work out of the workman.

23249. But you are satisfied from your experience that you could have built this Block B at Purdysburn in any case at a little less cost?—Yes.

23250. How much do you think?—I did not measure it up. I could not tell you without actually pricing it.

23251. (*Chairman.*) Now let us have the Downpatrick?—They both vary. One has a lofty high level corridor.

23252. Which do you wish to have? I want to ask a similar question about Downpatrick; which do you know best?—I know the one with the high level corridor to it.

23253. This is the additional block on the female side?—Yes.

23254. That is the heading on the drawing?—Yes.

23255. What did they cost ?—That cost £85 per bed, and the furniture was £5 10s. in addition. That comes to £90 10s.

23256. What is the furniture referred to there, only the fixed furniture ?—Oh no, all the furniture for the building, beds, chairs, tables, couches, or whatever they could send in for the furniture. This place was not furnished when I was there.

23257. Does that include crockery ?—No, no. Things of that sort were not provided. They had to provide them.

23258. Kitchen cooking utensils ?—Yes, but not basins.

23259. Knives and forks ?—Yes; that all comes out of maintenance.

23260. And as far as the building itself is concerned that cost includes everything about the building ?—Yes.

23261. All the drainage ?—Connecting with the other drain.

23262. Yes, and the lighting arrangements ?—Yes.

23263. And it included laying on the gas and all the gas fittings and brackets and so on ?—Yes.

23264. Baths of course would be included ?—Yes, and all plumbing.

23265. All the sanitary arrangements and plumbing ?—Yes.

23266. Did it include decorating and painting ?—I should imagine that it did. A painter could scarcely decorate the house afterwards. You know that in Downpatrick it is nearly all wainscotted round. Well, it was varnished and that is all included in the work. *J. W. Gardner, Esq.* 5 May 1906.

23267. About Purdysburn, was painting included in that case ?—I believe so.

23268. The walls are painted ?—I should not like to say, but there was the ordinary contract painting included in it and that all covers the wainscotting and varnishing and everything.

23269. Can you compare the cost of a similar building in all respects in England; would it be cheaper or dearer in that case do you think ?—I do not think that you would get it done any cheaper than in Downpatrick.

23270. Would it be dearer ?—No; I think you ought to get it for the same money. That was an exceptionally low contract here. You see the building there is only what I call a shell. There is no filling-in in it. There are no central walls or anything like that. You have empty single rooms and things like that. That is where the money goes, in the filling-in. That is the architect's estimate. I do not say that that is correct. £73, that is the architect's estimate for Antrim Villa.

23271. (*Chairman.*) Thank you. And you can get us permission to use these plans ?—I will, yes. (*The plans were subsequently reproduced, Vide Appendix papers pp. 337–346, post*).

FORTY-NINTH DAY.

Monday, 11th June, 1906.

AT THE CALEDONIAN STATION HOTEL, EDINBURGH.

PRESENT.

The Right Hon. The EARL OF RADNOR (*in the Chair*).

W. P. BYRNE, Esq., C.B.
C. E. H. HOBHOUSE, Esq., M.P.
F. NEEDHAM, Esq., M.D.
The Rev. H. N. BURDEN.
W. H. DICKINSON, Esq., M.P.
Mrs. PINSENT.
J. C. DUNLOP, Esq., M.D.

HARTLEY B. N. MOTHERSOLE, Esq., M.A., LL.M. (*Secretary*).

W. LESLIE MACKENZIE, Esq., M.A., M.D., D.P.H., M.R.C.P.E., F.R.S.E., called; and Examined.

23272. (*Chairman.*) You have been so kind as to give us a statement of your evidence; may we put it on our notes ?—Certainly.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY W. LESLIE MACKENZIE, ESQ., M.A., M.D., D.P.H., M.R.C.P.E., F.R.S.E.

1. *Personal.*—I am Medical Member of the Local Government Board for Scotland. I am a Master of Arts, Doctor of Medicine, and Diplomate in Public Health of the University of Aberdeen, and a member of the Royal College of Physicians of Edinburgh. I also possess the Medico-Psychological Certificate of the Medico-Psychological Society of Great Britain. I have studied psychology both normal and morbid more or less continuously for some twenty-five years. Three years ago, in concert with Professor Matthew Hay, I prepared a report for the Royal Commission on Physical Training (Scotland), on the condition of school children in Scotland. I was responsible for the examination of 600 Edinburgh school children. Later, I developed the issues involved in this report in a volume on the "Medical Inspection of School Children." Two years ago, I superintended an examination of some 1,400 school children, but the facts as yet have not been made public and I cannot use any of them on this occasion. I have also considered both theoretically and practically what can be done to improve the supervision of school children from the physical and mental standpoint, and I have endeavoured to inform myself regarding what is done in other countries, particularly in Germany,—along the same lines. It is on these general facts that any opinions I here offer rest. I regret that official duties have made it impossible for me to obtain such statistical material as I should like to place before the Commission. *W. Leslie Mackenzie, Esq., M.A., M.D., D.P.H., M.R.C.P.E., F.R.S.E.* 11 June 1906.

I may add that, as a member of the Local Government Board for Scotland, I have had many opportunities of considering the relation of the feeble-minded to the Poor Law. Although I have not made any detailed examination of the mental conditions of the inmates of our poorhouses, I am familar with the types admitted and with the methods of treatment current in the Scotch poorhouses.

2. *Edinburgh School Children.*—Of the 600 Edinburgh school children examined for the Royal Commission, I found six marked "defective" by the teachers and sixty-eight marked "dull." The defectives, so called, formed 1 per cent. of the whole. This percentage, I understand, approaches that found in Glasgow schools and it is almost the same as that found in the Dundee schools. The facts in the six defective cases were as follows:—

Case I.—Boy, age 8 years 4 months. Father, cabinet-maker. Two-roomed house. In infant school. Attendance irregular owing to illness. Usual school exercises. Pale, thin, bad carriage, unhealthy in appearance, dull in expression and not readily answering. Body not

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11 June 1906.

clean, clothes fairly clean. Height 47·2 inches, weight, 48·7 lbs. Height slightly over, weight slightly under, average for four schools. Teeth relatively good. Slightly short-sighted, vision $\frac{6}{9}$. Ear membranes slightly indrawn. Signs of adenoids. Very dull, deaf, skin and hair dry.

Case II.—Boy, age 10 years 5 months. Father—draper's messenger. In Standard I. Attendance good. Ruddy, medium nutrition, medium carriage, not alert. Healthy in appearance. Clean in body and clothing. Height, 50·1 inches, almost the average; weight, 59·25 lbs., almost average. Teeth moderately good. Long-sighted, vision $\frac{6}{12}$. Hearing normal. Enlarged tonsils and adenoids.

Case III.—Boy, age 11 years 7 months. Father—blacksmith. Three-roomed house. In Standard III. Attendance good, but somewhat irregular on account of ear and throat troubles. Pale, medium nutrition, good carriage, medium health appearance, medium alertness. Clean both in body and in clothing. Height, 52·6 inches, slightly over average; weight 70 lbs., distinctly over average for four schools. Teeth, medium. Vision, normal. Hearing defective, slightly, on one ear; dry perforation of drum. In other respects, healthy.

Case IV.—Boy, age 14 years 5 months. Father—slater. In Standard IV. Attendance perfect. Face of medium ruddiness, thin, healthy in general aspect, moderately alert. Clean. Height 62 inches, distinctly over average; weight, 63 lbs., distinctly under average. Teeth, good. Vision very bad, with each eye $\frac{6}{60}$, with both eyes, $\frac{6}{36}$. Inflammation of eye-lids, chronic inflammation of cornea, nebula on cornea. Hearing slightly deficient, wax in ears. Enlarged tonsils. Stammers in talking. Very restless and lively in action; typical quick look of street arab.

Case V.—Girl, 7 years 7 months. Father—saddler. In infant room. Attendance good. Pale, thin, bad carriage, unhealthy aspect. Moderately alert. Clean. Height, 44·2 inches—about average; weight, 42 lbs., 3 lbs. under average. Teeth, bad. Vision, long-sighted; one eye, $\frac{6}{12}$, the other $\frac{6}{9}$, both $\frac{6}{6}$. Nebulæ on cornea of one eye. Hearing, normal. Signs of adenoids. Tonsils, enlarged. Swollen glands in neck. Noted as obviously defective in intelligence; open-mouthed.

Case VI.—Girl, age 10 years 7 months. Father—a labourer at docks. Two-roomed house. In Standard I. Attendance, medium. Cause of absence assigned as "message-going." Ruddy. Nutrition, medium. Carriage good. Healthy in aspect. Moderately bright. Body not clean, clothes clean. Height, 47·5 inches, 2 inches less than average; weight 50·5 lbs., 8 lbs. under average. Teeth, fairly good. Vision extremely defective, each eye $\frac{6}{60}$. Very long-sighted. Squint. Hearing, about half normal. Signs of adenoids. Tonsils enlarged. Noted as very dirty in body.

3. *Observations on Cases.*—Of these cases, probably only two, cases III. and V., were in the strict sense defective or feeble-minded. In most of them, the vision and hearing were abnormal. In one or two cases, this was very strikingly so. The same was true of the great majority of the sixty-eight cases marked by the teachers "dull." These observations have been verified again and again. In Dundee, of 1,000 children nine were found defective and eighty-seven dull. In practically every case there was defect of vision or hearing or both. In the nine defective cases, specific disease was present in one or two.

For comparison, I quote two percentages, one from a Swiss report, the other from a German report. In the Zürich School Report for 1901, among 2,625 children examined at entrance to school, there were found twenty-one cases of moderate mental weakness, thirteen of advanced mental weakness, four cretins, two imbeciles, and two of other forms of mental anomaly. This gives a percentage of over 1·6. In the Wiesbaden School Report for 1904–5, of 1,043 children admitted, thirty-six were found suffering from some form of mental affection or epilepsy, that is about 3·4 per cent.

From this comparison we may infer—not that the amount of mental impairment is greater than with us, but—that the examination is more thorough going, as I know it is in Wiesbaden and other German towns.

4. *Need for Medical Inspection.*—It is clear from the Edinburgh and Dundee cases alone, that scrutiny by the teacher is not sufficient for the proper classification of backward children into feeble-minded or defective, and children of undeveloped faculties. Here the educational test is much too limited Before it can be relied upon, it must be preceded by a detailed and prolonged examination of physical conditions, life history, family history, and careful mental testing by a skilled person, medical or other. If this is not done, the certain result will be to slump together entirely disparate forms of mental inefficiency; and a single medical examination would rarely be sufficient, for children really defective in brain function may also show defects of sense that aggravate their primary condition, and, until they have had the benefit of good corrected senses for some time, it is impossible to say definitely whether they will advance in intelligence or not.

On these, among other grounds, I consider that systematic medical examination of all elementary school children is imperative.

5. *Need for Medical Supervision.*—As Dr. August Ley in his *Arriération Mentale*, points out, p. 228, and in his paper at the Nuremberg Congress of 1904, Vol. IV., p. 38, backward children are "abnormal in intelligence, invalids. In them the physical side is often as defective as the intellectual side, and moral defects are not infrequent. We see them affected with the congenital debility of the offspring of alcoholics; they are rickety, myxœdematous, tuberculous, syphilitic, adenoidal." To separate clearly the primary intellectual defects from the secondary effects of disease, is a work of immense difficulty. For we have to deal not with grown, but with growing organisms, and nothing short of continuous supervision and repeated examination makes a full diagnosis possible. And such a diagnosis demands the resources not only of ordinary medical methods, but also of the methods elaborated by the experimental psychologists—such as re-action time, and fatigue measurements. And even this does not exhaust the case; for in many instances only the stimulus of persistent teaching can test what possibilities of progress a given child may have. Further, education of the really feeble-minded has a different aim from education of the normal child; for education of the feeble-minded aims not at preparing the child to make a living through his own intellectual attainments and initiative, but so to apprentice him to the art of living as to enable him to work effectively under direction afterwards. But to secure these effects of education and to prevent the waste of educational energy on hopeless material, the children need persistent supervision and re-examination by a medical expert whose training includes a knowledge of educational methods.

I am informed that in Glasgow the medical officer inspects from time to time, perhaps at intervals of months. Quite recently I visited one of the Glasgow centres for defectives with a view to satisfying myself whether this non-periodical inspection could properly be regarded as sufficient for the class of defective children at that school. But the general impression I formed was that the admirable teaching work done by the staff would benefit greatly by the kind of increased medical co-operation suggested. The medical man should obtain as complete knowledge as possible of the whole family history and hygienic conditions, general and personal.

6. *Classification of Mentally Defective.*—The varieties of feeble-minded children brought together in the Glasgow school visited confirmed in my mind a conclusion arrived at on other grounds, namely, that if the education of the feeble-minded is to be as fruitful as it ought to be, the cases must be separated into those suffering from defects that are in the strict sense inherited and those suffering from defects that have been acquired after conception. A further classification should be made into those that have been born without certain faculties and those whose faculties have never been developed.

I am aware that this classification is difficult. But there are methods of making it approximately. The issues involved are great. For if we can say with certainty or an approach to certainty that a defect will not be inherited, the question of permanent segregation is of less serious concern. If we can say with certainty that a defect will be inherited, the question of segregation becomes of primary concern. And I am satisfied that

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a great many of the defects leading to mental backwardness are non-inheritable defects; but they seem to be treated practically as if no distinction were possible or desirable between inheritable and non-inheritable. But a defective individual may come of healthy stock and may be capable of generating healthy progeny.

Dr. Ley in his excellent intensive study of mentally backward children lays down the following rules for diagnosis:—

"The examination must determine (*a*) whether there exists any physical cause for the state of backwardness, myopia, partial deafness, bodily defect, adenoid vegetations; (*b*), whether the child has received a suitable and continuous education, uninterrupted for example by disease, and whether the social and family environment is unfavourable.

"Having well weighed, examined, and corrected the influences of these causes, the examiner will consider whether the backwardness is the result of congenital or acquired deficiency of the cerebral centres."

(The term "congenital" is here ambiguous. It may mean simply born with the child, or inheritable in the strict sense, that is, a defect of the family stock.)

"The examination thus conducted permits of a diagnostic classification into the following chief categories of mental backwardness.

"I. Backward from defects of *sense*, myopics, astigmatics, deaf, etc., or from *disease*, adenoids, myxœdema, etc.; and in all these, the correction of the defects or the cure of the disease secures the disappearance or the very notable amelioration of the mental backwardness.

"2. Backward for pædagogic reasons, irregular attendance at school, unfavourable environment, immorality. These are the educationally backward of Demoor.

"3. Backward from mental deficiency—who are the really backward—those of the class we have often had occasion to observe at the special school at Antwerp.

"The two first classes of children readily improve and after a little time may regain their place among the normal.

"The children affected with mental backwardness of the real order, that is from deficiency of the intellectual functions, are slower to improve and rarely, in spite of special education, do they arrive at a normal mental condition. They always retain a certain mark of inferiority, which renders necessary for them supervision and direction extending into the post-school period."—*l'Arriération Mentale, p.* 225.

With these views, I entirely concur.

7. *Separation of Feeble-minded from Ordinary School Children.*—The separation is necessary, first, to prevent the retardation of normal children in the ordinary classes, second, in order to facilitate special teaching. Each feeble-minded child is a special problem and individual teaching must be more intensive. The benefit of mass teaching is very small for the feeble-minded. In their apprenticeship for life in a given community, every function of individuality must be exploited at the growing ages. But this cannot be done without segregation.

Special Schools versus *Special Classes.*—Which shall be the method selected in any given district is a matter of detail. The experts at the Nuremberg Congress were in favour of special schools rather than of special classes in a department of the school. As the treatment of the feeble-minded becomes more scientific, probably the special school will increase in value. But the special class has also its function; because there is every grade of mental retardation and defect and the special class may well become a preliminary to the special school. In any case, the specially trained teacher must go with the special class. The tendency, to judge by the Glasgow school already referred to, is unconsciously to press these defective minds too much. The limits of fatigue are very much narrower in the feeble-minded than in the normal child, and each teacher should make a primary point of never exceeding the fatigue limit. This, again, is a matter that can be ascertained for each child roughly by experiment.

The great advantage of special schools is that in them it is easier to secure garden ground for the organisation of manual occupations, better air, and freedom from the noise and excitement of the ordinary school. The advantage of special classes in the ordinary school is that the district is more easily accommodated.

The general hygienic conditions of such schools are the same as for others; but freedom from dust is more essential. Heating should be such that teaching could be conducted with the greatest possible amount of ventilation, that is the class room should approximate to the open air.

8. *Feeble-minded in Poorhouses.*—In Mr. Barclay's evidence, the procedure for keeping persons of unsound mind out of the poorhouses is detailed. But of necessity many persons of unsound mind find their way there notwithstanding. The poorhouse inmates must be largely recruited from the class we have already been discussing. This is, indeed, one of the strongest reasons for treating the feeble-minded child on the lines indicated.

Medically, the Scottish poorhouses seem to be in a process of rapid transition. Glasgow has led the way, with most gratifying results. It seems as if a new fundamental idea were now appearing in poorhouse administration. Whereas formerly the pauper was regarded as a derelict to be housed until he died, he is now to some extent regarded as a temporarily incapacitated citizen to be nursed into efficiency. There seems to be, in Scotland at least, a steady movement in this direction. I consider that something might be done to secure a better classification of inmates mentally. It should be possible to separate the feeble-minded from the normal but mentally enfeebled. The two classes are very different, and demand different treatment. If this separation were accomplished, it would be possible to find a sound basis for the compulsory detention of certain poorhouse recurrents. Personally, I am not satisfied that the prevention of "in-and-outism" is best to be secured by detention after certain repetitions of application for relief within a given period. This seems to me at a stroke to convert a poorhouse into a prison. But if a more thorough classification on mental lines were attempted, it should be possible to specify certain limiting conditions for detention.

Such a suggestion, however, involves the whole question of certification of the insane. But in practice it should be possible to draw a line between the certifiable insanities such as affect conduct in civil life and the impaired mental faculty that is unequal to social life outside a poorhouse, but does not need the restraints of any asylum. The feeble-minded children grow into feeble-minded adults, and these are always in arrear with their development. If there were a fully correlated organisation of special school, industrial school, reformatory, poorhouse, and asylum, I think the poorhouse might be drained of some of its feeble-minded stock. The claim for compulsory detention would be very strong where a full history of feeble-mindedness could be proved by a systematic record. But such compulsory detention ought preferably to be in distinct institutions, or distinct sections of an institution. The healthy feeble-minded are a different class from the normal-minded of enfeebled health.

9. *Central Supervision.*—In Scotland, the Central Lunacy Board and the Local Government Board co-operate. Recently, the Local Government Board issued regulations for observation wards in poorhouses (*vide infra*). These regulations arose out of the fact that for one reason or another a considerable number of cases of genuine insanity were retained in the poorhouses for treatment on the ground that asylum treatment was unnecessary and that many of the cases were temporary, or incidental to other diseases. The full details of the movement from the local authority's side are given by Dr. Carswell. From the Board's side, it is enough to say that, on inquiry, sufficient reason was discovered for insisting that if such cases were to be systematically treated the conditions of the poorhouse must be such as to make the treatment safe and effective. The regulations were drawn up in concert with the Board of Lunacy, who are legally responsible for all lunatics.

The revolt against asylum treatment is due in part to ancient ideas of the nature of insanity, in part to the economic results of the asylum stigma. So far, these observation wards are an experiment, but the results have justified their institution. The Board are now considering what instructions can be issued for the guidance of medical officers in determining whether a case is suitable or unsuitable for admission to such a ward. The usual question in the admission certificate, whether the applicant is of unsound mind, etc., will for the purpose of observational treatment be modified, and a statement will be required as to the reason for proposing admission to observation.

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APPENDIX TO STATEMENT I.

(*Vide* Q. 23433.)

REGULATIONS FOR OBSERVATION WARDS IN POORHOUSES ISSUED BY THE LOCAL GOVERNMENT BOARD (SCOTLAND).

Local Government Board,
Edinburgh, 11*th April*, 1906.

SIR,—The Board have had under consideration the suggestion of the Departmental Committee on Poor Law Medical Relief, etc., that, in certain poorhouses, it might be desirable to provide for the observation and treatment of persons showing symptoms of mental disorder believed to be temporary and not to necessitate removal to an asylum. The Board think it right to bring this matter specially under the notice of house committees, and, to assist them in arriving at a decision should they be disposed to favour the recommendation of the Departmental Committee, I enclose a note of the conditions under which the Board are prepared to sanction the reception of such cases in a poorhouse.

I append an extract, relating to this subject, from the Report of the Departmental Committee (page 27).—I am, Sir,

Your obedient servant,

G. FALCONAR-STEWART,
Secretary.

The Governor of the Poorhouse.

EXTRACT FROM THE REPORT OF THE DEPARTMENTAL COMMITTEE.

(d) *Wards for Nervous Cases with Symptoms of Threatening Insanity.*

"56. One witness spoke to the necessity for having an observation ward, or wards, attached to poorhouses, for cases of threatening insanity or temporary mental derangement, which, under the Lunacy Acts, would not be taken into the poorhouse. If placed in an observation ward, it might not be necessary to send them to an asylum. To quote the witness's words:—'It is my experience that when once a person has been in an asylum, people have a strong objection to employing him or her afterwards. I have seen that occurring in the cases of females who have been out of an asylum for some time, and who are quite well; they get into service, but the moment their employer finds out about the asylum they are dismissed.' In support of this suggestion, we have ascertained that, during the year ended 15th May, 1903, 242 cases with symptoms of insanity were treated in the observation wards of Glasgow (Barnhill) Poorhouse, of which only 36 were ultimately certified as insane, and removed to the asylum.

"As the taint of an asylum appears to be a factor that tends to produce pauperism, we beg to direct the attention of the Board to the expediency of provision being made by poorhouse authorities for the treatment of such cases in observation wards. By such a course the cost of removal to an asylum would also be saved in many cases."

MEMORANDUM (*a*).

(*Referred to in Evidence as "Regulations."*

(*Vide* Q. 23422.)

MEMORANDUM OF CONDITIONS ON WHICH THE LOCAL GOVERNMENT BOARD ARE PREPARED TO APPROVE OF THE ESTABLISHMENT OR CONTINUANCE OF SPECIAL WARDS IN POORHOUSES FOR THE OBSERVATION OF CASES OF TEMPORARY MENTAL DISORDER.

1. Observation wards, when not in a building specially reserved for them, are to be separated from the other wards of the poorhouse, and no inmate who is not medically certified as suitable for treatment in an observation ward shall be lodged therein. These wards should resemble ordinary hospital wards modified to suit their special purpose. They should form part of, or be as near as possible to, the poorhouse hospital.

2. At least 1,000 cubic feet of air space and 100 square feet of floor space should be allowed per bed. There should be small single rooms in proximity to the main ward for those patients whom for any reason it is desirable to place by themselves. Where a comparatively large number of patients are received, the wards should be so arranged as to admit of the inmates being grouped in accordance with their mental condition.

3. Such wards should provide accommodation for not fewer than four patients of each sex.

4. No patient shall remain in an observation ward for a longer period than six weeks. If in any exceptional case the medical officer is of opinion that retention for a further period is necessary or advisable, he shall transmit to the Local Government Board a certificate to that effect, stating the grounds of his opinion, and the period of further retention required.

5. Registers, for the accuracy of which the medical officer in charge of the observation wards shall be responsible, shall be kept in the annexed four forms.

6. Where the observation wards contain sixteen beds or upwards there must be at least one medical officer resident in the poorhouse.

7. The patients shall be treated upon hospital lines and, as far as requisite, in bed.

8. In the larger wards day nurses shall be provided in the proportion of at least one nurse to eight patients. In wards with not more than ten patients of either sex one nurse to ten patients may be permitted, provided that the duties of the nurses are efficiently supervised by a responsible official, and that extra nursing assistance shall always be available.

9. Night nurses shall be in the proportion of one nurse to ten or any smaller number of patients.

10. Where female nurses are employed for the nursing of male patients, either by day or by night, a male official should at all times be available in case of emergency.

11. The consent of the Local Govenment Board must be obtained before any portion of a poorhouse is set apart for the observation of cases of temporary mental disorder. The Board will have to be satisfied that the proposed medical and nursing arrangements are adequate and proper before they give their consent.

REGISTER OF ADMISSIONS AND DISCHARGES.

Number of Case.	Name.	Age.	Sex.	Occupation.	Address.	Where Admitted from.	Nature of Mental Disorder.	Day and Hour of Admission.	Result of Treatment.	Where Discharged to.	Day and Hour of Discharge.

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REGISTER OF CASES PUT UNDER RESTRAINT OR SECLUSION.

No. of Case in Admission Register.	Name.	Nature of Restraint or Seclusion.	Duration.	
			Beginning: Day and Hour.	End: Day and Hour.

REGISTER OF ACCIDENTS.

No. of Case in Admission Register.	Name.	Date of Accident.	Short Account of Accident, naming Officials or other Persons who witnessed it.

REGISTER OF DEATHS.

Reference Number of Case in Admission Register.	Name.	Date and Hour of Death.	Cause of Death.	Whether a *Post-mortem* Examination was made.	Result of *Post-mortem* Examination.

MEMORANDUM (*b*).

(*Vide* Q. 23422.)

MEMORANDUM AS TO CASES SUITABLE FOR TREATMENT IN THE OBSERVATION WARDS OF A POORHOUSE.

The Local Government Board feel that a wide discretion must be left to the medical officers in charge of these wards, and to the medical officers who sign the certificates of admission. No doubt there will sometimes be diversity of opinion as to whether a patient sent to an observation ward should not more properly have been sent to an asylum as a certified lunatic. In such cases, the considerations to be kept chiefly in mind are the immediate cause, and the probable duration of the mental disturbance. As a general rule, it is not intended that cases should be kept in an observation ward longer than six weeks. It is difficult to limit or to specify exactly the type of case for which observation wards are suitable, but the following may be mentioned:—

(*a*) Where the mental symptoms are a sequel or accompaniment of diseases that in ordinary circumstances terminate within a definite time. The point specially to be kept in view here is the likelihood of the speedy disappearance of the symptoms of mental disturbance.

(*b*) Where, although the mental symptoms would seem to indicate lunacy, the medical officer is clearly of opinion that such symptoms are likely to be of short duration.

(*c*) Where the patient's mental state gives rise to apprehension, but where the symptoms are not sufficiently marked to enable the certifying physician to affirm either sanity or insanity.

(*d*) Where the mental disorder is associated with alcoholic abuse.

(*e*) Senile cases where there are temporary symptoms of mental derangement which make it undesirable that the patients should be treated in a general hospital ward.

(*f*) The presence of the following conditions should be regarded as contra-indicating suitability for such wards:—

(1) Homicidal tendencies.
(2) Dangerous violence.
(3) Acute and persistent suicidal tendencies.
(4) Long-established insanity or known existence of chronic delusions.

The Board have prepared and enclose a form of medical certificate for cases sent to observation wards. This memorandum is printed on the form of medical certificate.

It is intended that the medical officers of parishes entitled to send patients to a poorhouse that has observation wards should have a copy of this memorandum.

Local Government Board,
Edinburgh, 18*th June*, 1906.

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FORM OF MEDICAL CERTIFICATE TO BE USED FOR PERSONS SENT TO THE OBSERVATION WARDS OF A POORHOUSE.

Parish of———

Name of Pauper (or Applicant)*———

I have this day examined the above-named——— and hereby certify, on soul and conscience, the particulars underwritten to be true, to the best of my knowledge and belief.

(*Signed*)———

Medical Officer.

(Date)———

Is the———in good health ?———

Is the———able to do any work ?——

Nature of———sickness or infirmity.

Note.—Where the circumstances are such as to give rise to a suspicion of the possible development of some form of infectious disease, special attention should be directed to the case.

If———has dependants, state whether they or any of them, suffer from sickness or infirmity———

Nature of sickness or infirmity of dependants———

Does the condition of———or dependants require immediate attention and medical advice ? †———

Is———or any dependant "*lunatic, insane, idiot, or of unsound mind*" ? ‡———

Are———and dependants able to be removed to the Poorhouse of———without injury to their health ?———

If so, state the manner in which they are capable of removal without risk of injury to their health §———

* The Inspector will erase one or other of the words, and fill up the blanks in the Certificate with the designation applicable.

† If this question is answered in the affirmative in the case of a person to be removed to a Poorhouse not having a resident Medical Officer, the certifying Medical Officer should give all needful suggestions as to the immediate treatment of the patient on admission.

‡ No person so certified can be legally sent to or received in a Poorhouse, unless it possesses licensed lunatic wards, and then only with the sanction of the General Board of Lunacy. If the case is considered suitable for an Observation Ward, the Medical Officer should write "For Observation" in the space reserved for his answer. He should also read the Memorandum printed on the back of this form, and record in the space provided his reasons for thinking the case suitable for treatment in an Observation Ward.

§ The Medical Officer will note specially any precautions which he deems necessary in conducting the removal,— in particular, whether the patient can walk to the vehicle prepared for him, or whether he should be carried, and, if so, whether a stretcher is necessary; whether a nurse should accompany the patient: whether any preparation of the patient by the administration of food, stimulant, &c., is required; and any other matters to which attention should be directed.

The Medical Officer is requested to state on this page the grounds that have led him to conclude that——— is suitable for treatment in the Observation Wards of the Poorhouse.

23273. (*Mr. Byrne.*) With reference to the first column of your statement, in which you speak of the examination of 600 Edinburgh children, how were these 600 children selected ? Were they picked out in any way ?—Purely by ballot.

23274. Do they represent the schools of representative districts ?—Four schools were chosen, two being in the poorer quarter and two in the better quarter—two in the east end and two in the west end, more or less. They were all board schools.

23275. May we take them as representative ?—Yes, on the whole. Of course at that date 600 would only be about one-sixtieth of the number of school-board children in Edinburgh.

23276. When you quote from *L'Arriération Mentale* with which you agree (*p.* 154, *col.* 2), the statement is made that the education of the feeble-minded is not to prepare them to make a living through their own intellectual attainments and initiative, but so to apprentice them to the art of living as to enable them to work effectively under direction afterwards. That contemplates the permanent detention of such children ? —More or less.

23277. That is based on the idea of permanent detention ?—Yes, in some form or another. It would vary according to the capacity of the child.

23278. Apprenticeship contemplates work in the future? —Yes.

23279. Do you think that circumstances as they exist in Scotland call strongly for the provision of such permanent detention of a certain class of people ?—They call for provision for them, but I am not able to say that they call strongly. There seems to be a clear case for some action in that direction, however.

23280. How has that been brought before you ?—Mainly through the educational channel, and through the poor-houses.

23281. Are the educational authorities in Scotland gradually acquiring more knowledge about imbecile children ? Have they taken up the idea that they must deal with them permanently, that it is not enough to educate them and then turn them out in the world when they reach the age of 16 ?—I think that is so, but I have not been able to discover anything specific.

23282. You do not know of any strong feeling on the subject ?—No. Of course the only great educational authority that has done anything considerable, as you know from the evidence, is Glasgow; but other authorities, Edinburgh for instance, are preparing to move in the same direction.

23283. You know the reformatory industrial schools system ?—Yes, vaguely.

23284. Do you think it would be advantageous to extend it in any way to all this class of persons ?—I think the industrial school system would certainly be suitable.

23285. At present the feeble-minded are excluded ?—Yes.

23286. Supposing special schools were provided for them, should they be formed on the industrial school type ?—Yes.

23287. Is that the course that you would recommend ? Would you recommend an extension of the industrial school system rather than the introduction of an entirely new set of institutions ?—I have not considered that matter in detail, but it recommends itself to me.

23288. Do you think that the Government should subscribe to them as they do to industrial schools ?—I think it would be a fair enough thing to do, but one has to try and get the localities interested in all these children, and consequently local interest could be stimulated by dividing the burden. I think that is a wise thing to do, both for that and other institutions, because it does not allow them to be mere State off-casts as it were.

23289. You say that if a more thorough classification on mental lines were attempted it should be possible to specify certain limiting conditions for detention. Do you contemplate by that the scheduling, so to speak, of certain symptoms of the conditions which would lead to detention, or should that always be done by an examination of the child ?—I think it is so difficult to lay down general rules that I would prefer to have it done by personal examination.

23290. If that were done by the medical officer attached to the educational authority under the Government, do you think that the public are prepared to consent and to raise no difficulty about permanent detention ?—I do not think any difficulty would be raised, but one never knows. It presents itself as a reasonable and a fair thing to do.

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23291. What is the extent of the evils which you think arise at present from the presence of some considerable number of feeble-minded persons in the poor-houses? Do you consider that the evils are great?—They are extremely troublesome. You have the evidence of Mr. Motion—and he has more direct experience than I have—to the effect that there is no doubt that great evil does result. There is the spread of disease, and there is a general social degradation associated with that class of people.

23292. Would you say that these evils were of such a character as to call for serious action?—Yes. There has been a cry for dealing with the ins and outs for many years.

23293. Would you say that certain properly limited powers of detention of paupers of this class are called for?—I think so. I am driven to that more or less because I am not quite satisfied that the conditions in the last Bill promoted by the corporation of Glasgow are quite what would meet the case. I should hedge it in by much more direct positive evidence in each particular case, and it should be a matter for trial before the Sheriff or some magistrate.

23294. If that were done, do you think that a mere certificate by a medical officer should be sufficient authority for detention, or would you have the magistrate or the Sheriff?—I would have the Sheriff, certainly. One prefers to have it put on the footing that it is really an administration of public justice, so to speak, and you wish it protected.

23295. There is a restriction of liberty involved?—Yes. Administrative work is apt to fall into routine, and the personal interest ceases to count for so much, whereas before the Sheriff it is a different thing.

23296. (*Mr. Dickinson.*) With reference to these 600 children that you examined, I see that you found six that you would call defective and sixty-eight that you would call dull?—Yes.

23297. And then of those six only two were defective in mind, I understand?—Yes, in the strict limited sense.

23298. The others being defective physically?—Yes, I state it in detail in my statement. What I mean is that of the six only two were, as it were, hardly improvable, intellectually defective, and the others were defective in their senses in many respects. I mean they were marked by the teachers as mentally defective, and they were backward in their work and behind their standard through bad vision and bad hearing. It was impossible to say that they were intellectually defective however.

23299. I may take it that there was certain feebleness of mind in all these six cases?—Yes.

23300. Was that the case with the others? What do you mean by "dull"?—I will explain how that arose. In the schedule that we prepared for the Royal Commission there were some five grades—excellent, good, fair, dull, and defective. "Dull" meant those backward children who had not given any manifestation of feebleness of mind. Those who were said to be defective were those who were thought by the teacher to be mentally defective. The dull cases were only backward children.

23301. Not one of those dull cases was a case of feeble mind?—That I would not say, because the selection was made in the first place by the teacher. This was a teacher's classification, and it was gone over by the medical men, myself included; and in none of these 68 cases would one have said they were mentally defective, although, if you were going into the examination that I indicate later on, it is quite possible you might have found some who were simply backward children, that is, not properly nourished, deaf, blind, bad vision and so on.

23302. Still, I presume the result of your investigations would be to say that as a rule there would be more than 1 per cent. who were deficient mentally?—That is quite possible. In any case it is not a conclusive figure, because the 600 are only about one-sixtieth of the total number of children, and it is quite possible that there might be more than 1 per cent.

23303. One per cent. is the minimum?—I have no *data* to say yes or no as to that. I go by the continental reports, where the figure runs up to 1·6 per cent., and even 3·4 per cent.

23304. Do you think if there were to be a proper examination you would find a larger percentage?—I think so, but, of course, my experience is limited to these 600 children.

23305. In the seventh section of your statement (*page* 155), you advocate the separation of the feeble-minded children from the ordinary school children?—Yes.

23306. Taking those 600 children that you examined, would you separate only the six, or would you separate the sixty-eight? I want to know exactly where the line comes in?—That would have to be considered after a minute medical examination of those children. Among the sixty-eight it is quite possible that there might be some mentally defective, although the teacher had only considered them dull. The examination we made was not made specially for this purpose. It was an examination with another purpose in view, and we did not go minutely into that. If the sixty-eight were examined minutely, I fear that some of them would have to be among those that ought to be separated—that is to say, they were not benefiting as they ought to benefit from the education given in the school.

23307. It makes a great difference to the problem whether you separate the sixty-eight or the six?—Yes.

23308. You are thinking of the separation of a larger proportion than six out of 600?—Probably. I would not say the whole sixty-eight, but you would have to examine minutely those sixty-eight, and probably you might find half a dozen—but, of course, I cannot tell.

23309. You attach importance to the special schools?—Yes, I do, in the interest largely of the normal children, the ordinary children, as well as in the interest of the feeble-minded children themselves.

23310. Have you had experience of that?—I have no experience specially, except from observation of the Glasgow schools.

23311. I suppose you will agree that a considerable proportion of those children do not require the same education as a normal child does?—That is so, and they are not capable of it.

23312. Do you attach importance to having special schools from the point of view of not unduly trying the minds of the defective children?—I think the tendency is to press those children unduly, to give them too much to do, but that may depend on the teachers, because they are trained for the educating of ordinary children, and they may expect too much.

23313. Whatever is done with regard to the establishment of Homes, you still advocate the continuance of the special schools?—The special teachers.

23314. In the ordinary day-schools?—Yes, I think so, on the ground that it is an extremely good method of getting a larger number brought into evidence, as it were, because parents would be much more willing to send young children to special schools than to Homes, and therefore you get them earlier. That is apart from the fact that occasionally you get a fair percentage that may become efficient for normal school purposes.

23315. (*Dr. Dunlop.*) With regard to the question of special schools, I gather from your statement that you are in favour of special schools rather than of special classes in cases where there is true mental defect?—Yes.

23316. When you talk of special schools, do you refer to what are called imbecile asylums in England?—No, I am thinking more of the purely educational side, like Bridgeton School, or the Finnieston School, or the other schools in Glasgow.

23317. The day-schools?—Yes.

23318. Not boarding-schools?—That is so. They are known as special schools by the School Board, and I use the name accordingly. I do not mean places such as the Larbert or Baldovan Institutions.

23319. Do you think the requirements of mentally defective children will be ever met by day-schools?—Not entirely.

23320. So the establishment of day-schools would not obviate the establishment of imbecile asylums. Your special classes in day-schools are for the dull and backward rather than for the mentally defective?—Yes.

23321. You evidently do not agree with the terms of the Act passed recently, or in the course of being passed

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for Scotland, which excludes dull and backward children from the benefits of a special class ?—I was not aware of that Act.

23322. Under the English Education Act the "dull and backwards" are excluded from these classes, while those are the only ones you think would be benefited by them ?—Yes. I go by what is in the Scottish Code.

23323. You do not recommend the establishment of boarding schools by school boards ?—No.

23324. That would be clashing with the function of the lunacy administration of the country ?—I think so, and I do not think that circumstances call for it.

23325. There is more imbecile accommodation required in Scotland ?—I gather so from the evidence submitted, but I cannot speak from my own experience.

23326. You would not lay a provision of that kind upon the School Board at all ?—No.

23327. As regards adults in the poorhouses in Scotland regulated by your Board, insane adults are excluded ?—They are understood to be.

23328. I think your regulations say that no persons of unsound mind are to be admitted into the poorhouses ?—That is so.

23329. As a matter of fact, is that strictly carried out in Scotland ?—No.

23330. You have a very considerable number of persons of unsound mind in the poorhouses at the present time ?—Yes.

23331. Do you consider that to be a satisfactory state of affairs or not ?—So far as the cases are suitable for poorhouse treatment, I think that is satisfactory, and I think the great number are perfectly well looked after and kept from harm. I think that the treatment in the Barnhill Poorhouse is practically very sound—I mean there is no call to put these cases elsewhere.

23332. They are degraded cases that cannot be benefited very much ?—I do not say that they cannot be improved.

23333. When they get restless and claim their liberty and want to get out, it is necessary to control them and keep them in. That cannot be done in a poorhouse ?—No.

23334. So cases that are restless and claim their discharge will be certified and put into asylums ?—Yes.

23335. (*Chairman.*) They can be detained in those poorhouses where they have lunatic wards ?—These are on a different footing—they are really asylums. They are licensed by the Lunacy Board, and we have nothing to do with them directly.

23336. (*Dr. Dunlop.*) As a matter of fact, do you not think it rather unkind to the sane inmates of the poorhouses to put them in the same institution as these insane creatures ?—I agree. I think that some separation is called for, or some special provision.

23337. They might be separated in the poorhouses ?—I think so.

23338. Or in different institutions ?—Yes.

23339. Are these insane in the poorhouses inspected at all ?—Not so far as I know, though I believe the Lunacy Commissioners have power to inspect them if they choose.

23340. They are not in the lunacy books at all—the Commissioners do not take notice of the routine work of the poorhouses ?—No.

23341. That is a matter that requires revision at the present time ?—It is a matter for discussion certainly; but, of course, I understand that the Lunacy Commissioners have the power to inspect wherever they know lunatics to be, or wherever they suspect lunatics to be. I am not quite familiar with the actual clause, but I understand that that is really so.

23342. Take Barnhill Poorhouse, or any other poorhouse without lunatic wards: there is no habitual inspection of them to find out whether the governor of that poorhouse has detained persons of insane mind or not ?—No.

23343. And so there is no check that this rule with regard to the admission of persons of unsound mind into the poorhouses is adhered to ?—No.

23344. Would you advise medical inspection of poorhouses ?—I think so.

23345. When talking about separating the two classes of adults, those of unsound mind and those of sound mind, you would apply that to children too ?—Yes.

23346. You do it in schools ?—Yes.

23347. You said that industrial schools should be enlarged to take in these children ?—What I meant was that that was one kind of extension, but I do not say that it is the only kind.

23348. You would not like to see these schools opened to defective children ?—It is not quite right for me to say anything about these schools, because I am not familiar with them.

23349. At any rate, you do not think it would be a right thing to shut up these children in these schools. You would have two classes of industrial schools ?—Yes.

23350. And the one would be practically an imbecile asylum ?—Yes, but I would not like to be pressed on that point, because I have not considered it specially.

23351. Your principle is to separate the defective from the sound ?—Yes.

23352. Regarding the observation wards, the Local Government Board have relaxed this rule that no persons of unsound mind are to be admitted into the poorhouses in favour of those in the observation wards ?—Yes.

23353. What classes are these observation wards for ?—I have handed in a memorandum which we have prepared in concert with the Lunacy Board, indicating what classes of cases we think are suitable for observation and what are not suitable.

23354. (*Dr. Needham.*) Is that the regulation that was referred to in the footnote in the first print of your evidence ?—Not quite. Those are regulations drawn up in concert with the Lunacy Board; they are simply the conditions under which the Local Government Board of Scotland are prepared to approve of observation wards in poorhouses, and as a matter of fact they have approved of wards in some half-dozen or so. The certificate is a different thing.*

23355. (*Dr. Dunlop.*) You know the class of persons in whom we are specially interested ?—Yes.

23356. The observation wards give us a particularly valuable means of securing certification of this class ?—Yes.

23357. It facilitates certification by enabling the certifier to observe for so many weeks before ?—Yes.

23358. You would advocate an extension of that ?—Yes, I think it would be advisable.

23359. In your statement you say: "If we can say with certainty that a defect will be inherited, the question of permanent segregation becomes of primary concern." Now, as a matter of practical politics at the present moment, is it possible to say with certainty that a defect will be inherited ?—No. What is needed is a more detailed and minute study of the cases, because in practice it is extremely difficult to separate what is heritable and what is not. I think it is right that we should go further than we do just now.

23360. With our present knowledge, we are not entitled to shut up people because they have some defect, in order to prevent that defect appearing in the next generation ?—No.

23361. (*Mr. Burden.*) I think you said that you were in favour of the continuation of special schools ?—Yes.

23362. You think they should be retained in any case ?—Yes.

23363. Your view was that they would enable an earlier discovery of the feeble-minded ?—Yes.

23364. So the special schools would in a sense become a kind of collecting ground, so that the feeble-minded and the weak-minded might be taken out and sent to other institutions, and the backward retained in the special schools ?—Yes, or put to suitable work. A good many of them get to the point that they are more or less efficient. By the special school you have a chance of getting at them earlier, and you are enabled to redistribute them with

* *Vide page 158, col. 1.*

more knowledge and more prospect of something definite—that is to say, the hopeless go to the one side and the hopeful to the other, and the others would have to be provided for elsewhere.

23365. You think that they form the best sorting ground we can have ?—Yes.

23366. (*Dr. Needham.*) You have issued a memorandum of conditions on which the Local Government Board are prepared to approve the establishment of these observation wards in poorhouses ?—Yes.

23367. I suppose the idea is to go on establishing these as the necessity arises ?—Yes, but only in the places where they can fulfil the conditions laid down here. This is a good deal more stringent than would be enough in the poorhouse.

23368. Is that in consequence of the success of the Glasgow observation wards ?—Partly, and partly from the non-success of lunatic cases incidentally treated in the poorhouses. We found ground enough to make it necessary to issue these regulations.

23369. We understood from one of the Commissioners in Lunacy for Scotland, that the lunatic wards in the workhouses were all licensed by the Lunacy Commissioners ?—Those are the special lunatic wards. They are quite a different thing from the observation wards, which are not licensed. The lunacy wards are special wards in the poorhouses under the direct control of the Lunacy Board.

23370. Then do I understand that in the poorhouses in Scotland insane persons are taken into the ordinary wards as well as into the observation wards, for instance in Glasgow, and you have the lunacy wards specially licensed by the Lunacy Commissioners—you have thus three methods in which lunatics are taken into poorhouses in Scotland ?—I cannot answer yes or no directly to that. I will explain how it arises. One of the questions in the certificate of admission is as to whether applicant is a lunatic, insane, or of unsound mind, with a note to that, saying that no person can be sent to the poorhouse unless it possesses lunatic wards. As a matter of fact, however, we found that a considerable number of persons of unsound mind did find their way to the poorhouses (ordinary wards) even with this certificate. We propose to modify this requirement to meet the case of the observation wards.

23371. Those people who get into a poorhouse by devious methods, apparently, are taken in in opposition to the law; is that not so ?—The law does not exactly provide for them. This administrative rule has been laid down by our Board. If I remember rightly the law provides for weakness or facility of mind—that is the Scottish 1845 Act—so strictly speaking it is not illegal; it is simply an administrative rule that may be modified at any time.

33272. The people so taken in do not get any proportion of the grant that is given for lunatics ?—No.

23373. The observation ward at Glasgow and the observation wards which it is proposed to establish are very similar in character to the receiving houses which the London County Council are proposing to establish ?—I presume they are on the same lines, but I am not familiar with these.

23374. Will you tell me what you mean by your last paragraph, "the revolt against asylum treatment" ?—I think part of the reason for the establishment of those observation wards has been that the general public are resenting the going to asylums because it means loss of wages and loss of employment and general economic deterioration, as it were, and partly because they prefer to remain in the poorhouse, as it has not the reputation of being an asylum. It is just the public revolt against asylum treatment. Perhaps that is too strong a word to use; I think it should be "public resentment."

23375. Do you think that there is a strong feeling among the population of Scotland with reference to what is called "the asylum stigma" ?—There always has been. We had evidence of that from inspectors of poor in connection with our Departmental Committee three years ago, and everyone of them declared that that was so.

23376. Do you think that if the feeble-minded were certified and were placed under the Board of Lunacy that would rather militate against the success of any scheme for segregation, because people would have the stigma attaching to them ?—I do not think it would help the movement, it would rather hinder it.

23377. It would decidedly hinder it ?—It is rather a question for consideration, because if you take the elaborate means suggested to find the really feeble-minded, I do not know that there would be the same objection to segregating them. But it is rather difficult to answer that question.

23378. I notice you say that the consent of the Local Government Board must be obtained for any portion of the poorhouse being set apart for cases of mental disorder. What authority have the Local Government Board over the lunacy wards in a workhouse licensed by the Commissioners ?—They have no control at all, so far as I am aware.

23379. Then in a poorhouse in Scotland you have two central authorities ?—There are two central authorities, but there are two separate things. Our Board takes no concern at all with the licensed wards. It is an accident that these wards are associated with the poorhouse.

23380. But they are under the same administration ?—They are under the same governor—that is so.

23381. And yet you have the authority which has control over the workhouse master having no control over wards in which he has control, and you have the Lunacy Commissioners having control over the master and yet not over other wards over which he has control ?—That is true, but there has been no friction. I have been for six years connected with the Local Government Board, and I have never heard a complaint.

23382. I notice that in your conditions on which the Local Government Board are prepared to approve of the establishment or continuance of special wards in poorhouses for the observation cases of temporary mental disorder, you state that at least 1,000 cubic feet of air space and 100 square feet of floor space should be allowed per bed. Is not that very much in excess of the amount allowed in asylums ?—I am not aware. I am not familiar with the asylum cubic space, but that has been gone over with the Lunacy Commissioners.

23383. Is not that nearly three times as much as the English Local Government Board lay down ?—I do not know as to that, but I think 100 square feet is a very fair figure.

23384. (*Dr. Dunlop.*) These are special wards ?—Yes, for acute cases requiring nursing. The great majority are treated in bed.

23385. A thousand cubic feet is less than is required in an hospital ?—It is distinctly less.

23386. But you give 1,000 cubic feet for everybody that is brought in, persons who are alcoholic and who have got mental symptoms associated with that, and all the acute cases which are brought in—you give 1,000 cubic feet to each of them ?—Yes.

23387. That was not thought to be excessive ?—No.

23388. And the expenditure involved was not thought to be excessive ?—No, but we do not have directly to do with that. We do not consider it excessive. So far as I have any *data* to go on, I believe the expense would be pretty much the same as in the asylums, for those Glasgow wards particularly.

23389. On the score of expense there would not be much difference in sending them to these wards ?—No.

23390. The only advantage is that they there avoid the stigma of lunacy ?—Yes. Perhaps it will be cheaper in Dundee. It varies in the different places.

23391. (*Mrs. Pinsent.*) You express the strong opinion that defective children in ordinary schools do a great deal of harm to other children ?—Yes.

23392. You are very firmly of that opinion ?—Yes. It is desirable to separate them.

23393. You expressed the opinion that it would be desirable to separate them at a later age, and you think it is very unwise to educate them together ?—Yes, I think so. It is impossible, it cannot be done.

23394. You say in your statement that about 1 per cent. would be defective. That would mean a very large

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number of children in a place like Edinburgh?—There are 40,000 children in Edinburgh, so that 1 per cent. would be 400. That is an outside figure probably.

23395. There would be from 300 to 400 such children in Edinburgh alone?—Yes.

23396. That is leaving out of consideration the rest of Scotland?—Yes.

23397. To provide for these children in residential boarding schools or training establishments, such as Larbert would be a very great expense to the country?—Yes, but I would not propose that.

23398. You do not propose or think that it would be desirable to educate the whole of these defectives in boarding schools?—No. Some of them would be in boarding schools, but a great many are well provided for at home.

23399. You say that it is desirable that they should be turned out of the ordinary day schools for the sake of the other children?—Yes.

23400. You must train them if they are trainable?—Yes.

23401. And that is the reason why you would recommend day special schools?—Yes. Of course the Scottish Code contemplates it and provides for it.

23402. You think it is possible to give such education as is sufficient for a very great number of them?—Yes.

23403. That is to say, sufficient until they reach the age at which they could leave school?—Yes.

23404. There might be a few of them who would be too defective to attend a day school?—Yes.

23405. But they would be only a small proportion of the 1 per cent.?—Probably, but I cannot say, as our *data* are so limited. Glasgow is the only case we have to go upon.

23406. Really the point I want to arrive at is this: if it is so bad for the ordinary school children to have the defective children in the same school with them, and they are turned out of the day schools, then some provision must be made for them?—Yes.

23407. It would be a very great expense to put away 1 per cent. into boarding establishments?—Yes, even if it were desirable.

23408. I should like to ask one more question about industrial schools. I expect in your great experience you must have seen cases which would be received into industrial schools except for the fact that they are mentally deficient and therefore not eligible?—As I said, my experience of the industrial schools is not very great.

23409. You have had some experience of defective children?—Yes, but I have had no experience of the management of defective children.

23410. You will be aware of the fact that they are very frequently truants?—Yes.

23411. And they are apt to get into street mischief which with the ordinary child would justify a magistrate's order sending him to an industrial school?—Yes.

23412. But these same children are refused because of their mental deficiency?—Yes.

23413. It has been suggested that there should be a special industrial school to take mentally deficient cases?—I see no objection to that.

23414. You think that that might be a desirable plan?—I think so.

23415. When they come within the clutches of the law there should be a special kind of industrial school for them?—Yes.

23416. You think that that might be desirable?—Yes, I think so.

23417. (*Chairman.*) Have you anything you would like to add with regard to your suggestion about a more thorough medical examination of all elementary school children. Is that an examination of all children irrespective of defects?—Yes, I think there is a well made out case in the report of the Royal Commission on Physical Training (Scotland) and also in the report of the Physical Deterioration Committee, and still further in the reports of the two later Inter-Departmental Committees for a universal inspection of school children, certainly on admission.

23418. It would entail a very heavy expenditure?—Not necessarily, if it were conducted on lines similar to what is done in Wiesbaden or Nuremberg. Wiesbaden is a town with a population of about 90,000 and with 10,000 school children. The total expense there is only £250 a year.

23419. Would you suggest that medical officers to conduct the inspection should be appointed by the central authority?—No, they should be appointed by the educational authorities. It is a matter for the educational authority as being *in loco parentis* to the child, as it were, to see that the children admitted are fit to be educated.

23420. Would you not run the risk in that case of sometimes having medical officers appointed who were perhaps not very conversant with the work?—That is very true.

23421. Do you think that they should be appointed by the local authority?—Yes, I think they should be made responsible for that work.

23422. Is there anything else you would like to add?—I should like to hand in this memorandum of conditions and also the memorandum as to cases suitable for treatment in the observation wards of a poorhouse. (*Vide Appendix to Statement, page 156.*) This is an indication of the class of case that might be considered suitable for observation as a sort of direction to the medical officers of parish councils and others concerned as to what kind of thing they should consider and what kind they should exclude without qualification. It is impossible to be more definite in a new line of development such as this. This memorandum has been drawn up in concert with the Lunacy Board. The certificate is a simplified form that we propose to issue at the same time.

23423. (*Dr. Needham.*) What you are referring to now are the regulations referred to in the Appendix to your Statement (*page 156*), "Regulations to be handed in," that is to say, regulations issued by the Local Government Board for observation wards in poorhouses. Are those what you refer to, or is there a separate set of regulations agreed to between you and the Lunacy Commissioners?—This memorandum on the observation wards is a memorandum of conditions on which the Local Government Board are prepared to approve of the establishment of special wards in poorhouses for the observation of cases of temporary mental disorder. On the back of the revised certificate we put a memorandum as to cases suitable for treatment in the observation wards of a poorhouse. This is a rough direction to medical men.

23424. I am only taking your own words. You say that in Scotland the Central Lunacy Board and the Local Government Board co-operate, and recently you issued regulations, and you put at the end of the proof of your Statement of Evidence, "Regulations to be handed in"?—What I refer to are the regulations to be handed in. They were not ready at the time I wrote my Statement of Evidence.*

23425. (*Mr. Byrne.*) I would like to ask on the general question as to whether defective-minded paupers should be dealt with by the Poor Law authorities, or whether it would in general be expedient to remove them. You have advised that there are certain cases of persons who might be detained although they are not necessarily criminals. Are those people to be under the control and inspection of the Poor Law authority, or, having been ascertained to be defective, should they be put under the Lunacy Board or some authority? What is your opinion as to that?—In Scotland the local authority is made responsible for the local administration under the supervision of the central authority and the central authority has no direct power to do the administrative work.

Note by Witness.—*Papers handed in were (a) Memorandum of Conditions on which the Local Government Board are prepared to approve of the establishment or continuance of Special Wards in Poorhouses for the observation of cases of temporary Mental Disorder; (b) Revised Form of Admission Certificate, with Memorandum as to cases suitable for treatment in the Observation Wards of a Poorhouse. Memorandum (a) is referred to as "Regulations."

The local authority does it itself. It would make practically no difference in the actual practice in Scotland what was done, because normally the parish council, as the local lunacy board, would be the same local authority as the administrators of the Poor Law.

23426. It is not of any importance in Scotland?—No, I do not think so, because our Board and the Lunacy Board work very smoothly together.

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23427. The local authorities would be the same whether acting as Poor Law authorities, or general authorities?—Yes, in point of fact the parish councils have to do with the local asylums as well as with the poorhouses.

R. B. Barclay, Esq., I.S.O., called; and Examined.

23428. (*Chairman.*) You have been so kind as to give us a statement of your evidence; may we put it on our notes?—Yes.

R. B. Barclay, Esq., I.S.O.

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Statement of the Evidence proposed to be given by R. B. Barclay, I.S.O., Esq., General Superintendent of Poor Houses, Local Government Board, Edinburgh.

I have been General Superintendent of Poor for upwards of fourteen years. My Poor Law duties include the inspection of all the poorhouses in Scotland and all the parishes in the south-western district—that is in the counties of Lanark, Renfrew, Ayr, Dumfries, Kirkcudbright and Wigtown. I have been on the staff of the Board of Supervision and Local Government Board for upwards of thirty-seven years.

Parochial Boards (now superseded by Parish Councils) were empowered to erect poorhouses by the Poor Law Act of 1845, section 60, where the population of the parish exceeded 5,000, and by section 61, Parochial Boards (now Parish Councils) of two or more contiguous parishes were empowered to combine to erect a common poorhouse.

The preamble of section 60 which by the Statute Law Revision Act of 1891 may be omitted, but has not been repealed, is:—

"And whereas for more effectually administering to the wants of the aged and other friendless impotent poor, and also for providing for those poor persons who from weakness or facility of mind or by reason of dissipated and improvident habits are unable or unfit to take charge of their own affairs, it is expedient that poorhouses should be erected in populous parishes."

This describes very accurately the classes of poor which are to be found in our smaller poorhouses.

You have had evidence from Mr. Motion, the inspector of poor of the largest parish in Scotland, which has the largest poorhouses, and I understand you are to have evidence from other officers connected with large establishments. I propose therefore to confine my evidence to the smaller poorhouses and to the classes of inmates to be found therein.

At 31st December, 1905, there were seventy poorhouses in Scotland, having accommodation for 18,263 inmates. The number of inmates in these poorhouses was at 1st January, 1905, 14,783; at 15th May, 13,255; and at 1st July, 13,266.

Of these poorhouses twenty-four were parish poorhouses under Section 60 of the Act, and forty-six combination poorhouses under Section 61.

Twelve had wards licensed by the General Board of Lunacy for the reception of lunatic pauper patients.

At 31st December last, the poorhouses situated in towns and serving populous urban districts were full, or nearly full, but the excess on the normal occupation was not caused by persons suffering from weakness or facility of mind; but among the normal population of these houses there is always a considerable number of weak-minded persons. A large proportion of the excess at this time was, no doubt, from persons of dissipated and improvident habits. This latter class are, of course, the first to suffer from scarcity of employment.

The poorhouses in the country districts were not at the above date unusually full from the poor of the districts which they accommodate. A large proportion of the inmates of these smaller and country poorhouses show weakness or facility of mind.

Admission to the poorhouse is obtained on an order from the inspector of poor of the parish where applicant applies. The order must be accompanied by a medical certificate in a form prescribed by the Board.

In this certificate the medical officer has to give a categorical reply to the question:—

"Is applicant or any dependent 'Lunatic, insane, idiot, or of unsound mind,'" and it is pointed out on the certificate that "No person so described can be legally sent to, or received in a poorhouse, unless it possesses licensed lunatic wards, and then only with the sanction of the General Board of Lunacy."

Previous to my appointment, it was found that the answer to the above question was frequently evaded either by an omission to answer the question altogether, or by making some such remark as "weak-minded" or "formerly in asylum," etc. The Board issued circulars pointing out that any deviation from the proper categorical reply would be regarded as a grave offence, and instructing the governors of poorhouses that, if a certificate is defective, it is his duty to send for the medical officer of the poorhouse, and obtain from him a certificate in the prescribed form. It is now very rarely that I find a defective certificate. In addition to the caution given by the Board, it has come to be generally understood that if the medical officer of the poorhouse is called on to give a certificate, he is entitled to be paid for it. The few cases in which I have found defective certificates have generally been where the certifying medical officer was also medical officer of the poorhouse, and he probably wished to have further opportunity of examining the pauper as an inmate.

It was at one time proposed that the certificate should be "Is applicant (or pauper) sane," but the suggestion was not adopted, as, while there are ready tests for defining insanity or unsoundness of mind, there is no immediate test of sanity.

It may therefore be assumed that all the inmates admitted to the ordinary wards of our poorhouses are certified not to be "lunatic, insane, idiot, or of unsound mind."

It is, however, the fact that many of the inmates admitted to our poorhouses suffer from "weakness or facility of mind," or become so during their residence therein.

There are young people whose mental development has ceased at an early age, who cannot be classed as idiots, but who have been found incapable of receiving educational training. I may illustrate my meaning by the case of a lad of twenty-two who has been in a small poorhouse since a boy. He is a capital worker, can clean the brasses, sweep the rooms, wash the dishes, and set the dinner in the dining-hall, and understands and obeys any instruction given to him, but it would never occur to him to do anything of his own accord. He is cleanly in his habits, but cannot enter into conversation, and has no will power of his own.

There are men in the prime of life, of good education, who are incapable of doing more than the drudgery of copying letters and invoices.

There are women who have had several illegitimate children, and who are of low mental type and facile disposition. I may note a case where I had recently to examine a woman of this class. She is known to have had ten illegitimate children. She can neither read nor write. She could not tell me, counting on her fingers, how many children she had. In this same poorhouse there is a feeble-minded mute who has had seven illegitimate children. Another illegitimate woman has had ten illegitimate children; her eldest daughter is following in her footsteps, and two of the young children (twins) show signs of weakness. In another small poorhouse with nineteen female inmates, thirteen were infirm and sick, four were epileptics, and three weak-minded; one of the latter has had three illegitimate children, and all the three women are not allowed out as they are sent

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there for protection. In another small poorhouse there are five women. Two sisters, one weak-minded, have three illegitimate children each—one to a near relative. One woman is a deaf and dumb mute of low intelligence and two are infirm. I may mention the case of a woman now in a small poorhouse suffering from venereal disease. She has an ungovernable temper, and is destitute of any feelings of modesty. Her husband is also in this poorhouse, a mental and physical nonentity. Her father put her out of the house one night for her bad conduct, when she was sixteen years of age, and this man, who was passing at the time, took her to his house and married her. She has had six children, and has been prosecuted for neglecting and ill-treating them.

My experience leads me to say that the class of women who come to our poorhouses with more than one illegitimate child are generally of feeble mind.

We have also in our poorhouses many epileptics. They are a constant source of anxiety to the officials, and it is a marvel to me that we have not many serious accidents occurring among them. In the smaller poorhouses they are under no official supervision, but are looked after by other inmates. The medical officers as a rule endeavour to have the fits removed from day to night, which is a great safeguard.

There are also in our poorhouses many cases discharged from asylum as recovered, but so feeble-minded as to be unable to maintain themselves outside. These inmates sometimes lapse, and have to be sent back to the asylum. They have no special attention in the small poorhouses, and the monotony of their lives does not improve their mental condition. If young or middle-aged persons leave the asylum cured or improved, they are not, as a rule, sent to the poorhouse. The cases we have in poorhouses are mental and physical wrecks, often from their own previous bad conduct, and are not likely to be benefited by any ameliorative treatment. They are not of a class which could be boarded-out. No guardians would have them at a rate which the parish could afford to pay, and which it would be fair to the ratepayers to spend on them.

There are also many senile cases. In the smaller poorhouses, a large proportion of the inmates are over seventy years of age. In some cases they have been in the poorhouse for years, and have been preserved to senility by the good treatment they have received. In other cases, they have been sent in as they were unfit to look after themselves and had no one to look after them.

With reference to the "Ins and Outs" I may say that there is scarcely one of the smaller poorhouses that has not at least one case of this kind, but I cannot say that those which have come under my notice are feeble-minded.

23429. (*Mr. Dickinson.*) I notice that you have the supervision of all the poorhouses in Scotland?—Yes, that is so.

23430. There are seventy poorhouses?—Yes.

23431. Of these only twelve have observation wards?—Yes.

23432. The remaining fifty-eight are poorhouses in which a lunatic ought not to be detained?—That is so.

23433. In your experience they are not detained in these poorhouses?—No statutory lunatics are detained in them.

23434. On whom rests the decision as to whether a person who is in the poorhouse shall be under the lunacy authority or not?—The medical officer—in the first place at admission the certifying medical officer from the outside, and then if lunacy appears after the inmate has been in the house for some time the governor or some other official will bring the inmate under the notice of the medical officer and will have him certified.

23435. Would the Local Government Board concern itself with the question as to whether lunatics are properly sent from the poorhouse to the asylum?—No.

23436. What superior authority would concern itself with that question?—They would be certified in the same way as if the lunacy had occurred outside; they would be certified by two medical men and sent to the asylum just as if the lunacy had occurred outside.

23437. There is an inducement to the poorhouse authorities, through the grant for lunatics, to certify these people?—Not very great, because the cost in the lunatic asylum is so much higher than in the ordinary wards of a poorhouse, that in some cases the expense, even with the grant, would be greater in the asylum than it would be if they were left in the ordinary wards of the poorhouse.

23438. Then I may take it that there is no inducement?—Not generally. There might be in some poorhouses, but that is not general throughout the country.

23439. In some poorhouses it would act adversely to the ratepayers if the poorhouse sent the inmates to the asylum?—Yes. There is the same inducement with regard to the outdoor pauper to have him certified as insane and get a share of the grant as there is with regard to an inmate of the poorhouse.

23440. In what way if the cost is more?—They get a share of the grant for a certified lunatic. If a person was receiving an outdoor allowance and showed symptoms of insanity, if they had him certified as a lunatic they might get half of his cost, remaining exactly where he was before, under the supervision of the General Board of Lunacy.

23441. I notice that you state that the lunacy certificate must take the form of certifying that the persons are lunatic, insane, idiot, or of unsound mind?—Yes.

23442. That is a pretty wide admission?—Yes; might I explain, those are the words in the Lunacy Act.

23443. Then you go on to state that cases have arisen in which the certifying authority became rather of the habit of extending that definition and certifying persons who were really weak-minded?—Yes, I mean to say that persons were sent into the poorhouse who were really insane, and the certificate was defective in saying that they were weak-minded or formerly in the asylum. The words of the statute were not used.

23444. You say "sent to the poorhouse." I understand we are dealing with people sent into the lunatic asylum or lunatic wards?—No, I am dealing throughout with the ordinary wards. The question is, "Is the person lunatic, insane, idiot, or of unsound mind?" and the answer should be "No," if they are to go into the ordinary wards. That is what I mean.

23445. Then a person in order to be admitted into the ordinary wards of a poorhouse has to be certified as not of unsound mind?—Yes.

23446. You found that the certifying authorities were in the habit of certifying persons as weak-minded or being formerly in the asylum?—Yes.

23447. You put a stop to that?—Yes.

23448. What was the object of your putting a stop to that?—Danger to the other inmates. These people are perhaps really insane, and we have had cases where violence has been used to the other inmates of the poorhouse and to the officials because they were admitted on these defective certificates.

23449. The defective certificates stated that the persons were not weak-minded, and you have prevented their saying that now?—The certificate did not say they were not insane, but it said that they were weak-minded.

23450. I see; I beg your pardon. Your decision was to keep weak-minded persons out of the poorhouse?—If they were insane. We wished the certifying medical officer to make sure of the state of their mind before sending them to the ordinary wards of the poorhouse; to make a proper examination, instead of merely having a conversation with them and saying that they were just weak-minded. They evaded giving a proper reply to the question.

23451. You tied them down to saying that they must be not of unsound mind?—Yes.

23452. What was the result on the weak-minded persons who were not of unsound mind?—"Weak-minded" is not a statutory definition of lunacy.

23453. They got into the poorhouse?—Yes, but many came into the poorhouse and turned out to be actually insane. That was the point.

23454. Let me carry that on. In your statement you give certain cases, and you mention the case of an illegitimate woman who had ten illegitimate children. "Her eldest

daughter is following in her footsteps, and two of the young children (twins) show signs of weakness." Those cases are cases that have been admitted into the poorhouse as being persons who were not of unsound mind ?—Yes.

23455. And you say they were persons that were of unsound mind ?—I would say that they were feeble-minded.

23456. Are they not persons that would legitimately have been treated as being of unsound mind ?—I do not think any of those cases could have been certified as insane and fit for treatment in an asylum. I do not think any medical man would have certified them as being insane.

23457. And the result of not certifying them is that they go in and out of the poorhouse as they like ?—That is so.

23458. If they had been certified they would have been detained ?—Yes.

23459. They would have been detained in the lunacy wards of the poorhouse ?—In one of those cases there are lunacy wards; I do not think they would have been proper subjects for detention in the lunacy wards of the poorhouse.

23460. Would you go so far as to say that they are not persons who ought to be detained ?—I think they ought to be detained, but not in any institution that we have at the present time.

23461. Why not ?—Because I do not think that they would be proper cases for detention in an asylum. The cases that are sent to the lunacy wards of a poorhouse are what we call fatuous cases. None of those women could have been so described.

23462. You would not mix these people ?—I do not think the Lunacy Board would agree to that class of case They are very careful as to the class of cases they send to the lunacy wards of a poorhouse.

23463. There must be some institution to which these persons should be sent ?—Yes.

23464. And what class of institution is in your mind if it is to be neither an asylum nor a poorhouse ?—Something of the nature of a labour colony. That is what I have had in my mind for some years.

23465. For feeble-minded persons only ?—You might have it for different classes. It is a very extensive thing to give an opinion about.

23466. It is what we are trying to find out about ?—The cases they send to the lunacy wards of a poorhouse, what I call fatuous cases are those that are not curable; the definition is "harmless and uncurable."

23467. Surely those women are also incurable ?—If they had been shut up earlier they might have been cured.

23468. Can you not develop what your idea would be ?—We have not anything of the kind in this country that I can compare it to, but I think it would be a good thing if we had some labour colonies instituted. These women would be quite able for work if they were only kept separate from the rest of the population.

23469. (*Mr. Byrne.*) What in your opinion is the state of affairs indicated by your experience of the workhouses ? Are there a large number of people going in and out of the workhouse whose occasional freedom is a great expense to the State ?—Yes, there is a large number in the town workhouses.

23470. You agree with the last witness that there is a class or several classes of people for whom compulsory powers of detention ought to exist ?—Yes, but not in a poorhouse.

23471. If they were detained in a poorhouse it would have to be modified for permanent detention in the direction of being a place where they would have fresh air and more opportunities for work. You would like to make them all work except the seniles ?—Do you mean the ins-and-outs ?

23472. Yes ?—I would make them work.

23473. And that is one of the ideas that brings the labour colonies to your mind ?—Yes.

23474. Would you give us in more detail what sort of people you would have in your labour colony if it was started ? On the female side, you would have these feeble-minded women who had an illegitimate child every time they went out ?—Yes, and young men of improvident habits.

23475. And those who through want of energy and through incapacity, even without vice, could not maintain themselves ?—Yes, who were not able to provide for themselves outside.

23476. You would expect that under supervision they would do more towards maintaining themselves than they would do outside ?—Yes.

23477. And if treated in that way would they be a less heavy burden on the community than they are now ?—Whether less or not I could not say, but it would be worth the money.

23478. You think it would be worth trying ?—Yes.

23479. Have you many people in the poorhouse who have frequently been in and out of the poorhouse ?—Yes, a great many.

23480. Inebriates to a large extent ?—Yes.

23481. Are there many people in the poorhouses in Scotland who are perpetually being received because they get violently drunk and get *delirium tremens* and so on ?—Yes, a large number in the town poorhouses.

23482. Some of them do that several times a year ?—Yes.

23483. Is that a criminal offence ? Can you punish a man for making himself chargeable for repeated drunkenness ? Is it a punishable offence if he throws himself on the rates ?—Not for throwing himself on the rates. But if he is apprehended by the police as being incapable and unable to look after himself they take him to the police station, but the fact of applying for the rates is not a criminal offence.

23484. Do you think that a man like that ought to be really in an inebriates' reformatory ?—Most certainly, if it is to do him any good.

23485. Would you recommend that change of the law ? We have some witnesses who have recommended it to us. You know the Inebriates Act ?—Yes.

23486. For certain repeated offences of drunkenness you can put a person in a reformatory for a period not exceeding three years ?—Yes.

23487. Making yourself chargeable to the rates through drunkenness is not one of the offences ?—No.

23488. Would you like to make it an offence for making yourself chargeable, or your wife and family chargeable ?—I would send such a person to a labour colony.

23489. In fact that colony might be as suitable for a large class of inebriates as it would for a large class of feeble-minded persons ?—Yes.

23490. And you are aware of no reason why they should not be run by the same manager and under the same conditions ?—That is so. They are very much of the same class so far as I can see. I think giving way to drink is very often the result of feeble-mindedness.

23491. And you think they ought to be dealt with in the same way ?—I think so.

23492. (*Dr. Needham.*) If a person has to be certified as not insane before he comes into the poorhouse, how is it that so many people are admitted who are not sane ? Is it only because the doctor evades the question by saying that this person is feeble-minded ?—A great many of them are not so feeble-minded as to be certified insane. I have given you the description in the statute.

23493. What becomes of the ascertained cases in their inception ? In England, of course, they are sent in considerable numbers to the workhouse and then drafted off to the asylums, but that would not be justifiable in Scotland ?—There are very few of the feeble-minded in poorhouses that land ultimately in the asylum in my experience.

23494. But there must be a certain number of ascertained cases which do not go direct to the asylum. For many reasons they require to have temporary care taken of them. Are they sent to the workhouse ?—No. That is what we are providing for in these observation wards.

23495. They are not sent to the workhouse, and you have no provision except the asylums ?—Except in those three poorhouses that Dr. Mackenzie told you about.

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23496. Every now and again it happens that you cannot take the requisite steps to get a person into an asylum to enable him to be taken care of promptly?—I think so.

23497. Suppose you have a person who becomes dangerous and violent on the afternoon of a particular day, what are you to do with him till next morning? Can you bring the requisite machinery into operation?—Do you mean if the person is in the workhouse?

23498. No, but a person who might go to the workhouse, a person in that position of life?——

23499. (*Dr. Dunlop.*) This is quite outside Mr. Barclay's function. The case would be dealt with by a certificate of one medical man.

23500. (*Dr. Needham.*) He would not go to the workhouse.

23501. (*Dr. Dunlop.*) No.

23502. (*Dr. Needham.*) My point was that he would not go to the workhouse to be taken care of.

23503. (*Dr. Dunlop.*) No.

23504. (*Witness.*) I never knew of any difficulty arising. You can always get a couple of able-bodied men or women to look after the person till next morning. They do not go into the poorhouse.

23505. (*Dr. Needham.*) If you get your lunatics in the workhouse, by whatever process you like, either by the medical men saying that they were feeble-minded or not insane, what is to prevent their being permanently retained in the workhouse? Who visits the workhouse to see that they are not detained there? The Lunacy Commissioners do not visit the workhouses?—That is so, but they may if they choose. I have never known of them doing it unless we have asked them to do so. In several cases I have asked them to visit several workhouses where I was suspicious of the sanity of some of the inmates, and they have done so.

23506. And it has resulted in the certifying of a considerable number of lunatics?—Of a few.

23507. As regards the feeble-minded in the workhouse that you get now, is it not the fact, as it is in England, that a considerable number of them discharge themselves and get into trouble in consequence? Is there any process by which they are prevented discharging themselves in Scotland?—There is no process, but I do not think there is any great difficulty as a rule. They have no great strength of will, and they can be persuaded to remain. I was in a Western poorhouse on Friday last, and there was a girl of exactly the class that I have in my mind who came to the matron and said she wished to get out to-morrow morning, that she was going away to Oban, The matron said, "All right, I will see you afterwards. I will see you to-morrow morning." By to-morrow morning she would have forgotten all about it. There is no compulsory detention, and I think, as a rule, there is no abuse in that respect.

23508. But suppose some other person than the girl herself wished to have her out of the poorhouse for purposes of their own, immoral or pecuniary, what is to prevent their exercising their stronger will over the girl's feeble will? Is there no detaining power?—The governor would not allow her out without instructions from the parish council which sent her in.

23509. How is he to detain her?—He would detain her.

23510. But how can he do it legally? Has he any legal power to do it?—No person has a right to take her out unless he or she is her guardian.

23511. Suppose it is her father or mother?—Then they could take her out.

23512. There is no power of detaining in that case?—No.

23513. (*Mr. Dickinson.*) You say with regard to these women that all the three women are not allowed out as they are sent there for protection. Now, how is that?—What I mean is that in most of the poor houses, in the country especially, there is a "liberty day," when they are allowed to go out and see their friends perhaps once a week or once a fortnight. Now, those women are not allowed to go out on that day. That was what I had in my mind. If they demanded their discharge they could only be prevented from going out by the means I have already spoken of, namely, putting them off from day to day. There is no compulsory detention.

23514. (*Dr. Needham.*) But they are detained?—Yes.

23515. There is no compulsory power of detention?—That is so.

23516. In other words they are detained illegally?—If you like to put it that way. I cannot help it.

23517. (*Chairman.*) It is only persuasion?—Yes.

23518 There is no forcible detention?—No.

23519. (*Mr. Burden.*) You refer in your statement to the class of women who come to the poorhouse for the purpose of giving birth to illegitimate children. Is there a large number of these in Scotland?—Not now, but there used to be a large number. Two or three poorhouses were notorious in that respect. The number has decreased very greatly.

23520. What has caused it?—I attribute it myself to the domestic servant difficulty. There is one poorhouse where I have a list that I now hand in (*vide infra*), a poorhouse in a dairying county where there are a great many young women milkers, and they are very much led astray. Twenty years ago it was the rule for them to go to the poorhouse; I do not know where they went afterwards. Now there is such a scarcity of female labour that the mistress gets them put in a cottage till their time is over, and then they are back to work again.

Table showing mental condition of women in two smaller poorhouses, who have had more than one illegitimate child :—

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Mother.	Number of Illegitimate Children.	Mental Condition.	
		Mother.	Children.
M. K.	4	Low and coarse. Father, weak-minded.	As far as known, normal.
H. D.	2	Normal.	One a certified lunatic.
E. L.	2	Feeble-minded.	One feeble-minded.
M. McN.	2	Very feeble minded.	One child feeble-minded.
J. P.	10	Feeble-minded.	As far as known, normal.
L. G.	7	Feeble-minded mute.	As far as known, normal.
M. S.	3	Feeble, mother and grandmother known to be illegitimate.	Fairly normal.
E. K.	3	Feeble, has been in asylum.	One of the children is feeble-minded.
A. W.	3	Feeble.	One child imbecile.
M. J.	3	Feeble.	As far as known, normal.
J. L.	5	Feeble.	Youngest, feeble-minded.
M. W.	2	Feeble.	One feeble-minded.
M. W.	2	Very feeble.	One feeble-minded.
J. N.	10	Normal.	Two (twins) feeble-minded.
E. McN.	8	Feeble.	Unknown.
B. T.	2	Feeble.	Unknown.
N. M.	2	Low type.	Normal.
E. S. or H.	9	Almost imbecile.	Only three alive, feeble.
C. S. or S.	2	Feeble.	One alive, feeble.
M. McN.	2	Violent temper, syphilitic.	First, bright. Second, feeble.
C. McG.	3	Weak minded.	Dull.
A. B.	2	Very feeble.	Died in infancy.

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23521. You think the number is as great, but they do not go to workhouses for the reason you have given ?—That is so. The numbers are as great, as is shown by the figures of the Registrar-General.

23522. Would you suggest some power of detention over such women who give birth to illegitimate children ?—Yes, I think it would be a great benefit.

23523. Would you limit the power in any way ?—Yes, it would require to be very carefully guarded.

23524. Would you advise the detention of a woman who came in a second or a third time ?—I think if a woman came in for the second time she ought to be examined by an expert in mental disease.

23525. And then if found to be deficient ?—Then she should be taken before some competent authority.

23526. And detained for how long ?—I would keep her till she was past the child-bearing age, at any rate.

23527. (*Dr. Dunlop.*) There are not very many imbecile mothers of illegitimate children in Scotland ?—In some counties there are a great many illegitimate births.

23528. In some counties the rate is about 10 per cent. ?—Yes.

23529. But all the mothers are not imbecile ?—No.

23530. It is only a very small number of them that are imbecile ?—Yes.

23531. So when you are talking about making provision for these defective mothers the total number in Scotland would not be very great ?—No, it would be very small.

23532. You heard what Dr. Mackenzie said about the detention of persons of unsound mind in poorhouses ?—Yes.

23533. He thinks it objectionable to detain sane and insane persons in the same building. Do you agree with that ?—No.

23534. Do you think it is fair play to the sane people to be shut up with the insane ?—I do not think those people are insane.

23535. Are you not aware of batches occasionally being certified ?—A few.

23536. There was a large batch not very long ago in one of the poorhouses ?—Is that Stornoway that you refer to ?

23537. No. There were thirty-five from one poorhouse in one day. That rather breaks down this line between certifiable and not certifiable ?—I was not aware of that.

23538. At all events you agree that a great many of them are of unsound mind ?—Yes. Of course, I was dealing with the country poorhouses principally, the smaller poorhouses.

23539. But we are thinking of the bigger ones too ?—Yes.

23540. Do you think it is fair play to a person of sound mind to be shut up along with persons of unsound mind ? I do not think it will do them any harm as long as these people are not dangerous to themselves or annoying to the other inmates.

23541. Do you think it is humane treatment of the unfortunate sane people to be shut up in a ward along with a lot of drivelling idiots ?—I have not found them to be drivelling idiots in my experience.

23542. Do you think that is too degraded a term to use ?—Yes, for the class to which I refer.

23543. But you will find extremely degraded persons in poorhouses in the ordinary wards; I have seen them ?—There are some in some cases.

23544. I saw a case last week that could not tell me whether I held up two or three fingers; and then you see them dirty in their habits ?—Yes.

23545. Is it fair play to the sane people to be shut up with those persons ?—I think there ought to be classification.

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23546. Separation?—Yes.

23547. As a matter of fact that clause that they must not be of unsound mind is not fully and properly carried out in Scotland at the present moment?—It is not. Of course where I differed from Dr. Mackenzie was that I understood he meant that these people should be removed to some other institution. It was rather difficult for me to hear what he was saying.

23548. You go the length of advising an extension of the certified wards to take in these people?—Yes.

23549. That is a division?—Yes, a classification.

23550. (*Chairman.*) Is there anything you would like to add?—I heard part of Dr. Mackenzie's evidence with regard to the observation wards. I think he was asked about an extension of these wards throughout the country. I believe that arrangements are being made or are in contemplation with different parish councils to use wards in a central place; for instance, the parishes round about Glasgow would use the wards either in Govan or Duke Street; and in different country districts instead of having wards connected with each poorhouse, they should have a central poorhouse that they could use for observation. In that way I think the system will become pretty general throughout Scotland. The suggestion of the Board has been taken up very favourably.

23551. (*Mr. Byrne.*) Are the people who go to these wards in any way certified now? Are they certified for six months?—No, they are not allowed to remain for more than six weeks. Dr. Mackenzie has handed in the form of certificate which the Board are going to issue.

Alexander Henderson, Esq., called; and Examined.

Alexander Henderson, Esq.

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23552. (*Chairman.*) You have been so kind as to give us a statement of your evidence; may we put it on the notes?—Certainly.

Statement of the Evidence proposed to be given by Alexander Henderson, Esq., Governor of Barnhill Poorhouse, Glasgow.

I have been twenty-four years connected with the administration of the Poor Law. For four years I was an assistant inspector. My duties in that position were to visit the homes of applicants for relief and enquire into their circumstances and need of assistance from the parish.

For six years I was indoor assistant inspector. My duties in that capacity were to supervise generally the work of the whole outdoor staff, examine reports, and advise relief committee. I also had charge of the boarded-out lunatics, whom I regularly visited. During those six years the number boarded out largely increased.

For the last fourteen years I have been governor of Barnhill poorhouse. I am responsible to the Local Government Board and the Parish Council for the management of the poorhouse. All applications for admission to the poorhouse are made to the inspector of poor, in whose office the applicants are medically examined and enquiry made as to their circumstances, and if found suitable they are subsequently conveyed to the poorhouse. Accompanying each admission is an order giving the name, age, and other particulars, also medical certificate stating the illness from which the person suffers.

There is accommodation in Barnhill poorhouse for 2,542 inmates; in the hospital department there is accommodation for eighty-nine ordinary cases, forty-eight venereal and skin cases, and an isolation ward for twenty-four cases, making a total of 161.

The house is further divided into six other divisions for purposes of classification. These are known as (1) probationary, (2) test, (3) healthy, (4) infirms suffering from trivial and temporary ailments, (5) infirms able to do light work, (6) infirms over sixty years of age. In Classes 5 and 6 there is of necessity further sub-division, as attention requires to be given to the physical condition, conduct, and temperament of these inmates.

There is no power of detention. Twenty-four hours after having intimated to the house governor a desire to be dismissed from the poorhouse, or sooner if the house governor shall think fit, any adult inmate, not a dependent of any inmate, may quit the poorhouse.

For the information of the Commission I submit the following figures—

1. Admissions for the year ending 31st December, 1905.
2. Table giving the results of personal interviews with 5,588 men for the year ending 31st December, 1905.
3. Table giving particulars of those admitted to the poorhouse six times and over during the year ending 31st December, 1905.
4. Table giving number of those showing signs of feeble-mindedness.
5. Number of inmates employed throughout the institution.

A careful perusal of the figures reveals certain important features which have a direct bearing on the physical and mental condition of the persons under review. It will be observed that under Table II., which treats with the men admitted, and dealt with individually, that they are mostly without a fixed residence, with no social or religious attachment, almost all given to drink, improperly fed and clothed, untidy and unclean in their persons. Such conduct and habits persisted in can only result in the wasting of their physical and mental faculties. I feel that unless some effort is made to deal with these conditions as they now exist, and by some means, either by persuasion or compulsion, have those people live more rational lives, more and still more provision will be required for the moral and mental wrecks thus created. I am strongly impressed that here there is a work for the Church and for philanthropic agencies combined. Such work must be unsectarian, thoroughly organised, and prosecuted with courage and perseverance. I also think that by some means the inhabitants of lodging-houses should be compelled to thoroughly clean themselves by washing, bathing, and by brushing their clothes. By the enforcement of cleanliness and personal attention you are likely to stimulate self-respect.

The female portion of the "ins and outs" is not so numerous as the male, and, with very few exceptions, not so degraded. It is worthy of note that seven years ago the female population under my charge were in the majority, but during the period since then the males have gradually increased until at present they are nearly two-thirds of the population of the institution. While I am of opinion that drink is probably the main factor in the production of pauperism, I feel it would be scarcely possible to establish a charge of habitual drunkenness against the great majority of the men or women who become chargeable in the poorhouse. I have come to the opinion that it is not so much that they are drunkards above all others, but that they lack the power of forethought, and spend on drink what they ought either to save, or use to procure proper food and clothing with. And in a great number of cases that amount means the loss of self-independence and a state of poverty.

Regarding those inmates classed as feeble-minded, they are mostly engaged at light work—the women at ward work, laundry, sewing, knitting, and fancy work under the Brabazon Employment Scheme; men at field work, rope teasing, firewood making, joiner work, baking, and cleaning. They mix among the other inmates at work and meals, and in many cases seem to be the most cheerful and contented of the inmates. Occasionally a case does occur when it is necessary to call the attention of the medical officer to the manner or conduct of an individual, and if the case is certified insane removal to the asylum takes place. Overtures are at present being made to the Local Government Board and the General Board of Lunacy to have wards set apart in the poorhouse for such cases and thereby save removal to asylums. I am of opinion that men and women found to be suffering from preventible diseases should be promptly and severely dealt with. There can be no doubt that continued liberty to them means danger and suffering to those with whom they come into contact.

For confirmed drunkards, undoubted prostitutes, and irreclaimables of whatever class, I favour long periods of detention, but my experience leads me to suggest that such detention should be separate from the poorhouse. The treatment and discipline would of necessity be so different from the ordinary management of the poorhouse that I cannot conceive of any measure of success unless by complete separation and isolation. Arrangements are presently under way for the removal of epileptics from the poorhouse, of which course I highly approve.

BARNHILL POORHOUSE.

Alexander Henderson, Esq.

11 June 1906.

The total number of Admissions to the Poorhouse during the year 1905 was 10,048—6,538 men, 3,318 women, 192 children. Of these the following numbers were admitted :—

Times.

	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Men.																						
Under 45 years -	217	119	64	31	24	13	9	4	3	1	1											
Under 60 years -	287	136	82	44	26	18	15	7	4	1	1	1	1	1								
Over 60 years - -	146	72	35	22	8	5	2	1														
	650	327	181	97	58	36	26	12	7	2	2	1	1	1								
Women.																						
Under 45 years -	110	50	29	18	13	9	7	5	4	4	3	2	2	1	1	1	1	1	1	1	1	1
Under 60 years -	102	58	34	23	18	15	13	9	4	4	3	2	2	1	1	1						
Over 60 years - -	131	77	46	26	17	13	9	4	2	2	2	2	2	1								
	343	185	109	67	48	37	29	18	10	10	8	6	6	3	2	2	1	1	1	1	1	1

Totals.

		3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Under 45 years	Men -	217	119	64	31	24	13	9	4	3	1	1											
	Women -	110	50	29	18	13	9	7	5	4	4	3	2	2	1	1	1	1	1	1	1	1	1
		327	169	93	49	37	22	16	9	7	5	4	2	2	1	1	1	1	1	1	1	1	1
Under 60 years	Men -	287	136	82	44	26	18	15	7	4	1	1	1	1	1								
	Women -	102	58	34	23	18	15	13	9	4	4	3	2	2	1	1	1						
		389	194	116	67	44	33	28	16	8	5	4	3	3	2	1	1						
Over 60 years	Men -	146	72	35	22	8	5	2	1														
	Women -	131	77	46	26	17	13	9	4	2	2	2	2	2	1								
		277	149	81	48	25	18	11	5	2	2	2	2	2	1								

Grand Total.

	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Men - - -	650	327	181	97	58	36	26	12	7	2	2	1	1	1								
Women - - -	343	185	109	67	48	37	29	18	10	10	8	6	6	3	2	2	1	1	1	1	1	1
	993	512	290	164	106	73	55	30	17	12	10	7	7	4	2	2	1	1	1	1	1	1

Males admitted to Ordinary Wards during Year 1905.

Under 20.	20 to 30.	30 to 40.	40 to 50.	50 to 60.	60 to 70.	Over 70.	Total.
129	386	937	1,326	1,280	1,201	329	5,588
2·3	6·9	16·8	23·7	22·9	21·5	5·9	per cent.

Single.	Married.	Widowers.	Models.	Private Houses.	Drink.	Do not drink.	Been in Prison.	Never in Prison.	Total.
2,929	1,279	1,380	4,444	1,144	5,334	254	2,853	2,735	5,588
52·4	22·9	24·7	79·5	20·5	95·5	4·5	51·1	48·9	per cent.

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MALES ADMITTED TO ORDINARY WARDS DURING YEAR 1905—*cont.*

	Under 20.	20 to 30.	30 to 40.	40 to 50.	50 to 60.	60 to 70.	Over 70.
Of those who drink -	19	302	902	1,310	1,277	1,197	328
„ „ do not drink	110	84	35	16	3	4	1

FEMALES ADMITTED TO ORDINARY WARDS DURING 1905.

Under 50 years.	Over 50 years.	Total.
1,618	1,656	3,274

MEN AND WOMEN CHARGEABLE SIX TIMES AND UPWARDS DURING 1905.

RESIDENCES AT APPLICATION.

	Lodging Houses.	Prisons or Police Offices.	Night Asylum.	Other Institutions.	Houseless.	Private Houses.	Total.
Under 45, Men - -	55	4	44	7	97	34	241
„ „ Women - -	44	7	39	3	32	41	166
Total - -	99	11	83	10	129	75	407
Under 60, Men - -	92	4	36	3	123	54	312
„ „ Women - -	55	4	61	4	49	38	211
Total - -	147	8	97	7	172	92	523
Over 60, Men - -	55	4	16	1	35	37	148
„ „ Women - -	75	15	30	2	15	73	210
Total - -	130	19	46	3	50	110	358
Grand Total - -	376	38	226	20	351	277	1,288

CONDITION OF APPLICANTS.

	Single.	Married.	Widowed.	Total.
Under 45, Men - - - - - -	23	6	2	31
„ „ Women - - - - -	10	7	1	18
Total - - - -	33	13	3	49
Under 60, Men - - - - - -	23	11	10	44
„ „ Women - - - - -	11	1	11	23
Total - - - -	34	12	21	67
Over 60, Men - - - - - -	7	5	10	22
„ „ Women - - - - -	5	1	20	26
Total - - - -	12	6	30	48
Grand Total - - - -	79	31	54	164

Alexander Henderson, Esq.

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ANALYSIS OF LIST OF FEEBLE-MINDED AND EPILEPTICS AT FEBRUARY, 1906.

	Under 45 years.	45 to 60 years.	Over 60 years.	Total.
Men - - - -	16	23	65	104
Women - - - -	34	33	46	113

These were chargeable for periods of under :—

	Weeks.			Months.						Years.																
	1.	2.	3.	1.	2.	3.	4.	5.	6.	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	14.	15.	16.	18.	20	40.
MEN :—																										
Under 45 -	2	–	1	1	3	1	1	–	2	2	2	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–	–
45 to 60 -	–	–	–	–	2	2	3	1	–	3	6	–	5	–	–	–	–	–	–	1	–	–	–	–	–	–	–
Over 60 -	1	–	–	2	2	2	1	2	2	15	26	6	3	–	2	–	–	1		–	–	–	–	–	–	–	–
WOMEN :—																										
Under 45 -	1	2	1	1	2	2	3	1	–	2	5	3	4	1	–	1	2	–	1	–	–	1	–	1	–	–	–
45 to 60 -	2	–	1	2	1	–	2	2	2	3	8	2	1	–	2	1	–	–	–	1	1	–	–	–	1	–	1
Over 60 -	2	–	1	1	1	6	2	3	3	5	10	3	3	–	–	–	2	–		–	1	1	1	–	–	1	–
TOTAL -	8	2	4	7	11	13	12	9	9	30	57	14	16	1	4	2	4	1	1	2	3	2	1	1	1	1	1

POORHOUSE OF BARNHILL.

NUMBER of PAUPERS resident in the Poorhouse at midnight of the night between 31st March and 1st April, 1906, of whom—

	Males.	Females.	TOTAL.
(*a*) Children under 2 years of age (not on sick list) - - - - -	11	11	22
(*b*) Children above the age of 2 and under that of 15 years (not on sick list)	—	—	—
(*c*) Paupers above the age of 15 years (not on sick list) who were :—			
(1.) Not working (but not infirm or sick) - - - - -	23	18	41
(2.) Working { Light work - - - - - - - -	289	278	567
Heavy work - - - - - - - -	168	86	254
(3.) Infirm - { Light work - - - - - - - -	447	104	551
Not working - - - - - - - -	194	255	449
(*d*) Paupers on the sick list :—			
(1.) Children under 15 years - - - - - - - -	3	—	3
(2.) Paupers above the age of 15 years - - - - - -	129	31	160
	1,264	783	2,047

23553. (*Dr. Dunlop.*) Do you agree with what has been said, that there are a considerable number of persons of really unsound mind in the wards of the poorhouses ?—Yes.

23554. And the regulation as it stands has not been strictly and literally carried out ?—Of course that must be qualified in this way, that all persons admitted to the poorhouse are admitted on a medical certificate, and these certificates must certify that the person is not of unsound mind.

23555. They are so stated on the certificate, but as a matter of fact it is rather loosely carried out. You have 217 such persons in the poorhouse of which you are governor ?—That list has been made up as of persons who certainly are giving indications of weakness of mind, but it is in the governor's opinion and not in the opinion of the medical officer.

23556. Quite so. They have been chargeable for a time varying from a few weeks to forty odd years ?—Yes, some of them.

23557. Do you approve of the association or disassociation of those unfortunate persons with the sane ?—I have never had the slightest difficulty in managing these people.

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23558. They could be managed with the sane inmates helping to look after them ?—No, I do not say that. They seem to conduct themselves very properly among the sane inmates.

23559. Do you think it is fair play to the sane inmates ?—I have not seen many that I could object to.

23560. You have not had any complaints on that score ?—No.

23561. You have had no complaints of their dirty habits ?—No.

23562. You see no objection to them at all ?—No, so far as the cases under my charge are concerned.

23563. You say that they are cheaper in poorhouses than in asylums ?—Surely.

23564. Does that apply to all these cases of weak mind ?—Yes.

23565. Senile dementia ?—If they are transferred to Stobhill the expense is not so very great.

23566. That class is a class that is expensive because they require a great deal of nursing ?—Yes.

23567. And they cost a lot of money whether they are in poorhouses or in asylums ?—Yes, that is so.

23568. Where does the difference in expense between the asylum and the poorhouse come in ?—I cannot say. The diet is certainly very much better in an asylum and then the supervision is more expensive.

23569. The necessary nursing and the diet ?—Yes.

23570. Do you think the diet is sufficiently good for these unfortunates, the diet that you are giving them just now ?—Yes.

23571. How often do they get porridge and butter milk in the day ?—They do not get butter milk at all; they get sweet milk.

23572. That is an advance on the old times ?—Yes. I have made a note of the cost of their keep for the last five years in the poorhouse, and it averages about 5s. 6d. per week all over.

23573. All told ?—Yes, that includes maintenance, management, accommodation, and medical relief.

23574. That is much smaller than it is in the asylum ?—Yes.

23575. In the asylum it is about 10s. ?—Yes, from 10s. to 12s

23576. Clear of rent charges ?—Yes.

23577. (*Dr. Needham.*) As regards the feeble-minded that you have in the poorhouse, have you any means of detaining them ?—Not compulsorily.

23578. Do you find that generally they are content to remain, or do many of them apply to be discharged and insist on it ?—Very few give us any trouble in that way, and they are usually managed by a little persuasion.

23579. Do their friends give any trouble ?—No.

23580. Do you not think there should be some means of detention ?—I think the cases that require it are cases that as a rule are ready for classification and can be removed to an asylum.

23581. You think there are no cases which cannot be certified under present conditions who ought to be detained and are not able to be detained now ?—So far as that list is concerned that I have submitted there are very few indeed.

23582-3. (*Mrs. Pinsent.*) When you get a feeble-minded child what do you do with it ?—I have no children under my charge. They have been removed from me several years ago.

23584. (*Mrs. Pinsent.*) Are the children in the Poor Law schools, or where have they been removed to ?—Stobhill.

23585. What is Stobhill ?—Another institution under the Glasgow Parish Council.

23586. What do they do with the children there ?—I am not acquainted with the management there.

23587. You cannot give us any information about that ?—Not definitely.

23588. You have special schools in Glasgow ?—Yes.

23589. The point I want to ascertain is this, when the father and mother go to the poorhouse, what becomes of the child if it is feeble-minded ?—I cannot give any information about that.

23590. (*Mr. Byrne.*) Have you heard of many cases in which parents find difficulty in getting a troublesome feeble-minded child provided for by the Guardians ?—I have not had any experience of that. I have never known of any difficulty.

23591. There would be no difficulty in Scotland ?—I do not think so.

23592. There is no difficulty about the pauperising of the parents in Scotland ?—No.

23593. Suppose a working man has a girl of about thirteen beginning to be troublesome, and he wants to get her into a Poor Law institution, he can do so and pay some reasonable amount for her ?—Yes.

23594. That is quite part of the system in Scotland ?—Yes.

23595. Has that any effect on the parent's vote ?—I think not.

23596. With regard to your list (*page* 171), will you be good enough to tell us out of how many inmates that number of feeble-minded and epileptics was found. You give 217 feeble-minded and epileptics, that is out of a total number of what ?—That was a special list made up for the purpose of finding whether it was necessary to have licensed wards in Barnhill Poorhouse or not.

23597. How many people would there be roughly out of whom there were 217 feeble-minded and epileptics, about 2,000 ?—Yes, there would be over 2,000 in the house at that time.

23598. So it is about 10 per cent. ?—Yes.

23599. Did you hear the evidence given by the last witness ?—Yes.

23600. Do you agree generally with him as regards the trouble that exists now for the want of detention in some cases ?—Not so far as I am concerned in Barnhill. I do not think there is any want of detention. My opinion is that the cases under me are as well cared for as their circumstances require.

23601. What do you think about the suggestion as to labour colonies ? You do not think they are required for your purpose ?—I think, making an analysis of the cases coming under me, that there are not many men and women that would be suitable for them.

23602. Have you many inebriates ?—On the list I have submitted only nine men out of the 164 were suffering from alcohol on their admission to the poorhouse, and eighteen women, making a total of twenty-seven out of 164

23603. You have no knowledge of any substantial number of men coming constantly to the poorhouse on account of excessive drinking ?—That is a different thing. I state clearly that I believe drink to be the main factor in the cause of admission into the poorhouse. It is because of the drinking habits of these people that they do ask admission into the poorhouse.

23604. But yet you tell us how you have only had nine men and eighteen women certified as suffering from the results of drink ?—Yes. The others are not what you would call habitual drunkards. They take a bout of drinking, as it were, and then exhaust all their funds and lose their work through their drinking habits.

23605. And they bring their families into destitution and neglect their children ?—A great many have no families to care for.

23606. You have no special recommendations to make with regard to that class ?—I think what should be done is that there should be something done outside the poorhouse. I think they should be reformed before they come to the poorhouse. It is not possible to erect and provide institutions to reform these people. My opinion is that the poorhouse is far too comfortable for them. I think they are good judges of what constitutes an easy-going life, rather than feeble-minded.

23607. Would you punish them? Do you think they are cases for punitive detention?—The difficulty is to get them so bad as to be got at. It would be a good thing if we had a law that would state the number of admissions and the extent of drunkenness——

23608. You mean that a man ought to be detained for a long time if he is there through drunkenness?—Yes.

23609. And punished and reformed?—Yes.

23610. Would you recommend that extension of the Inebriates Act?—Yes.

23611. Of course, if you had a considerable number of those people in detention you would require to have more or less large places?—I do not think they would require to be very large, because if the people knew that such a thing was possible I think they would very much reform themselves. Since 5th September the parish council have instituted a new form of dealing with those men. When they come in after a bout of drinking and feel unable to work, then within a week or at the most a fortnight, they are taken before the medical officer and certified as to whether they are fit to resume duty outside. If they are found fit, then they are discharged from the poorhouse. I have a return which shows that from 5th September till 15th May, no fewer than 403 cases have been dealt with in that way and 167 have not returned, showing that some strictness is required in dealing with these men, and that if they know that they are not to be allowed to loaf about then they take to their own resources.

23612. I do not quite understand what is the precise novelty in that. In what way is that a new departure? You could send able-bodied men out at any time?—Yes, but we had a system of revisals which were not quite so frequent as they are now. These men have to come for medical examination within a week or a fortnight, as the case may be, so that we never lose sight of them after their admission until we get them disposed of.

23613. What recommendations have you to make with regard to the treatment of epileptics? I see you think they should be removed from the poorhouse?—I think they should be specially provided for.

23614. Have you formulated any scheme for providing for them?—My idea is that there should be either a scheme of some kind or another where they would have plenty of outdoor exercise and facilities for working at special forms of labour.

23615. Would you recommend one or two or three institutions for Scotland?—I do not know. I think that probably two or three would be quite sufficient. I find that we have only twenty-nine in Barnhill—fourteen men and fifteen women.

23616. That is out of 2,000?—Yes.

23617. That is a very small number indeed?—Yes. I think that a very small institution or colony would suffice for the treatment of the epileptics in Scotland.

23618. Could that be done under the existing law by the Poor Law authorities combining?—Yes.

23619. It is a mere matter of having it urged on them?—That is so, a pure question of arrangement.

23620. (*Mr. Dickinson.*) You spoke about nine men being admitted through drink. I do not see that figure 9 in your Tables. What is the 95·5 in your statement?—It means that of these 5,588 cases that I have personally interviewed during the year, these persons admitted that they had been addicted to drink.

23621. That is a very different figure from what you gave?—Yes, but it is not a question of drunkenness. They take so much drink, they spend so much on it that they cannot help becoming chargeable on the rates. If they took care of the money that they spend on drink they would never be on the rates at all.

23622. Then 95·5 per cent. do come in because they drink?—It is one of the main factors; there may be others.

23623. You said that your list was made out when you were considering the desirability of establishing licensed wards?—Yes, it was made out in February of this year.

23624. You have no licensed ward for lunatics?—No.

23625. Are you contemplating the advisability of having one?—The idea was that we had a number of cases that required certification. At that time I think we had within three weeks probably fifteen or twenty cases certified and taken to the asylum. The question arose as to whether it was not cheaper to have a ward in the poorhouse where these cases could be transferred to and kept at a cheaper rate than in the asylum.

23626. And in order to ascertain what the number would be you went through the inmates?—Yes

23627. And you found 217 inmates that would be suitable for treatment in licensed wards?—No. I was asked to make out a list of men and women that I considered to be of feeble mind, and I made out that list of 217 that certainly showed signs of feeble-mindedness. That was submitted to the medical officer, and his opinion was that not half a dozen of these could be certified

23628. Not six out of 217?—That is so.

23629. What was his opinion with regard to the remainder? Did he agree that they were feeble-minded?—Yes, and probably there are a great many more in the House. We have a very great number of men and women suffering from paralysis, and some of them show signs of feeble-mindedness. But when it comes to be a question of certification, then it is quite a different matter.

23630. In your workhouse do you never have cases such as those about which Mr. Barclay has told us—cases of women with illegitimate children?—I have a Table which I made up in view of such a question being put to me. This Table goes over twelve years and it shows that there have been 400 births in the poorhouse during the last twelve years; of these 124 were legitimate and 276 were illegitimate; 236 were children of single women, twelve were children of married women and twenty-eight were children of widows. One single woman was confined three times, three single women were confined twice, one married woman was confined twice and two widows were confined twice. I have a full list of the names here. Knowing their characters and all that sort of thing, I am safe in saying that not more than three or four of these were feeble-minded.

23631. (*Chairman.*) Would you let us have that Table?—Yes, certainly.*

**Vide infra.*

Alexander Henderson, Esq.

11 June 1906.

CHILDREN BORN IN BARNHILL, 1894 TO 1906.

Legitimate 124. Illegitimate 276. Total 400.

Of the Illegitimate children :—

236 were borne by Single Women.
12 „ „ „ Married Women.
28 „ „ „ Widows.

Of these :—

1 Single Woman was confined 3 times.
3 Single Women were confined twice.
1 Married Woman was confined twice.
2 Widows were confined twice.

There were 5 cases of Twins.

Date.	Name.	Record.	Date of Mother's Admission.	Current Number.	Date of Discharge.	Mother's Name.	—
1894.							
Jan. 2	A. McD.	5/	23.12.93	4682	31. 5.94	C. McD.	32
„ 4	M. M.	5/3403	30.12.93	4737	2. 3.94	M. J. M.	21.4
„ 6	J. M.	5/	23.12.93	4680	1. 2.94	M. M.	21
„ 9	M. McM.	3/582	27.11.93	4387	1. 2.94	M. McM.	30
„ 17	D. C.	1/3873	16. 9.93	3647	22. 3.94	A. C.	25
„ 31	J. C.	7/3267	20.10.93	4004	6. 3.94	J. C.	32
March 14	F. H.	—	14. 3.94	1887	29. 3.94	F. H.	19½
May 5	E. J.	4/4576	17. 4.94	2180	24. 7.94	A. J.	17.4
„ 26	W. A.	3/3152	4. 4.94	2068	11. 6.94	P. A., wd.	31
June 22	J. M.	7/4164	2. 3.94	1774	6. 7.94	A. M.	18
July 10	H. McL. McK.	7/1003	24. 2.94	1702	29. 8.94	S. McK.	28
„ 11	S. L.	3/3529	14. 6.94	2732	24. 7.94	W. L., wf.	24
„ 19	T. B.	3/656	19. 7.94	3054	3. 8.94	H. B.	29
„ 28	B. C. M.	3/3208	2. 7.94	2879	11. 8.94	A. M.	22
„ 29	M. E. McP.	5/	6. 6.94	2666	13. 8.94	M. McP.	29
Aug. 13	J. T.	5/3429	13. 6.94	2720	27. 8.94	M. T.	19
Sept. 8	D. C.	5/	8. 8.94	3254	24. 9.94	M. C.	21
„ 13	M. McD.	4/4701	17. 8.94	3351	5.10.94	A. McD.	20
„ 11	K. McP.	7/4351	23. 7.94	3098	20.11.94	M. McP.	20
„ 17	D. F. R.	7/4460	15. 9.94	3655	2.10.94	I. R.	22
„ 23	C. C.	5/3620	3. 8.94	3208	17.11.94	M. C.	38
„ 30	S. A.	3/4459	11. 9.94	3581	13.10.94	I. A.	18
Oct. 7	D. G. A.	7/615	25. 6.94	2803	4.12.94	R. A.	30
„ 8	M. F. S.	7/4434	1. 9.94	3495	4.12.94	C. S.	18
„ 18	A. O'M.	2/325	16. 8.94	3224	31.10.94	B. O'M.	29
Nov. 7	J. Mc.D. S.	5/	18. 7.94	3040	30. 9.95	E. S.	30
„ 11	A. A.	3/4501	26.10.94	4036	24.11.94	S. A.	22
„ 14	M. J. C.	7688	29.10.94	4075	18.12.94	M. C.	20
„ 21	D. McP. M.	5/3731	8.11.94	4175	3.12.94	S. M., wf.	34
1895.							
Jan. 8	T. H.	—	15.11.94	4234	22. 1.95	M. H.	20
„ 28	J. C.	1/3513	3.12.94	4401	11. 2.95	M. C.	19
Feb. 12	J. N.	—	29. 1.95	1487	21. 3.95	M. N.	20
„ 17	M. McA.	7/4638	2. 2.95	1538	2. 3.95	M. McA.	21
„ 19	J. G.	4/3990	1. 2.95	1535	4. 3.95	J. G., wd.	34
„ 20	J. R.	5/3844	10. 1.95	1251	7. 3.95	M. R.	23
March 2	C. H. W.	3/4582	17. 1.95	1342	10. 4.95	A. W.	21
April 10	S. F.	7/4630	30. 1.95	1490	7. 8.95	M. F.	19
„ 30	M. B. J.	5/	24. 4.95	2394	4. 6.95	A. J., wd.	29
May 2	R. H.	—	26. 4.95	2418	11. 6.95	J. H., wd.	32
„ 3	M. A. L.	2/2099	20. 3.95	2057	21. 6.95	M. L.	32
„ 4	M. M.	2/4840	23. 3.95	2100	20. 5.95	A. M.	23
„ 7	M. M.	2/	5. 3.95	1901	22. 5.95	E. M.	27

Date.	Name.	Record.	Date of Mother's Admission.	Current Number.	Date of Discharge.	Mother's Name.	—
1895.							
May 10	A. D.	5/3972	2. 4.95	2197	8. 7.95	J. D.	18.4
„ 23	J. C.	5/	12. 4.95	2285	7. 6.95	A. C.	24
„ 29	A. McP.	1/3708	25. 5.95	2702	11. 6.95	M. Mc.P.	17
June 3	M. McE.	5/3993	18. 4.95	2347	2. 9.95	M. McE.	28
„ 5	H. McL.	5/4039	17. 5.95	2633	18. 6.95	F. Mc.L.	24
„ 20	G. B.	4/1735	14. 5.95	2578	30. 7.95	J. B., wd.	41
„ 28	M. T.	2/1140	24. 5.95	2681	13. 7.95	M. T.	32
July 2	M. R.	3/4815	1. 7.95	3073	22. 7.95	E. R.	27
„ 6	H. O'N.	7/891	3. 6.95	2794	19. 7.95	C. O'N.	38
„ 9	J. H.	5/3915	26. 2.95	1792	4. 9.95	J. H.	18
„ 11	M. L. W.	3/4790	7. 6.95	2837	25. 7.95	M. W.	21
Aug. 27	P. H.	2/	14. 8.95	3546	12.10.95	E. H.	23
„ 27	J. R.	7/4798	10. 6.95	2868	9. 9.95	J. R.	20
Oct. 31	J. G. P.	1/2783	20.10.95	4200	12.11.95	J. P., wd.	33
Nov. 14	K. B. or C.	7/2094	14. 8.95	3528	27. 2.95	J. B., wd.	35
„ 27	F. W.	2/	26.10.95	4262	8. 1.96	F. W.	26
Dec. 13	A. C.	7/3267	14.10.95	4143	10. 2.96	J. C.	36
1896.							
Jan. 7	M. C.	7/3616	4. 9.95	3760	20. 1.96	R. C.	33
„ 9	C. W.	5/3325	15.11.95	4460	24. 2.96	R. W.	21
„ 20	J. N. C.	7/2334	14. 1.96	1155	31. 1.96	M. C.	29
Feb. 2	M. M. W.	4/5291	17. 1.96	1193	5. 5.96	M. W.	25
„ 13	K. O'M.	2/325	26.11.95	4540	20. 4.96	B. O'M.	30
„ 16	F. McM.	2/	15. 2.96	1460	6. 3.96	E. Mc.M.	18
„ 21	M. L. McC.	5/	11. 2.96	1429	16. 6.96	M. McC.	19
March 3	J. K.	4/5329	18. 2.96	1478	23. 5.96	M. K.	33
„ 19	J. R. T.	4/1395	18. 3.96	1752	30. 6.96	J. R. T.	35
„ „	W. M. McK.	5/3359	16.10.95	4159	30.12.05	M. M. McK.	19.4
April 7	H. B. McC.	1/2902	26. 3.96	1831	23. 4.96	M. B.	22
„ 8	J. O'N. McC.	4/5373	31. 3.96	1871	23. 4.96	I. O'N.	26
„ 24	C. N. R.	3/5077	31. 3.96	1870	9. 5.96	C. R.	24
May 8	A. McL.	4/3329	5. 5.96	2168	2. 6.96	F. McL.	22
„ „	H. McC.		18. 3.96	1762	31. 8.96	E. McC.	23
June 14	J. McL. B.	3/2786	12. 3.96	1691	11. 9.96	T. B., wd.	36
„ „	M. E. McL.	7/3680	25. 2.96	1559	4. 8.96	C. McL., wd.	28
„ 27	J. D.	3/5088	11. 5.96	2237	3. 8.96	M. D.	33
July 8	J. S.	4/2810	6. 5.96	3182	24. 9.96	J. S., wd.	29
„ 18	J. B.	3/	4. 7.96	2713	22. 8.96	H. B.	26
„ 30	K. McW.	7/5289	26. 5.96	2380	15. 8.96	M. McW.	23
Aug. 15	M. M. McD.	7/5348	29. 7.96	2937	29. 8.96	M. McD.	24
„ 22	J. P.		3. 8.96	2977	30. 9.96	J. S. P.	21
„ 23	R. A. O'N.	1/4207	15. 7.96	2806	12.10.96	M. O'N.	20
Sept. 18	D. G.	5/4563	7. 8.96	3009	3.10.96	A. G.	23
„ 25	A. P.	7/1737	12. 8.96	3047	10.10.96	R. P	32
Oct. 19	D. J.	5/2770	4. 3.96	1641	23. 3.97	M. D.	31
Nov. 5	P. G.	4/1645	27.10.96	3687	20.11.96	M. G.	23½
„ 17	A. M. D.	1/4330	16.11.96	3883	2.12.96	M. D.	25
„ 20	J. Q. S.	3/4237	26.10.96	3682	9. 3.97	M. S.	33
Dec. 6	J. C. M.		3.10.96	3504	21.12.96	M. M.	35
„ 16	G. McG. D.	7/3042	4.12.96	4062	6. 4.97	P. D., wd.	36
„ 23	N. McG.		19.10.96	3621	12. 4.97	M. McG.	18
1897.							
Jan. 1	J. F.	5/129	28.12.96	4298	13. 1.97	G. F.	30
„ 2	M. P. P.	1/2783	22. 9.96	3414	12. 1.97	J. P., wd.	33
„ 27	C. S.	5/	9.10.96	3547	24. 2.97	I. S.	20
„ 28	F. G.	4/3990	13. 1.97	1224	10. 2.97	J. G., wd.	36

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1897.							
Feb. 6	A. R. McK.		20. 1.97	1325	19. 2.97	A. R. McK.	22
„ 27	J. C.	4/5665	6. 2.97	1535	3. 3.97	C. C.	23
March 7	J. S.	7/2614	7. 1.97	1152	20. 3.97	O. S., wd.	33
„ 25	W. G.	2/3646	25. 3.97	2048	28. 4.97	I. G.	24
April 1	E. M.	7/3328	8. 1.97	1162	14. 5.97	M. M.	29
„ 14	M. McM.	7/5621	11. 3.97	1887	27. 4.97	E. McM.	25
May 2	A. O'M.	—	17. 3.97	1974	15. 7.97	B. O'M.	31
„ 11	W. M.	5/	15. 3.97	1924	4. 6.97	C. M.	19.9
„ 22	J. R.	4/	7. 5.97	2532	4. 6.97	J. R. or R.	24
June 2	E. A. R.	7/3642	29. 5.97	2762	12. 6.97	J. K., wd.	38
„ 12	J. S.	7/	11. 5.97	2569	7. 9.97	A. S.	29
„ 25	G. H. S.	5/	25. 6.97	1757	21. 3.98	E. S.	26
„ 29	M. G.	4/	6. 5.97	2515	13. 7.97	J. G.	19
July 1	J. McD.	5/	3. 6.97	2796	10. 8.97	A. McD.	28
Aug. 1	J. G. R.	—	13. 7.97	3181	25. 8.97	A. R.	18
„ 11	A. C. G.	1/	8. 7.97	3127	30. 8.97	M. G.	34
„ 16	W. F. K.	1/	28. 7.97	3343	8. 3.98	E. K.	23
„ 19	M. McD.	4/4828	2. 6.97	2785	6.11.97	M. McD.	21
„ 22	M. M.	6/1825	13. 8.97		7. 9.97	M. M.	30
„ 25	J. N. P.	4/3987	17. 2.97	1640	30. 4.98	E. P.	25
Oct. 9	M. M.	3/1989	5. 8.97	3435	31. 8.98	M. M.	32
„ 28	E. McC. B.	1/2902	29. 9.97	3963	9.11.97	M. B.	23
Nov. 4	H. F. S.	2/	26. 8.97	3641	20.11.97	A. S.	42
„ 20	J. F.	3/5608	2.10.97	4298	3.12.97	J. F.	30
Dec. 12	J. M. G.	3/4869	2.11.97	4311	1. 6.98	R. G., wd.	35
„ „	F. M. G.	„	2.11.97	4311	1. 6.98	„ „ „	35
„ 15	J. McD.	5/	10.11.97	4416	11. 1.98	M. J. McD.	19
1898.							
Jan. 8	J. A.	5/5034	26.10.97	4822	6. 5.98	C. A.	29
„ 18	B. C.	3/5674	4. 1.97	1127	2. 2.98	B. C.	29
March 29	E. McL.	7/6181	4. 3.98	1840	27. 4.98	M. McL.	25
„ 30	M. McC.	4/	9. 2.98	1567	9. 6.98	J. McC.	22
April 12	A. H.	3/250	12. 3.98	1939	3. 5.98	A. H.	32
May 1	J. H.	2/	14. 4.98	2291	18. 5.98	J. H.	20
„ 14	E. W. McA.	2/	27. 4.98	2449	13. 5.98	H. C. McA.	23
„ 29	F. L.	7/3951	3. 4.98	2501	10. 6.98	E. L.	40
May 29	J. D. G.	2/	13. 4.98	2268	7. 6.98	M. G.	18
„ „	K. C.	4/	4. 4.98	2185	28. 7.98	K. C.	28
June 13	H. C. W.	7/6249	13. 6.98	2987	11. 7.98	J. W. or C.	23
July 7	P. M.	3/5852	6. 7.98	3241	22. 7.98	A. M.	27
„ 26	H. R. M.	3/3296	22. 6.98	3091	13. 8.98	H. M.	24
Aug. 20	J. T. O'B.	4/	12. 8.98	3643	15. 9.98	T. O'B.	30
„ „	C. H.	7/3778	11. 7.98	3289	17. 9.98	E. H.	25
„ 28	A. H.	5/3399	17. 8.98	3702	8.11.98	A. H.	30
Oct. 14	J. H.	—	8. 2.95	1594/5	—	A. H.	27
„ 15	I. D.	7/3343	15.10.98	7/4275	29.10.98	I. D. or McD.	27
„ 22	G. G. or C.	4/4577	19.10.98	4319	4.11.98	W. C., wd.	28
Nov. 2	W. P. T.	3/5413	1.11.98	4448	3.12.98	E. W. T.	21
„ 7	M. H. McA.	4/6408	20.10.98	4334	24. 1.99	S. McA.	22
	M. T. G.	3/5415	1.11.98	4452	17.12.98	C. G.	30
Dec. 6	D. C.	4/6413	24.10.98	4379	23. 2.99	M. C.	22
„ 28	T. K.	4/6367	14. 9.98	3955	13. 1.99	E. B. K.	23
1899.							
Jan. 14	J. C. McM. G.	4/	25.11.98	4730	15. 2.99	J. G.	19
	W. K.	7/6459	7.12.98	4855	11. 2.99	S. K.	35
Feb. 18	E. C.	2/	17. 1.99	1426	15. 6.99	E. C.	23

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1899.							
March 24 - -	J. W. - -	5/5449	7.12.98	4852	30. 5.99	J. W. - -	19
April 6 - -	C. T. W. -	1/4041	5. 4.99	2791	26. 4.99	H. W., wd. -	27
„ 26 -	C. McH. -	G8/	16. 2.99	2017	1. 6.99	M. McH. -	32
May 3 - -	F. A. - -	—	21. 4.99	3047	18. 5.99	E. A. - -	23
„ 25 - -	W. B. - -	G11/120	1. 5.99	3145	13. 6.99	A. B. - -	21
June 26 -	A. C. - -	6/	21. 6.99	3805	27. 7.99	E. C. - -	23
July 2 - -	A. or D. H. -	7/5842	24. 6.99	3855	29. 9.99	J. H., wf. -	34
„ 6 - -	J. B. - -	2/	26. 6.99	3871	19. 7.99	E. B. - -	23
Aug. 1 - -	H. McD. -	7/5348	29. 3.99	2708	16. 8.99	M. McD. -	27
„ 4 - -	E. B. - -	1/	22. 6.99	3835	12. 8.99	M. B. - -	25
Sept. 14 - -	R. B. - -	3/5099	4. 7.99	4043	5.10.99	M. McL. B. -	22
Oct. 19 - -	S. H. - -	—	12. 9.99	5085	31.10.99	S. H. - -	24
„ 30 - -	J. H. H. -	8/204	2. 9.99	4980	18.11.99	C. H. - -	18
Dec. 3 - -	A. McC. R. -	1/	19.10.99	5669	9. 1.00	M. R. - -	23
„ 17 -	J. H. - -	G12/274	23.11.99	6267	11. 1.00	J. B. H. -	17
1900.							
Jan. 3 - -	T. M. - -	G11/308	30.11.99	6398	6. 2.00	C. M. - -	29
„ 20 - -	L. McP. -	—	27.11.99	6320	28. 2.00	E. McP. -	22
„ 25 - -	R. R. . -	G9/392	2.11.99	5922	8. 2.00	M. R. - -	19
Feb. 10 - -	M. J. McL. -	—	18.12.99	6715	9. 4.00	M. McL. -	16
„ 16 - -	W. McF. -	2/662	10. 1.00	1446	2. 3.00	R. McF. -	33
„ 20 - -	G. D. - -	—	19. 2.00	2222	22. 3.00	C. D. - -	27
„ 24 - -	T. G. - -	—	10. 2.00	2061	13. 3.00	M. G. - -	25
March 20 - -	J. McM. -	G11/268	5. 2.00	1908	10. 5.00	T. McM. -	27
„ 30 -	A. C. - -	9/	26. 2.00	2400	3. 4.00	J. C., wd. -	29
April 6 - -	H. T. - -	G6/470	22. 3.00	2917	17. 4.00	M. T. - -	24
„ 29 - -	E. D. - -	G3/317	13. 3.00	2722	12. 5.00	H. D. - -	22
„ 26 - -	S. McK. -	3/4964	29.12.99	6897	18. 8.00	A. McK. -	20
May 5 - -	I. F. L. -	—	28. 4.00	3589	19. 5.00	E. B. L. -	23
„ 10 - -	F. C. - -	7/2411	1. 5.00	3643	29. 5.00	A. C. - -	39
July 18 - -	S. E. L. -	G6/602	18. 7.00	4985	11. 8.00	J. L. - -	20
„ 24 - -	T. C. - -	3/5943	17. 7.00	4959	26. 7.00	E. C. - -	24
„ 30 - -	M. McG. -	8/	18. 7.00	5012	14. 8.00	A. McG. -	31
Aug. 2 - -	D. M. D. -	1.86.204	1. 8.00	5273	18. 8.00	M. A. D. -	37
Sept. 3 - -	P. G. - -	G3/629	4. 7.00	4729	10.11.00	O. G. - -	19
Oct. 21 - -	A. T. - -	G5/543	9. 8.00	5427	9.11.00	J. T. J. -	23
Nov. 5 - -	E. L. L. -	—	2.11.00	6865	20.11.00	M. L. - -	30
„ 8 - -	M. C. - -	—	8.11.00	6975	21.11.00	M. C. - -	23
„ 23 - -	P. R. C. -	—	5.11.00	6884	8.12.00	A. C. - -	21
Dec. 5 - -	H. O'N. -	G10/208	14.11.00	7090	19.12.00	H. O'N., wf. -	23
„ 27 - -	G. G. S. - -	—	1.12.00	7363	11. 1.01	J. D. - -	26
1901.							
Feb. 6 - -	E. W. - -	—	5. 1.01	1582	27. 2.02	E. W. - -	22
„ 23 - -	A. McD. -	—	13.11.00	7052	11. 3.01	E. McD -	24
March 1 - -	J. McC. -	—	20.12.00	7703	15. 3.01	A. McC. -	20
„ 10 - -	M. E. McL. -	4/3329	14. 1.01	1793	25. 3.01	F. McL. -	26
„ 29 - -	K. C. - -	G5/592	14. 3.01	3239	18. 9.01	C. H. - -	28
April 3 - -	J. M. - -	G8/	24. 1.01	2014	17. 4.01	M. A. - -	24
„ 12 - -	H. W. - -	—	4. 3.01	2962	20. 4.01	A. W. - -	31
„ 26 - -	A. J. - -	10/970	19. 2.01	2623	13. 5.01	E. J. - -	33
May 23 - -	M. R. F. -	L7/3136	9. 1.01	1699	4. 6.01	M. B. or F. -	24
„ 27 - -	M. G. - -	6/8098	20. 5.01	4716	8. 6.01	C. G. - -	34
June 11 - -	J. McC. -	—	29. 5.01	4928	4.12.01	M. McC. -	26
July 9 - -	W. J. M. -	G1/	28. 5.01	4890	20. 7.01	T. M., wf. -	26
Sept. 5 - -	J. T. - -	—	15. 8.01	6602	24. 9.01	E. T. - -	19
„ 9 - -	R. C. - -	G11/590	22. 7.01	6206	12.10.01	J. H., wd. -	25

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Date.	Name.	Record.	Date of Mother's Admission.	Current Number.	Date of Discharge.	Mother's Name.	—
1901.							
Sept. 13 - -	A. C. - -	3757	24. 7.01	6252	22. 4.02	W. A., wd. -	41
„ 22 - -	G. K. - -	—	24. 5.01	4801	22.10.01	I. K. - -	24
Nov. 6 - -	M. McG. -	68180	14. 9.01	7100	19.11.01	M. A. McG. -	22
Dec. 6 - -	J. H. - -	G5/1003	4.12.01	8536	23.12.01	M. H. or K. -	35
„ 21 - -	J. McK. -	1/365	21.11.01	8300	4. 1.02	M. McK. -	28
1902.							
March 9 - -	E. B. - -	B5/3990	4.12.01	8562	4. 7.02	E. B. - -	23
„ „ - -	A. U. McL. -	—	4. 2.02	2207	29.10.02	M. McL. -	32
„ „ - -	J. McL. -	—	4. 2.02	2207	29.10.02	„ „ -	32
14 - -	A. Q. - -	G2/	28. 1.02	2024	27. 4.02	A. Q. - -	21
, 31 -	P. N. - -	4/62.12.	10.12.01	8788	3. 5.02	M. N. - -	27
April 3 - -	C. H. - -	8/304	17. 1.02	1801	4. 6.02	C. H. - -	20
„ 20 - -	W. M. - -	1/2160	11.11.01	8059	21. 7.02	R. M., wd. -	38
May 15 - -	A. D. - -	2.82.1	18. 3.02	3118	5. 7.02	J. D. - -	36
„ 31 - -	L. C. - -	1/	28. 5.02	4350	30. 6.02	J. C. - -	19
June 25 - -	A. M. B. -	7/6318	8. 4.02	3368	24. 7.02	E. B. - -	20
July 15 - -	A. M. - -	—	14. 7.02	5322	11. 9.02	M. M. - -	35
„ 22 - -	J. R. McC. -	—	4. 6.02	4523	13. 9.02	M. McC. -	23
„ 24 - -	W. McI. -	—	5. 7.02	5118	26. 9.02	L. McI. -	30
„ 25 - -	R. M. - -	B5/3711	17. 4.02	3581	1. 7.03	J. M., wf. -	33
„ „ - -	J. M. - -	„	17. 4.02	3581	1. 7.03	„ „ -	33
Aug. 17 - -	C. J. - -	3.96.15	13. 5.02	5062	2. 9.02	C. J. - -	25
Sept. 12 - -	J. G. J. -	G5/1430	10. 9.02	6327	26. 9.02	J. G. - -	25
„ 15 - -	J. M. - -	9/	11. 9.02	6371	15.10.02	C. M. - -	16
„ 28 - -	M. McK. -	—	26. 9.02	6612	17.12.02	A. McK. -	23
Oct. 8 - -	I. C. - -	—	11. 9.02	6365	22.10.02	I. C. - -	40
„ 13 - -	H. G. - -	G1/	7.10.02	6799	30.10.02	H. G. - -	26
„ 27 - -	A. C. - -	8/1726	23. 9.02	6552	11.11.02	M. C. - -	27
„ 28 - -	A. M. - -	G5/877	17.10.02	6990	15.11.02	W. M., wd. -	34
„ 29 - -	J. C. - -	L90.99	22.10.02	7090	21. 1.03	C. L., wd. -	37
Nov. 3 - -	M. C. - -	1/	31. 7.02	5661	10.12.02	L. C. - -	19
Dec. 20 - -	M. C. - -	11/1375	16.10.02	6958	3. 1.03	M. C. - -	21
1903.							
Jan. 11 - -	S. R. or F. -	—	4.12.02	7960	23. 2.02	B. R., wd. -	41
Feb. 14 - -	M. W. - -	G1/395	14. 1.03	1812	28. 2.03	A. W. - -	33
„ 15 - -	R. S. - -	G3/	14.11.02	7532	2. 3.03	S. S. - -	19
March 17 - -	S. S. - -	3/	9. 3.03	3034	4. 4.03	E. S. - -	38
April 5 - -	M. H. - -	3/	27. 2.03	2810	21. 4.03	M. H. - -	26
„ 6 - -	C. McK. -	3/	17. 2.03	2593	21. 4.03	A. McK. -	20
„ 12 - -	M. K. - -	G1/2527	8. 4.03	3667	3. 6.03	M. K. - -	25
„ 24 - -	G. M. or P. -	12/772	27. 1.03	2094	4. 6.03	T. P., wd. -	29
„ 26 - -	T. M. or B. -	8/	19. 1.03	1909	15. 5.03	G. B., wf. -	22
„ „ - -	P. M. or B. -	8/	19. 1.03	1909	15. 5.03	„ „ -	22
July 1 - -	G. C. - -	G4/1531	1. 7.03	5374	28. 7.03	M. C. - -	24
Aug. 25 - -	A. K. - -	G3/2241	15. 7.03	5674	8. 9.03	A. K. - -	23
„ 28 - -	D. G. - -	B3/1343	5. 6.03	4857	12. 9.03	J. G. - -	20
„ 29 - -	M. B. - -	12/658	24. 6.03	5231	20. 7.03	D. B., wf. -	35
Sept. 1 - -	R. M. - -	G5/	28. 8.03	6732	14. 9.03	H. M. - -	18
„ 24 - -	W. H. McC. -	G1/2779	7. 8.03	6238	19.11.03	S. McC. -	30
„ 27 - -	F. B. - -	8/2184	1. 9.03	6809	30.11.03	A. B. - -	20
Oct. 1 - -	J. K. - -	9/1771	15. 9.03	7122	16.10.03	J. K. - -	22
Nov. 11 - -	C. J. - -	10/2480	6.10.03	7614	24. 1.04	M. J. - -	25
„ 25 - -	H. K. - -	1.93.204	4.11.04	8232	12.12.03	J. K., wd. -	32
Dec. 28 - -	J. C. O'N -	10/208	24.12.03	9634	30. 3.04	H. O'N., wf. -	26

Date.	Name.	Record.	Date of Mother's Admission.	Current Number.	Date of Discharge.	Mother's Name.	—
1904.							
Feb. 20	W. W. C.	G3/2491	9. 2.04	3106	5. 3.04	M. C.	18
March 13	J. H.	4.75.28	30.12.03	9755	11. 4.04	E. H.	33
April 9	T. R.	—	26. 2.04	3552	27. 5.04	M. R.	19
„ 11	E. H.	G3/1549	5. 2.04	2929	1. 6.04	M. H. or B.	20
„ 15	I. McC.	G2/3247	1. 4.04	4482	28. 4.04	J. McC.	20
„ 24	F. C. F.	11/	11. 3.04	3904	27. 5.04	M. A. F.	21
May 4	J. McC.	B4/6140	8. 3.04	3769	13. 8.04	J. McC.	28
„ 4	J. McC.	B4/6140	8. 3.04	3769	13. 8.04	J. NcC.	28
„ 21	V. C.	G11/1981	6. 4.04	4590	11. 6.04	E. C.	19
„ 25	J. S.	—	18. 4.04	4969	10. 6.04	S. S.	25
„ 29	D. B.	G2/906	4. 2.04	2865	27. 7.04	S. B.	24
July 25	G. J. C.	9/	20. 7.04	7688	19. 8.04	M. C.	20
Aug. 24	A. M.	G12/1814	14. 7.04	7473	28.10.04	M. M.	26
Oct. 3	W. K. K.	G6/2604	9. 8.04	8231	21.10.04	A. K.	20
„ 16	A. G.	G6/2211	16.10.04	10378	1.11.04	M. G.	23
„ 29	J. T.	B5/5413	19.10.04	10477	24.11.04	E. T.	27
1905.							
Dec. 14	J. C.	S/3019	6.12.05	11703	13. 1.06	S. C.	20
„ 22	J. H.	L84/79	1.12.05	11555	4. 5.06	J. H.	19
1906.							
March 12	J. W.	S/3545	18. 1.06	2632	18. 1.06	J. W.	—

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23632. (*Mr. Dickinson.*) Over how many years do you say that that extends ?—Twelve years.

23633. What steps do you take which enables you to say that so few were feeble-minded ?—We have the certificate and we have a personal acquaintance with them while they are in the house.

23634. Would your attention have been drawn to that during all those twelve years ?—Yes.

23635. From your experience I may take it that it is not a very common thing ?—I think it is a very rare thing. Speaking for my own poorhouse, it is a very rare thing to have feeble-minded women coming in and giving birth to illegitimate children.

23636. Where do these people come from ?—I cannot tell.

23637. Where do most of your paupers come from ?—From the greater part of the city of Glasgow. The south side of the river is in the Govan parish. We have the north side only and it covers an area of seven or eight miles.

23638. Is that a poor part ?—There are some poor parts in it. We have the poorest part of the city of Glasgow in our parish.

23639. And according to this statement you have very few women who come in with illegitimate children more than twice; in fact none ?—That is a complete list.

23640. I suppose you made up that list from records recently ?—Yes. It has been made up since I sent in my statement to this Commission.

23641. When those records were made up, would the person who made the record have put down whether the woman was defective in mind or not ?—I am giving that information from personal observation and from the admission order and also from the medical certificate.

23642. (*Chairman.*) You knew all those cases yourself ?—Yes, personally.

23643. Is there anything you would like to add ?—I do not think I have anything to add.

23644. Have you any more information of a similar character that you would like to give us ?—No, I think I have given all the information I can think of.

23645. (*Mr. Byrne.*) Are you satisfied that you understand the word "feeble-minded" exactly in the sense that the doctors and others who have been giving evidence before us do ? Your evidence as to the small number of feeble-minded women is very striking indeed. We would like to know whether you are satisfied that you used the word "feeble-minded" in the same sense ?—I am not prepared to answer for anyone else, but I am satisfied that each of those women understood what she was about.

23646. Were they in general able to maintain themselves and earn their living ?—The best proof is that they have not become chargeable to the parish.

23647. They just came in for child birth and then went out ?—Yes.

23648. And so far as you know they were maintaining themselves when they were out ?—Yes.

23649. You saw nothing to make you doubt their power to do so ?—No.

Sir James Alexander Russell, Ll.D., F.R.C.P.E., D.L., J.P., called; and Examined.

23650. (*Chairman.*) You have been so kind as to give us a statement of your evidence; may we put it on the notes ?—Certainly.

Statement of Evidence proposed to be given by Sir James Alexander Russell, LL.D., F.R.C.P.E., D.L., J.P., formerly Member of Town Council of Edinburgh, Bailie, Member of the District Board of Lunacy, Lord Provost 1891 to 1894.

I regret that the request for evidence by me was made at a time of great pressure of work and so late that I have been unable to read the minutes of evidence given by previous witnesses, except that of Dr. John Macpherson, Mr. Richard Brown, Dr. Charles Macpherson, Mr. J. R. Motion, Mr. John Carswell, L.R.C.P.E., and Mr. R. D. Clarkson, M.B.

The Scottish Lunacy laws, notwithstanding the need of some small amendments of a technical character, have worked with great success and the administration enjoys the fullest measure of public confidence. This I attribute largely to the wisdom with which the General Board of Lunacy has exercised its powers in harmony with public opinion, to its happy selection of officials, and in addition to the success of the chief asylums in

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obtaining men of distinction as superintendents, who are personally well known, and in many cases regarded as leading citizens.

I believe that any extension of the powers of the General Board of Lunacy found necessary would be welcomed by public opinion in Scotland, and that the creation of other institutions or arrangements for persons of unsound or defective mind which were not subject to the control and inspection of the Board would be regarded with suspicion.

Some criticism has been directed to the occasional injudicious discharge of patients by superintendents of asylums, and when this is not due to error of judgment but to the expiry of sentences or other legal reasons, the law should be amended. At the same time these errors have helped to give the impression that there was no desire to retain patients in asylums and deprive them of their liberty unless it was absolutely necessary.

Unfortunately, a good many persons of unsound mind who would be the better for being certified, in their own interests and in that of the public, are in practice excluded from the benefits of the lunacy laws. This arises firstly from the existence of a restricted idea in the minds of the public and of ordinary medical practitioners as to the amount of unsoundness which justifies certification. It is common to hear an expression such as that so-and-so is insane, but not bad enough for certification: secondly, from a natural reluctance on the part of friends to formally admit the existence of insanity and so put a life-long stigma upon the patient, and thirdly from the danger of actions at law, which, although seldom successful, are always costly to the defendants. The danger of an action at the instance of a recovered or partially recovered patient is a serious consideration to the relatives of the patient and to the family lawyer among the upper classes, and to the medical men who sign the certificates in all classes. The fear of such an action renders medical men unwilling to act and has led to hardship and difficulty.

It seems desirable that some protection should be given to those who act in good faith. There are precedents for the principle in Section 30 of the Summary Procedure Scotland Act, 27 and 28 Vic. cap. 53, which protects public prosecutors, in the Vexatious Litigations Act, which requires the sanction of the Court before an action can be raised, and in the Public Authorities Protection Act, which requires that the action be raised within a limited time.

The word "malice" appears to have a special meaning in court, and malice should only be inferred from facts and circumstances averred. Probably the best solution of the question would be attained by requiring the consent of the Lord Advocate, before an action could be raised.

It is possible that considerations of expense have operated in some cases both with private persons and parochial boards in leading them to avoid certification of persons in their charge.

A certain number of the persons tried by me in the police court and in the burgh court when I was a bailie were mentally so defective and abnormal that they could be classed as unsound in mind. They were not certified as lunatics, because it is not the practice to apply the lunacy laws to such cases, and if certified, as sometimes happened, they were discharged during a temporary intermission of active symptoms to resume their old ways at once. It is probable that some persons with unstable brains may remain sane or nearly sane while under control and protected from injurious agencies in prisons and asylums, and exhibit unsoundness of mind as soon as they are subjected to responsibility for themselves with the temptations and excitements of a life of freedom.

When serving upon the committee of the School Board for dealing with parents who did not send their children to school, I frequently recognised persons among the defaulting parents who had been before me in the police court, and my colleague, the late Father Hannan, recognised the same persons as having come before him in his capacity as a member of the parochial board. Some of them were evidently defective mentally.

This shows the great expense caused by such persons who trouble the police, the prison authorities, the school board, and the parochial board in turn. The school board sees less of those who are farthest removed from sanity, because although they produce children they seldom keep them alive long enough to come before the board.

The Rev. Robert Blair, D.D., of St. John's Parish Church, who acted as chaplain to the prison for five years in his turn, and Mr. Weston, clerk to the Edinburgh Police Court, lately examined with me the records of a number of persons who had appeared before me and whom we considered to have been mentally unsound. It was surprising to find that so many of them are still alive and still pursuing the old routine of "in and out" of the prison. Their comparative longevity, notwithstanding their habits, affords a proof of the healthiness of prison life. Mr. Weston has abstracted the records now submitted of four of them—one man and one woman so violent and dangerous that they are quite unsuited for treatment in any institution where unlimited force is not instantly available, and one man and one woman whom we consider amenable to mild discipline.

I. J. K.—Charged with theft in 1870 and sent to an industrial school for five years, convicted of breach of the peace in 1877 and of furious driving in 1878, discharged from the army as incorrigible, came before me nearly twenty years ago when he had already about twenty convictions. He was with a companion who escaped, and asked a young man whom they met to buy a religious tract. On being refused J. K. instantly knocked him down by butting with the head and shoulder, and continued kicking him so long that two policemen coming from a side street caught him in the act. Soon after the expiry of his sentence, while he was being tried by one of my colleagues for a new offence, I met some of his female relatives in the waiting room, who informed me that they considered him "not quite right in the head" and that he was violent at home. He has had sentences up to twelve months' imprisonment, and has been excessively violent in prison. He is a strong muscular man, and I consider him dangerous to the public when at large. Mr. Weston's abstract of 89 convictions runs: breach of the peace, 34; assault, 30; theft, 14; Prevention of Crimes Act, 2; robbery, 2; uttering base coin, 1; various offences, 6.

II. M. K. B.—An uncontrollable woman with a record of 203 convictions: breach of the peace, 159; prostitution, 16; drunk and incapable, 12; assault, 9; theft, 2; various offences, 5.

III. G .C. M.—A man of milder disposition with 147 convictions, viz., 83 for breach of the peace; drunk and incapable, 49; theft, 6; various offences, 9.

IV. M. A. S.—A woman who is only violent when under the influence of drink, was first convicted in 1880 at the age of nineteen, and has now 215 convictions recorded against her. She came before the court at long intervals at first, but the intervals diminished, until for the last year she has rarely been more than one day out of prison after the expiry of a sentence. She was sent to a Home on May 15th, 1905, but came out and received sentence of sixty days' imprisonment that month for smashing a plate-glass window worth £6 or £7. Her record runs: breach of the peace, 162; drunk and incapable, 31; prostitution, 17; assault, 2; various offences, 3.

The efforts of philanthropy have been exerted on behalf of all four, work has been offered, clothing and money given, Homes and expostulation tried, but in vain. Their mental condition practically sentences them to perpetual imprisonment varied by short intervals of liberty, which they use to annoy and injure the public.

The only treatment of delinquents of unsound mind that promises any success in my view is that of seclusion for an indeterminate period under medical care. The warrant might be granted after a judicial inquiry by the sheriff with reconsideration of the case at intervals. A medical superintendent who considers that such a patient has recovered should not have the power to discharge him forthwith, but only to report the recovery to the Board of Lunacy for immediate inquiry.

Section 89 of the 1857 Lunacy Act confers powers on the Secretary of State for detaining an insane prisoner or arrested person in an asylum. This clause might form a precedent for granting further powers on somewhat similar lines, but it is to be noted that the word used in the clause is "insane" without the expression "or of unsound mind" of the medical certificates. As the clause is one which infringes the liberty of the subject it would probably be construed strictly.

The admission of such cases to an ordinary lunatic asylum appears objectionable in every way and unfair to respectable patients, and would probably create a prejudice against asylums. It is hard for the friends of an insane person to have to send him to an asylum, and their pain would be greatly increased if they thought that he might meet the scum of society. Even if there were no chance of meeting undesirables the name of the institution would have a stigma put upon it.

I agree with the remarks and suggestions of Dr. John Macpherson, including his proposals regarding vagrants, inebriates, and imbecile children, with the exceptions that I object to the use of ordinary asylums for persons of unsound mind of the criminal class, and that I would give freedom to parish councils to provide in any way they thought best for the cases mentioned, subject to their obtaining the consent of the General Board of Lunacy.

I also differ from Dr. John Macpherson as to the authority who should provide and manage the central institution or institutions he proposes (*page* 33), while I agree with him that such institutions are required and that they should be conducted upon the lines which he proposes, always subject to the inspection and general control of the Board of Lunacy. The erection and direct management of such institutions by the Board of Lunacy or by any other public department in Scotland is to be deprecated, and would form a new departure for the Board of Lunacy of which it has no experience, and might lower public confidence in the Board as a criticising, controlling, regulating body. If it took up such work inspection by some outside authority should logically follow, with loss of prestige to the Board as a consequence.

I would propose that after due inquiry the various parishes in Scotland should be combined in one or more groups for the purpose of erecting and managing central institutions at their own expense. Each group would elect directors or managers of the central institution from among the parish councillors. The managers charged with the care of a central institution should not exceed twelve in number, so that responsibility might be concentrated.

The travelling expenses of the managers should be paid by the group, and I would go further and suggest that assistance towards the travelling expenses of visiting deputations of parish councillors not on the management might be given to different localities in rotation. Any Government grant would be allocated by the Board of Lunacy.

The Board of Lunacy should have power under such a scheme to secure efficiency and check extravagance. Direct interference would be required very seldom for the latter purpose, as publication of the views of the Board of Lunacy would influence the ratepayers at the next election, and offending representatives would either mend their ways or lose their seats.

JAMES RUSSELL.

23651. (*Mr. Byrne.*) You say that in order to get rid of the difficulties now attending certification, doctors should have greater protection. Surely that is the law now ?—Unfortunately it does not work out in that way.

23652. Have there been many cases in which doctors have suffered in Scotland ?—Yes, there are two of our medical men in Glasgow—or rather a medical man and medical woman—who had an action in the Court the other day. They won their action and they are now appealing to the medical profession of Scotland for £800 to pay their expenses.

23653. Have there been other cases similar to that in recent years ?—Yes, but not very many. One crops up now and again and it terrorises the medical men.

23654. There has only been one case in England ?—They have been more frequent here. I suppose cases have been got up on speculation. I have had personal knowledge of the difficulty of getting a medical man to certify unless he received a large fee. When you tried to get someone who did not know the people he would not come unless you paid him a large fee.

23655. In what class of cases does the evil show itself most ?—Where the people are not very well off.

23656. People who ought to be in an institution ?—Yes.

23657. Does it lead to much evil in connection with the prodigal among the wealthier classes ?—I do not know that there is much difficulty in that respect in the upper classes, but if people that I think ought to be certified are to be certified in future, then the fear of prosecution will become a serious difficulty. I think it will be necessary to give medical men and other people connected with the certification a little more protection than they have now.

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23658. Do you think with regard to the certifying of feeble-minded persons that it is necessary to have the elaborate and long certificate such as you have in lunacy ? You know the form of the English certificate ?—No.

23659. I understand that in Scotland there are no facts stated ?—It makes it easier for the medical certifier, but if the ordinary certificate is to be used to get at a class not now readily certified then I think we must have a fairly full inquiry—the liberty of the subject comes in. When a man is so far wanting in his mind that the first person who meets him sees it, there is not so much difficulty. But if he is a borderland case, I think there should be a full inquiry.

23660. As a matter of fact, the certification of such people would come forward for consideration at a time when the State had got hold of them ?—Yes.

23661. When they were in prison, or in a maternity ward, or when they were just leaving a special school ?—Yes, I have not thought it out fully, but I do not see any difficulty.

23662. You would have a simpler phraseology ?—Yes. There is no doubt a statement of facts is difficult in borderland cases.

23663. With such a person your expert opinion is much better than any statement of facts ?—Yes ; lunacy can only be certified by the opinion of other people. There is no definition of lunacy and there can be none ; it simply comes to this that sane people think that this person is insane.

23664. With regard to deficient children who are now being dealt with in special schools, I suppose the matter has been discussed, what is to become of them at the end of their school age ?—Yes.

23665. Some of them should be dealt with permanently ?—Yes, undoubtedly.

23666. What sort of proportion do you think ?—Not a very large proportion. Their friends are able to help a considerable number after they have done with the school. I think the most economical way in dealing with all this class and the way best for themselves would be to have a very careful classification. There is no use in spending a great deal of money on hopeless imbeciles or broken down old people if they are kept comfortable. Some of these children could be boarded out and a certain number would require to be put into institutions and kept there for life.

23667. Do you think that the expert connected with the local authority could ascertain whether a case was to be a permanent case or not at a fairly early age ?—Yes.

23668. About ten or eleven years of age ?—Yes.

23669. And that would save the cost of education for four or five years ?—Yes.

23670. Would you then differentiate the education ?—Some are improved by special teaching. I should be sorry to deprive a child, that we knew would never come to anything very great, of any little advantage he might gain from continuing in a special school. I would like to make the best of him. Where the children were paid for by their own parents they would wish to keep them in the school as long as possible, hoping for some benefit.

23671. You would suggest a sort of formal inquiry when a child came to be discharged ?—Yes.

23672. And if they had a decent home you would send them there ?—Yes.

23673. If they had a neglectful home or no home, then you would begin to think of detention ?—Yes, or boarding out.

23674. Are you satisfied, from your experience, with the good results of boarding-out in Scotland ?—Yes.

23675. For girls and boys ?—Yes. I was a manager of a large school here where we got an Act of Parliament enabling us to board out our children with the happiest results.

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23676. Do you see why the system should not be tried in England?—No.

23677. It was opposed in Scotland?—Yes, at first, but that opposition has completely broken down and no one dare oppose it now. The results speak for themselves.

23678. Would you expect to see the same results in England?—I should say so.

23679. Have you any suggestions to make with reference to the people of little self-control and little power of earning a living who are in and out of the poorhouse and prison?—There is nothing that can be done for those people so long as they are allowed to be in and out. They should be sentenced to an indeterminate confinement to be revised from time to time.

23680. Are there in your opinion any considerable number of people to whom that system might be applied with advantage?—Yes, but I would not like to say that the number is very large. They give more trouble than one would expect from their numbers, they increase the cost of our police force enormously. Our former Chief Constable said that if some of these people were removed we might do with half of our police force.

23681. That applies in the same way to drunkards?—Yes, even if they are intellectually all right they have little self-control and are not able to conduct themselves as sane people should do.

23682. If powers of detention were given against such people when they came into Poor Law institutions, do you think that that would be sufficient to meet the difficulty, or would you have some agency different from the Poor Law institutions to deal with them?—I think in every case where you have to take such a serious step as to deprive a man of his liberty, there should be some inquiry, say, before the sheriff.

23683. It would be very awkward to have some people, in the poorhouse almost for life and others in and out?—Yes.

23684. You think that an institution would be a better place for them?—Yes. I am rather inclined to classify them again. I believe some of these could live under very mild discipline in a poorhouse and earn part of their own living. They behave well while under discipline, but they behave badly while out.

23685. So in any event you would think that the Poor Law system would be useful as an auxiliary?—Yes.

23686. You would not take away from the Poor Law powers?—No. I think the basis of economic administration is classification, some to be sent to the poorhouse and some to a place of detention and some to an asylum.

23687. Are there many chronic seniles and demented persons in the asylums now who might quite well get on with the cheaper form of maintenance in a poorhouse?—Yes. In Edinburgh our great asylum insisted on our Poor Law authority removing a number of these people. The asylum raised the charges so much that it was found cheaper to take them away. An asylum of that sort should be looked upon as an hospital, and that is what you find the superintendents wish it to be. They hope to be able to do some good in the way of a cure.

23688. I believe that not 30 per cent. are hospital cases?—That is so.

23689. You would like to see that altered?—Certainly, it will alter itself if the asylums charge on the hospital scale, because then the Poor Law authorities will find it much cheaper to have a place of detention fitted up with such hospital appliances as may be necessary.

23690. You heard of the evidence of the last witness as to the number of epileptics?—Yes. I have no means of judging the number, but the evidence surprised me.

23691. Would you expect there to be a much larger number?—Yes.

23692. Do you agree with the method of treatment that was suggested—an open-air colony?—Yes, I think that is the best.

23693. (*Mr. Dickinson.*) You give us four examples, of persons who have been convicted eighty-nine times, 203 times, 147 times, and 215 times; those four you know to have been feeble-minded?—I considered them to be unlike sane people.

23694. They were people who had come before you over and over again?—Yes.

23695. Was it because they came before you over and over again that you came to the conclusion that they were feeble-minded?—Partly that.

23696. Some of them came before you how many years ago?—The first one impressed itself so very much, the case of assault, that I remember it very well. It is fully twenty years ago. That man is in prison now.

23697. Would you have said that he was feeble-minded twenty years ago?—No, because I did not know enough about him then.

23698. How soon would you have felt yourself justified in saying that he was feeble-minded?—Very soon, because his own relatives told me that they did not consider him quite right in his mind.

23699. Such people instead of spending their time in prison should have been put in a place of detention?—Yes, but the first two would not be safe in any place short of a prison. The first one nearly murdered a warder, and he has been thirty times convicted of assault.

23700. Was any attempt ever made to certify him?—No.

23701. Would that not occur to you as a means of safeguarding the public from him?—I must submit that until he had proved his condition by a long series of sentences you would have had difficulty in getting two medical men to certify him. He would probably have been discharged very soon or discharged himself. I do not think that a lunatic asylum would take such a case. He was thirty times convicted of assault. He began life in an industrial school—I do not know whether it is the school of which I was a manager or not.

23702. I see your idea is that there should be an establishment for this kind of person in Scotland?—Yes, I think so.

23703. And you propose that the parishes should be grouped for that purpose. Have you any idea how many weak-minded there are in Scotland?—I do not know, but perhaps one, two, or three institutions would be enough.

23704. If one or two would be enough would it not be very difficult to group the parishes?—No, I do not think so.

23705. Do you think it would be better that it should be managed by representatives from the various parishes than taken over as a Government business?—I am strongly against doing anything by the Government that can be done by the localities. I think that every locality should do its own business if possible. It is an education for the people.

23706. Supposing that only one institution would be required for Scotland, what sort of body would you have?—It must be a small body, or it would not be well managed. I suppose they would elect members to that body in the same way as they do in the election of a Member of Parliament.

23707. You would not like a body of more than ten or fifteen people?—No.

23708. Would you have a body selected from the whole of the parishes?—I do not see any difficulty. My feeling is that the people who pay for it should manage it, and it is good for them to have the management of it and to pay for it. Public interest would not be kept up if it were merely a Government institution. They would forget all about it and grumble at having to pay.

23709. How would you pay for it?—Each parish would have to contribute.

23710. Whether they sent patients or not?—I think that would be the better way. The old toll-bar system on roads was found to be a very foolish method of maintenance, although in theory it might be all right.

23711. You would have a rate all over Scotland?—I think that a rate all over would be the easiest and cheapest way.

23712. Whatever scheme is adopted there would not be sufficient cases to mean very many institutions?—No.

23713. There must be a very restricted number, and it is important to get into our minds what you would have. You think it would be possible to have a representative

body drawing their instructions from the various parts of Scotland ?—I quite admit it would fall into the hands of the large towns by the mere size of their population and their contributions. The others would have a very small share either in the representation or in the payment.

23714. It would come to this, that there would be a Board representing Edinburgh and Glasgow ?—Yes, and other places where the population is found.

23715. At present is there anything in the way of a universal rate over Scotland that would compare with that ?—There is nothing at all.

23716. It would be a very small amount of money you would have to collect for these ?—Another alternative would be to charge for the persons sent. That raises the difficulty of the election of managers on a representative basis.

23717. How many asylums have you got in Scotland ?—I could not say, but I can name the larger ones.

23718. (*Dr. Dunlop.*) There are four Royal asylums, about twelve district asylums, twelve licensed wards in poorhouses, and three or four parochial as well.

23719. (*Mr. Dickinson.*) Do the district asylums serve more than one county ?—Yes.

23720. How do they rate ?—I cannot say. One of the few bodies I have not served on is the parish council.

23721. But you know a great deal about the local government in towns ?—Yes.

23722. You think it would be feasible to have a body that would represent all Scotland ?—Yes.

23723. (*Mr. Byrne.*) Are we to understand that you would not give the local authorities power to send people to this place, that it would be done by the sheriff and the doctor ?—Yes.

23724. The local authorities would only have to pay ?—Yes.

23725. And to manage ?—Yes.

23726. (*Dr. Dunlop.*) You are very decided in your view that there is a large number of persons, or a considerable number, who are in and out of prison and appearing before the police courts who are really mentally defective ?—Yes.

23727. You know them yourself ?—Yes.

23728. And other men who sit on the Bench experience the same thing ?—Yes.

23729. We have had two opinions expressed, the one being that they should be certified before sentence, and the other that they should be certified during the time they are in prison ?—I have never thought of that. It does not seem to me to matter very much. You want to get hold of them.

23730. Which way is more likely to be successful ?—Before sentence.

23731. Is is not more likely when they are in prison ?—I do not know. In any case they are more likely to be discovered there, but then they may escape the police for a time. I know of a man not of sound mind who has been frequently in the Edinburgh Police Court. He was seen lately on a trip to Orkney. It is a matter of indifference where they are got hold of so long as they are got hold of and treated for their own good.

23732. Would you advise that they should be treated if recommended by the bailie or sheriff, that they should be treated there and then ; and if their state of mind was not recognised then, then they could be treated in prison ?—Yes.

23733. You are aware that some of these creatures who are in and out of the police courts have been several times sent into asylums and discharged from them ?—Yes.

23734. Discharged before complete recovery ?—I would not like to say that. All I know is that soon after discharge they have been found again to be doing things that indicated insanity.

23735. In the central institution that you suggest one of the advantages would be that the power to discharge would be limited to absolute recovery ?—Yes, and on probation, so that absolute recovery may be proved.

23736. I see you take exception to or disagree with what Dr. Macpherson said, that a large number of these people could be dealt with in ordinary asylums. You object to the use of ordinary asylums for persons of unsound mind of the criminal class ?—I object to sending criminal lunatics to ordinary asylums, and I express my feeling pretty fully. The friends of the other patients would not like it. I know just now of a case where the friends would have sent a patient to an adjacent asylum if it had not got a reputation for dealing with drinking and other objectionable lunatics. They did not want him to be with these people, and they sent him to an asylum much further off, where it is not so easy for them to go to see him. If these feelings exist in the upper classes, they also exist in the lower classes. I do not think anyone would wish a respectable poor man who happened to be in an ordinary asylum to meet such a man as J.K.

23737. But there are other cases. For instance in prison I see a number of cases of general paralysis of the insane who have been sent to prison for pilfering ?—That is not exactly a criminal.

23738. He may have two or three convictions ?—The pilfering might be the first symptoms of disease, but I do not think that any man who is really a criminal should be put into an ordinary asylum, as it spoils the reputation of the asylum.

23739. It has been suggested to this Commission that there should be a separate Board established to deal with mentally defective persons who are not properly certifiable, a Board separate from the Lunacy Commissioners ? I do not agree with that.

23740. There should be one authority to look after them all ?—Yes.

23741. (*Dr. Needham.*) As regards the simple certificate about which Mr. Byrne was asking you, do you not think that if there were a simple certificate it would enable a good many more to be certified without doing any substantial damage, or it would be rather to their advantage, because so many medical men refuse to certify for the reason that they find it so difficult to state the facts indicating insanity with reference to what may be called borderland cases which yet require care ?—I think that is easily covered by the Scottish Lunacy Law. That is to say the Lunacy Law would permit us to go a great deal lower down than borderland cases if medical men did not draw the line considerably higher than at the level of the feeble-minded. It might ease the minds of such people not to have to state the facts which I know is very difficult to do. A man may be quite convinced that a person before him is not sane in mind, and yet have very great difficulty in saying why it is that he thinks so.

23742. Is it not a very difficult thing for a man to put on paper facts indicating an imperfect mental condition ?—I do not know anything more difficult.

23743. It has to specify that which must satisfy a third person who has not seen the patient ?—That is so. It is very difficult.

23744. Would it not get rid of that difficulty ?—Yes.

23745. Is not that very desirable, because as long as medical men assume their present position, certification is impossible ? If they say that these cases are not certifiable from the present standpoint, then certification is impossible ?—Yes, but in my view even if you give such a form of certificate it should be as an alternative, and you should still bring the patient under the control of our Board of Lunacy in Scotland. I think there should be one inspecting and controlling body.

23746. As regards the dislike of medical men to certify because of the liability which it imposes upon them, I thought it was said of Scotland, and had been written over and over again, that the greater satisfaction in Scotland with the lunacy laws and with the practice of lunacy had led to scarcely any actions as compared with a considerable number in England, and I thought the last case was considered to be a remarkable exception to the course of practice for many years ?—There has not been an action raised for some years, and I cannot recollect one being raised successfully; but the very risk of an action is enough to frighten any man, because it costs so much.

23747. There have been very few cases in Scotland, and I believe this is quite an exceptional case. I understand that no case had occurred for a good many years ?—There was a case thirty-five years ago, and then I find that the fear that is caused——

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23748. Has there been no case since that time?—This was a case of a man sent to an asylum and the medical men were so frightened that there was a great difficulty in getting a second medical certificate.

23749. With reference to the foundation of an asylum of the village type recommended by Dr. Macpherson, do you think that an asylum built by the grouping of parishes would inflict a hardship on the friends of patients and the patients themselves as far as visiting goes?—Yes, that is one of the great difficulties about having only one institution in Scotland. I quite admit that there is a difficulty. Some persons would not care to go often to see an idiot child, but the best of the people would wish to see such a child or relative from time to time and the distance that they would have to travel in many cases would be a hardship.

23750. You are aware that visitation is very considerable. In some of the London asylums they have from 800 to 1,400 visitors a day at the weekly visitation?—I know that there are a great many friends constantly coming to our ordinary asylums.

23751. Do you see any way of getting over that difficulty?—Not without incurring serious expense.

23752. To cover the expense of visitation?—Yes. If there were three or four institutions then they would be relatively near.

23753. (*Mrs. Pinsent.*) Have you had experience of the education authorities?—I served on the School Board.

23754. What chance is there of this recent Act being taken up by the education authorities in Scotland? I understand it is not a compulsory Act?—I cannot say that I like permissive Acts because people are very unwilling to pay if they get the choice. If they are made to pay by Act of Parliament it is wonderful with what cheerfulness the ratepayer will pay, but if he can escape by not working the Act he is very apt not to work it. In larger towns it is different, because the people are more intelligent and have more money. In some poor country parishes it might be a serious thing.

23755. You are aware that it is not even every big town in England that has taken up the Act. I suppose it might be the same in Scotland?—I know that the School Board of Edinburgh are discussing the question just now, and they are likely to have a special school for defective children.

23756. You would have been glad to have seen introduced a clause making it compulsory on large towns?—Yes. Smaller places might have been allowed to group.

23757. You would follow the lines of the Blind and Deaf Act?—Yes.

23758. You do not think that any great benefit will come from the Act until there is such a clause?—I am afraid not.

23759. A partial operation of the Act would be a catastrophe?—I do not think so. A partial operation of the Act would do good and it is always educating the people.

23760. You look forward to the time when there will be a more general adoption of the Act?—Yes.

23761. One is sure to follow on the other?—Yes, I think so.

23762. (*Chairman.*) Are you acquainted with the industrial reformatory school system in Scotland?—I have served on the board of an industrial school and on that of a reformatory.

23763. Do you think such an institution as that might be suitable for dealing with feeble-minded children?—I am afraid that an industrial school would not be a place for them.

23764. I do not mean the existing industrial schools, but something of the same kind?—If you have detention, then education and work would have to go together. For his own benefit every person in any institution should get as much work as he is able to do. He learns something and he feels that he is doing something for himself. So far a industrial schools combine education and work, then they are a good model to follow. In a case like this, however, it must be more a medical institution than an industrial school. I think it ought to have a medical head, if possible, or a layman who is very closely in touch with medical men.

23765. You have no objection to the system; you only recommend a modification?—Yes.

23766. Do you think you would have any difficulty in getting people to start industrial schools?—Yes, I am afraid so. The one of which I was a manager for many years failed in the end for want of financial help.

23767. As a rule, they have no difficulty with the grant in maintaining their position, have they?—The grant was small enough, and then there were a number of causes that came into operation. In fact we could not make it pay.

23768. In your statement you say that the erection and direct management of such institutions by the Board of Lunacy or by any other department in Scotland is to be deprecated. You deprecate the erection and management of those institutions; but if they were to be elected by the local authority that would entail a very heavy burden on the local authorities?—Yes. I think the only right way is for the local funds to pay.

23769. Do you see any objection towards a grant being made by the central body to local bodies for the erection of such buildings and the local bodies keeping them up afterwards?—The only reason I ever care for a Government grant is that it gives a right to a Government inspection. I do not know that it is the most economic or the best way of raising money first to collect from the Imperial funds and then deliver it over to local authorities.

23770. You would require to have an inspection from the central institution?—One could not get that unless one had a grant from the Government or the central institution. People put up with Government inspection as the price of Government assistance.

23771. (*Dr. Dunlop.*) Is it likely that a town such as Edinburgh would subscribe out of the town fund to maintain reformatory schools for the weak-minded?—They do subscribe to reformatory schools, but very inadequately. The reformatory schools are constantly reproaching the Town Council for not giving them a satisfactory amount in return for the number of cases sent to them from the police court.

23772. It is very unlikely that they would subscribe for the more hopeless cases?—That is so.

23773. (*Mr. Dickinson.*) Would a system of industrial schools be a satisfactory one from the point of view of administration?—Industrial schools are charities, and they are managed by boards. They are kept up by subscriptions from the public and they get some assistance from the local authorities. The boards are elected by the subscribers. I am afraid it would require to be on a different footing.

23774. (*Dr. Needham.*) Would it not follow as a matter of course that, if you had establishments started for the compulsory segregation of people of that class, then an inspection of some kind should take place from some central body?—I think an inspection by a central body like our Board of Lunacy is necessary for two reasons, first to help the local people with advice and criticism—they know what other people are doing—and secondly to give to the public an assurance that the places are well managed.

23775. It would follow as a matter of course that if people were compulsorily detained then the place where they were detained should be inspected by an outside authority to insure that improper people were not being detained?—Yes, and to gain public confidence

23776. There would be no objection to that, even although the money came from local sources?—I think they scarcely look upon inspection by the Board of Lunacy as a Government inspection. I know there are many cases where local bodies look upon the grant as the price of being subjected to an inspection, and I am sure that there would be an outcry against Government inspection unless they got Government grants.

23777. I put it that the only ground for a Government inspection was that the people were being detained against their will?—Yes.

JOHN WILLIAM GULLAND, Esq., M.P., called; and Examined.

23778. (*Chairman.*) You have been so kind as to give us a statement of your evidence; may we put it on our notes?—Yes, surely.

STATEMENT OF EVIDENCE PROPOSED TO BE GIVEN BY JOHN WILLIAM GULLAND, ESQ., M.P.

I am Member of Parliament for Dumfries Burghs, and Member of Edinburgh Town Council. From 1900 to 1906 I was a Member of the Edinburgh School Board, and it is from experience gained there that I will state some points on the administrative aspects of the question.

In visiting the ordinary day schools I was always struck with the number of mentally defective children and the necessity of providing special training for them. Unfortunately in Edinburgh public opinion has never been roused on the subject, and the abortive attempts at legislation have delayed the solution.

ATTEMPTS AT LEGISLATION.

In 1904 the then Government introduced the Education (Scotland) Bill, 1904, and Clause 35 ran as follows: "The provisions of the Education of Blind and Deaf Mute Children (Scotland) Act, 1890, shall be read and have effect as if the same were expressly applicable to the case of epileptic or crippled or defective children as well as to the blind or deaf mute children." Agitation rose against this. The International Home Relief Congress sat in Edinburgh during the time the Bill was before Parliament and it was attended by a large number of people interested in the subject. After a discussion on the care of defective children a resolution was unanimously passed thanking the Government for the proposal, and urging them to retain the compulsory nature of the clause. Owing to difficulties about area and finance, the Bill, however, was withdrawn.

In the following session of 1905 another Bill was introduced, and in this case Clause 35 was not repeated, but a provision inserted, making it optional for school boards to provide for the education, medical inspection, and conveyance to and from school, of defective and epileptic children. Again the Bill failed to pass owing to the difficulty of securing sufficient Parliamentary time for its consideration.

This session I introduced a little Bill—the Education of Defective Children (Scotland) Bill—picking out from the 1905 Bill the clauses dealing with the matter. This has passed the House of Commons without opposition or amendment, and has every prospect of passing the House of Lords. Its scope, of course, is very limited. I should have liked to have introduced a compulsory and much more comprehensive Bill, but, knowing that a private Member could not possibly hope to carry such a measure, I contented myself with framing a Bill on modest lines that were likely to commend themselves to everyone. If it passes, this Bill will have the advantage of allowing school boards to take the matter up and to devise schemes that will ultimately lead to a wider treatment.

ACTION IN EDINBURGH.

Edinburgh has as yet done nothing for these children. Last winter the school work committee of the Edinburgh School Board took the matter up, and at their request I framed a report giving information and proposals about the treatment of both physically and mentally defective children. From that report I extract the following:—

"Returns have been received from the headmasters of the different schools showing the children at present on their rolls who they consider fall under this definition. Details are given as to name, address, age, educational standard, and the exact nature of the defect. The returns show 190 mentally defective, 105 physically defective, and forty-three both mentally and physically defective, or a total of 338. A stricter inquiry would probably show that most of the forty-three would really fall under the head of mentally defective, while a proportion of the physically defective are suffering from defects of the eyes and ears which scarcely make them fit subjects for the special classes proposed.

Another return has been received from the attendance officer of defective children who are not on the rolls of any of the schools. On this list are 198 names, some of whom undoubtedly are not in a physical condition to attend any school.

The first step would be to have all the children examined by a medical man, who would report as to the suitability of each case for special tuition. The Board might appoint a doctor, either paying him a small fee or a fixed salary, remembering that his services will be constantly required with regard to further treatment of these cases.

MENTALLY DEFECTIVE CLASSES.

An analysis of the addresses of the mentally defective children shows that they naturally divide themselves into six districts as follows:—Central, North-East, North-West, South-East, South-West, and Portobello. In the meantime arrangements might be made to set apart one or two rooms in existing schools that would serve each of these districts. The hours might be slightly different from those of the other children, and the playground might be available at the time when the other children are in their classes.

Going by the experience of other cities where similar classes have been started, I suggest some such scheme as the following:—

The teachers should be specially selected for quickness and brightness, and should be sent for a short period either to London, Manchester, or Glasgow, to have some training for the special work. In most places they are paid £10 per annum extra salary. The children could find their own way to school, or in some cases be brought by their mothers or other children.

Suggested Time-Table.

9.15—10.0	Religious Instruction.
10.0—12.0	Lessons. Though the Code specifies twenty as a class, it is found in actual practice that a teacher cannot efficiently superintend more than about fifteen owing to the different ages and attainments and the necessity for close personal attention.
12.0—1.0	Would be an interval when the children could either go home for dinner or dine in school.
1.0—2.30	Manual instruction, such as knitting, sewing, basket-weaving, clay-modelling, drawing, brush-work, with wood-carving as a reward. Singing and drill would also be given.

Single desks are necessary, and the rooms should be bright. The age at which the children should begin to come would be seven, or, if thought advisable, even so low as five, and a grant is given up to eighteen. The attendance is usually good, about 85 per cent. Nature Knowledge might be given in some garden or park near. The children must be kept employed, and no lesson on one subject should last more than fifteen minutes. The teachers would be expected occasionally to call for the parents and discuss with them the best treatment of the child. At first it may be found that some parents will object to their children being considered defective, but the general experience is that this dislike is soon overcome."

Various circumstances, and specially the need of legislative authority to spend rates for these purposes, delayed the adoption of the scheme, but since the triennial school board election in March, 1906, the matter has been taken up again and will probably be carried through shortly.

ACTION OF THE SCOTCH EDUCATION DEPARTMENT.

The only reference to the matter in the code of the Scotch Education Department is the following:—

Article 20. II. (*a.*) Where provision, satisfactory to the Department, is made for the instruction of "defective" or "epileptic" children* in

* By "defective" children shall be understood children who, not being imbecile, and not being merely dull or backward, are defective, that is to say, children who, by reason of mental or physical defect, are incapable of receiving proper benefit from the instruction in the ordinary public elementary schools, but are not incapable by reason of such defect of receiving benefit from instruction in such special classes as are mentioned in this article. By "epileptic" children shall be understood children who, not being idiots or imbeciles, are unfit by reason of severe epilepsy to attend the ordinary public elementary schools.

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special classes (limited to 20 pupils), specially reserved for such children, under teachers specially approved by the Department for the purpose, the grant under Article 19 B. 1. (*b.*) and (*c.*) may be allowed as for an average attendance of 50, or any less number that the Department, having regard to the circumstances of the case, may determine.

(*b.*) Application shall be made to the Department beforehand for the recognition of any such special class, and a separate return of the attendances thereat shall be made.

(*c.*) No child shall be admitted to the special class except upon the certificate of a duly qualified medical practitioner, approved by the Department, that the child in question is "defective" or "epileptic," and provision must be made for the subsequent medical examination of the children at such intervals as the Department may approve.

It will be seen that this gives no financial assistance whatever, and I feel that the Department should encourage the education of these children by special grants, as is done in England. It might also issue a circular to school boards, giving a synopsis of what has been done in other places, and suggesting to school boards that they might take action, either singly or by uniting. Small school boards could hardly be expected of themselves to initiate such a policy unless they were aided by a special grant. It must be admitted that in Scotland public opinion has not been educated on this matter. Teachers know the difficulties, and are often greatly hampered in their class work by the presence of one or two feeble-minded children, who retard the whole class and receive no benefit themselves. In Edinburgh a census of children in the city is taken annually in August, and the feeble-minded children are in most cases passed over without note being taken of them, because the School Board has no means of dealing with them. Another instance of this neglect is that children suffering from epileptic fits have been ordered not to attend the school. This is no doubt an advantage for the other children, but no provision is attempted to be made for the poor sufferers. I feel that school boards should be made actually responsible, as they are now theoretically responsible, for all the children of school age in their district, and that they should either arrange themselves for the education of these children, or see to it that arrangements are made for every class that are sound or unsound.

Compulsory Legislation.

Probably the provision in the Bill of 1904 would be the most satisfactory. This extends to defective and epileptic children the provisions of the Education of Blind and Deaf-Mute Children (Scotland) Act, 1890, which runs as follows:—

Education of Blind and Deaf-Mute Children (Scotland) Act, 1890.

An Act to amend the Law in regard to the Education of Blind and Deaf-mute Children in Scotland.—[14*th August* 1890.]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. *Short Title and Construction.*—This Act may be cited as the Education of Blind and Deaf-mute Children (Scotland) Act, 1890; and shall be construed as one with the Education (Scotland) Acts, 1872 to 1883.

2. *Extent and Commencement of Act.*—This Act shall extend to Scotland only, and shall come into operation on the first day of January one thousand eight hundred and ninety-one.

3. *Duty of School Board where Parents unable to provide Education, etc., for blind and deaf-mute children.*—If the parent of a blind or deaf-mute child between five and sixteen years of age is from poverty unable to pay for the education of such child as hereinafter mentioned, it shall be the duty of the school board of the parish or burgh in which such parent resides to provide out of the school fund, at rates to be approved of by the Scotch Education Department for the efficient elementary education of such child in reading, writing and arithmetic, and for his industrial training either in a school belonging to such school board or in some other school or institution approved of by the Scotch Education Department; and where necessary the school board shall be bound to provide for the boarding of the child at some place approved of by the school board, and for the transit of such child to and from such school or institution or place, at rates to be approved of by the Scotch Education Department.

Procedure for Enforcement of Duty.—Provided that—

(1) Where a school board making any payment in pursuance of this section is not the school board of the parish in which the parents of any such child, as aforesaid, has his legal settlement in terms of the Act eighth and ninth Victoria, chapter eighty-three, it shall be entitled to relief in respect of any such payment against the school board of the parish in which such parent has his legal settlement as aforesaid; and

(2) If any school board shall refuse or delay to discharge any duty or fulfil any obligation arising under this section, it may, on a summary application to the sheriff at the instance of any person interested, be ordained to do so, and the order of the sheriff, which may dispose of all questions of expenses, shall be final and not subject to review.

4. *Contribution, etc., by School Board towards School for blind and deaf-mute children.*—Any school board may also, from time to time, with the consent of the Scotch Education Department, contribute such sums of money and on such conditions as it may think fit towards, or itself undertake, the establishment, building, alteration, and management of a school for the education of blind and deaf-mute children, and the purchase of land required for such a school, and the support of the inmates thereof, and for that purpose shall have the same powers as it has for the purpose of providing sufficient school accommodation for its district; and school boards shall have the same power of borrowing, and the Public Works Loan Commissioners of lending, for the purposes of contributing towards, or of establishing, building, or enlarging such a school, as is conferred by Section 45 of the Education (Scotland) Act, 1872, with respect to providing or enlarging a schoolhouse.

5. *Meaning of "reasonable excuse."*—It shall not be deemed to be by itself a reasonable excuse, within the meaning of Sections 9, 10, and 11 of the Education (Scotland) Act, 1883, for the non-attendance of a child at school that such a child is blind or a deaf-mute, except in the case of a deaf-mute child under seven years of age.

6. *Regard to be had to Religious Persuasion of Child.*—(1) In the performance of this duty under this Act with respect to a child, a school board shall have regard to the religious persuasion of the child, and shall, as far as possible, arrange that if the child attends a school or institution, not being a public school, the school or institution shall be one conducted in accordance with the same religious persuasion; and if the child is boarded out, shall arrange for the boarding out being with a person belonging to the same religious persuasion.

(2) A child shall in no case be compelled to receive religious instruction contrary to the wishes of its parent.

7. *Saving as to Rights of Parent, etc.*—(1) The parent of a blind or deaf-mute child shall not by reason of any payment made under this Act in respect of the child be deprived of any franchise, right, or privilege, or be subject to any disability or disqualification.

(2) Payments under this Act shall not be made on condition of a child attending any school or institution other than such as may be reasonably selected by the parent, nor refused because the child attends or does not attend any particular school or institution.

8. *Inspection of Schools, etc.*—Every school or institution to which a child is sent in pursuance of this Act shall be at all times open to the inspection of any of Her Majesty's inspectors of schools.

9. *Parliamentary Grant for Education of Blind and Deaf-mute Children.*—Nothing in any Act of Parliament shall prevent the Scotch Education Department from giving aid from the Parliamentary grant to a school or institution in respect of education and industrial training given to blind or deaf-mute children, to such amount and on such conditions as may be directed by or in

pursuance of the minutes of the Scotch Education Department in force for the time being.

This has worked extremely well. Parents make application to the School Board, which considers the case, and, if so advised, sends the child to the appropriate institution. At the last return, Edinburgh School Board maintained twenty-five blind children and twenty-five deaf-mute children at institutions not under its own management. The Blind Asylum gives a quarterly report on each child, and the attendance officer of the Board visits all the children and reports on each. The cost per head for education and board is £20 per annum, and the total cost of blind and deaf-mute children in Edinburgh for the year to 15th May, 1905, was £788. From this falls to be deducted £72 received from parents and £17 received from other school boards, together £89, or a net cost to the Edinburgh rates of £699.

Boarding Institutions.

Undoubtedly many cases should be sent not to a special day school but to a boarding school. At present, there is not much room in Larbert or Baldovan, and I have often known of cases that would have greatly benefited by such treatment that have just had to stay at home. I cordially agree with the evidence given suggesting the erection of two more institutions in Scotland. Provision should also be made for effective help from Government for any private institutions that might be started. For instance, there is at present a home at Aberfoyle which takes in physically defective cases from the special schools in Glasgow, and though it is doing work like similar schools in England, the English schools get Government grants and the Aberfoyle Home gets none.

Youthful Offenders.

A matter that might be brought before your Commission is the fact that a larger proportion of feeble-minded children find their way into the Police Courts than ordinary children. By the terms of the Youthful Offenders Act, 1901, intimation is made to the Clerk of the School Board of all offenders under fourteen years of age. He directs the attendance officer to visit the schools to see whether these children have been regular attenders, and he also intimates to the headmaster the name of the child with the nature of the offence and its punishment. For the year to 31st August, 1905, there were reported to the Edinburgh School Board 475 cases, being 19 girls and 456 boys. These cases are supposed to be taken separately from the ordinary criminals, but as a matter of fact they are a great deal too much associated with them. Some of the offences are sufficiently serious, but many are of the nature of playing football on the streets. I have gone through a number of these papers and am struck with the sentences pronounced. In many cases the punishment is a fine of one shilling or six hours in the cells. A boy with poor parents cannot find the shilling, and he spends six hours in a cell. On emerging therefrom he receives a glass of milk and a bun, and returns to school to become a hero with his comrades, but having begun his career as a criminal. Especially in the case of the feeble-minded this is disastrous. There should either be a special children's Court, or what I would suggest, that in these matters the offenders should be brought before the School Board. The Board sits as a Court to deal with defaulting parents, and I feel it would be the most suitable authority to deal with children, at any rate for the first offence. It might be empowered to inflict a minor punishment that would be suitable for the offence. I have seen several cases of feeble-minded children who have in later years become a nuisance to their friends and to the State, and would strongly support the proposal of Dr. Eichholz, that specially to prevent propagation of such a species, powers should be given to detain either temporarily or permanently feeble-minded persons who cannot take care of themselves.

While I strongly urge the necessity of legislation, I must admit that public opinion in Scotland needs educating on this whole subject, though I believe that the best means of educating would be to pass legislation, which I do not think would receive much opposition.

23779. (*Dr. Dunlop.*) You are strongly in favour of the institution both of special classes and boarding schools for defective children?—Yes.

23780. What is your opinion as to the authority that should take care of these children? Should they all be kept by the school board authority or should they be handed over to the lunacy authority?—The school board authority. *John William Gulland, Esq., M.P.* 11 June 1906.

23781. You would put such institutions as Larbert and Baldovan under the school board?—I think it would be a great advantage.

23782. On what ground?—You will find that if all children of school age are under the authority of the school board indirectly or directly, then you make quite sure that everyone is cared for, whereas if you have a division of authority then you are sure to have some slip. That is the experience in other spheres.

23783. You would have one authority to take care of all classes?—Yes.

23784. That is with an age limit?—Yes.

23785. Suppose you had a child of twelve years with acute acquired insanity, would you leave that child with the school authority?—No, not if it was incapable of education. I should make that the stipulation, that the child should be capable of education.

23786. That was the point I wanted. Every child capable of education should be under the education authority?—Yes.

23787. Take the cases at Larbert or Earlswood—practically none of them are fit for education in the ordinary sense of the word; they may be fit for a certain amount of training to alleviate their condition, but it does not follow that their condition may be cured?—I do not know about that.

23788. The more extreme cases you would take from the school board?—Yes.

23789. Only so long as they were unfit for education?—Yes.

23790. That means that practically all the boarding schools would not be under the school board?—If you take it for granted that they are as bad as you say, but I do not agree with that. I think there are cases we should be able to make something of.

23791. Experience has not shown that. I believe you are responsible for the introduction of a Bill recently, in which the English clause excluding simply backward children has been included or copied?—That is a definition that is in the present Scotch Code.

23792. It was copied out of the English Bill. Do you not think that is rather a pity?—"By defective children shall be understood children who, not being imbecile, and not being merely dull or backward are defective." That is what you mean?

23793. It is only the dull and backward children who are educable, and when you exclude them you exclude all educable children?—I do not think so. As I have seen them in the schools there is a difference between the backward children and the defective children. The backward children may associate with other people and get good by going to a class lower than their age would put them into.

23794. Have you been round the special schools in London?—No; but I have been in Glasgow.

23795. Of all the numbers that go in London there are practically none who reach Standard II. That amounts to uneducability?—No, I do not think so. I think that even a certain amount is better than nothing.

23796. But the dull and backward are those who would be benefited by the special treatment, and unfortunately the Bill excludes them?—Of course, it is really a matter of definition, and I have been going on the definitions which I understood to apply.

23797. Do you like that definition, or if there is any future legislation, would you like it modified so as to admit dull and backward and exclude the defectives?—No, I would not like to give up the idea of the defectives.

23798. Regarding the teaching in these special classes, a great deal of it is manual training?—Yes.

23799. They are not fit for book learning?—No.

23800. Is it essential that all the teachers should be highly certificated in book learning?—No, I do not think it is.

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23801. We know that in a great many special schools it is necessary to hold the ordinary teaching certificate before a woman is allowed to teach these backward children to use a needle and thread. Do you approve of that ?—No, but I think the capacity of knowing how to teach is extremely essential and therefore you do need a trained teacher and one that is sympathetic.

23802. But do you not think that a teacher trained in an imbecile asylum would serve better than one who has attended classes in Edinburgh University, say ?—I do not want special attainments. As a matter of fact, I think the deaf and dumb teachers are the best.

23803. My reason for asking that is that, so far as I can understand, the possession of a teaching certificate adds enormously to the wage these women expect,—they expect some £100 or £120 a year. It seems unnecessary to have such a highly trained woman to teach the children to use a needle and thread and to wash their faces ?—You do not want a very high knowledge of Latin and Greek, but the knowledge of how to teach is of the utmost necessity, the knowledge of the mind of a child and therefore a capacity of knowing wherein the defect arises.

23804. You want a specially trained set of teachers ?—Yes.

23805. The ordinary teaching certificate from this point of view is practically valueless ?—I would not say that. I believe that to teach infants requires different qualifications from the qualifications required in teaching the higher age classes, but they have to go through the same training as ordinary teachers.

23806. Do you think it is desirable for the special schools to be hampered by the enormous expense of teaching ?—If you could get people who would be really capable of teaching these children without all the special training then I would be quite glad.

23807. (*Mrs. Pinsent.*) I do not think there is anything in the present regulations to prevent an uncertificated teacher taking a class so long as the head of the school is a certificated teacher ?—I am afraid the Scottish Education Department would not pass that.

23808. You might have an ex-pupil teacher ?—You might, but the Department are driving them out. The Code says, "Where provision, satisfactory to the Department, is made." Now they might quite well allow the ex-pupil teacher, but that class of teacher in Scotland is being driven out, and within the next week or two there will be a new code of regulations which will really almost prevent their being recognised in any way at all.

23809. (*Dr. Dunlop.*) You make a suggestion in your statement about school boards acting as judicial authorities with reference to youthful offenders. At present what judicial authority do they have ?—They have a meeting with defaulting parents who are not sending their children to school. They have no power of punishment, but they send the parents on to the sheriff. They sit as a Court.

23810. But they have no power of punishment ?—No. It is a question of moral discipline. The idea is that the moral effect on the parents coming before them is that they are more careful in future.

23811. And it is a practical suggestion that the school board should take the youthful offenders in hand and punish them by spanking them or in any way they think right ?—Yes. I think that is most likely to be beneficial.

23812. It is gentler ?—Yes, and less harsh.

23813. It has been suggested to this Commission that the duty of taking charge of defective parents is a thing that might be supported by charitable funds. Is it a matter in regard to which charitable funds will ever come forward and deal both with adults and children ?—No, I am afraid not.

23814. It has completely failed in the past ?—I am afraid so.

23815. We cannot depend on charity being enough to meet the situation ?—I am afraid not. You might begin with a spurt, but it is very apt to fall off.

23816. Do you anticipate that there will be a spurt ?—There might be.

23817. Is it what you call a popular subject ?—No. It might be done with the children, but not with the adults.

23818. The corollary is that it must come on public funds ?—Yes.

23819. Either local or central ?—Yes.

23820. (*Dr. Needham.*) Do you think that if you were to hand over the care of the feeble-minded, as distinguished from the insane, to the Lunacy Board, it would create a prejudice in the mind of the public by putting on the feeble-minded the stigma of insanity ?—Yes.

23821. Do you see your way out of the difficulty ? Persons suffering from mental disorder should be under one authority, but is that a reason why this particular class should be under the lunacy authority ?—I think it is more in the name than anything else.

23822. Do you think it is desirable that there should be a Board constituted *ad hoc* ?—Yes.

23823. Or that they should be handed over to the Local Government Board ?—I think you may quite well erect a board *ad hoc*. We have many such in Scotland for varying purposes. In my statement I have dealt entirely with children, but I am quite willing to answer other questions.

23824. (*Mrs. Pinsent.*) You were talking about reasons for sending children to boarding schools. Do you think one of these reasons to be very bad home conditions ?—You mean combined with mental defect ?

23825. Yes ?—Yes. We have a day industrial school in Edinburgh—of course that is not for defective children—and I have been very much struck with the tremendous difference made in these children through the mere fact that they were withdrawn from bad home surroundings.

23826. That would apply to certain mental defective children ?—Yes.

23827. It would not necessarily follow that those cases would be degraded mentally ?—No.

23828. And therefore they might be uncertifiable according to some opinions ?—Uncertifiable as insane ?

23829. Yes ?—Yes.

23830. You could not deal with them under the lunacy authority ?—No.

23831. That would be an argument in your mind for the education authority being the authority to deal with defective children ?—Yes.

23832. Would you not like to see introduced a compulsory clause into this Defective Children Act ?—Yes.

23833. Is it your opinion that a good many authorities in Scotland would not otherwise put the Act into operation ?—I think it will be done only in the large towns. I am very hopeful that the Education Department will do something to induce them to put it into operation, because school boards here are very apt not to do things on their own initiative unless it is suggested to them by the Scottish Education Department. Unfortunately local initiative has been a good deal taken away by the Department being a great deal autocratic—perhaps that is too strong a word to use. I hope either by giving them an extra grant or in some way or other they will induce the boards to do it.

23834. It would be very difficult without an extra grant. There is no doubt that special education is more costly than ordinary education ?—Yes.

23835. And without some inducement of that kind they will not take it up ?—That is so.

23836. It is a great expense to come on the educational rate ?—Yes.

23837. Are you of opinion that it is amply justified by the probable results ?—We have not seen the results here.

23838. You know of them in England ?—By what I have heard and read I would say it is quite justifiable.

23839. What I would like to ask is whether you are convinced that this class of children exists. I daresay you are familiar with the Report of the Departmental Committee appointed to inquire into these things, and they assert that there is a class of children who are between the dull and backward and the certifiable imbecile. Is that your opinion ?—Yes.

23840. It would be impossible to certify all the children that you would deal with in special classes ?—Yes.

23841. Therefore, to deal with them in any other way except through the educational authority would be extremely difficult ?—Yes.

23842. I should like to refer for one minute to the question of the training of teachers. Have you had any experience of placing an absolutely untrained teacher before a class of twenty children ? Do you think any difficulty would arise in the way of discipline or order if quite an untrained teacher were placed in charge of the class ?—In Glasgow I think they begin by sending their teachers to London and Manchester.

23843. They were teachers to start with ?—Yes.

23844. Would you be of the opinion that a person who had gone through the ordinary drill of a pupil teacher and who knew about children, and keeping them in order and so on would manage them better and get more work out of them than a perfectly untrained person, even although she had a motherly interest in the children ?—Yes, I think that the training how to teach is essential.

23845. It does not follow that they need have a first class certificate ?—No.

23846. An ex-pupil teacher would probably meet most of the requirements ?—I do not say necessarily an ex-pupil teacher, but someone who had gone through the Training College and knew something about the mind of a child. I would not insist on very high qualifications in other subjects.

23847. Some people have the gift of teaching, and only require a very little training in the discipline of the class ?—Yes.

23848. Those carefully selected would be sufficient for the purpose ?—Yes.

23849. Except perhaps in the case of the head teacher ?—Yes.

23850. You would be in favour of a compulsory clause in the Act making it compulsory on all town authorities ?—Yes.

23851. Would you also be in favour of introducing a compulsory clause similar to that in the Blind and Deaf Act compelling parents to make necessary provision for their children ?—Yes.

23852. You would not leave it to the option of the parents whether they should have their children trained in a boarding school or not ?—In the Blind and Deaf Act it is the duty of the school board.

23853. But in the English Act there is also a clause compelling parents to send their children to a blind institution. You would be in favour of that ?—Yes.

23854. Whether the parents wished it or not ?—Yes, I would do that.

23855. Exactly the same principle as that on which you compel them to send their children to school ?—Yes.

23856. You would compel them to send the children to be trained properly ?—Yes.

23857. (*Mr. Byrne.*) What degree of improvement do you expect that this system of school education will make in the backward children who undergo it ?—I suppose it differs in different cases.

23858. Some will be found to be merely dull and backward, and they will be sent to the ordinary schools, while others will be found to be imbecile and will be rejected ?—Yes.

23859. Take the case of those who are feeble-minded and no worse or better, what will be the result of education on those children up to sixteen ? Will it enable them to lead prosperous and non-criminal lives ?—Judging from what I have read it would. You cannot expect to make them very flourishing citizens, but you can save them from a good deal and save the community from a good deal.

23860. Their habits will be so much improved that they will be better citizens than they otherwise would have been ?—Yes.

23861. Do you think that that will last, or will the effect soon pass off ?—I should think that the effect would last in a sufficient number to make it worth while. There are a great many people who pretty quickly lose the effects of their ordinary education, but still you educate them on the assumption that with most of them it will stick.

23862. But taking the best anticipations, the special school would turn out every year a certain number, greater or less, of children who to the full knowledge of the teachers were unfit to live in freedom ?—Yes.

23863. There would be some every year unfortunately ?—Yes.

23864. If you had 100 discharges you would have fifteen or twenty unfit to live in freedom ?—Yes.

23865. What do you think is the duty of the State or the educational authority with regard to these children ?—In many cases detention in some form or another is the proper thing in order to save the community.

23866. And also to save the children from degradation ?—Yes.

23867. Would you consider that a duty should be definitely imposed on the education authority, to advise and in fact to decide as to what should be done with the child that was not in a position to be released into freedom or put into the care of its parents ?—Yes.

23868. There should be some examination to see whether it would be desirable to board out the child or to send it to an institution ?—Yes, and if the medical examination were going on all the time of school life—which I hope it would be—then you might form some very definite idea.

23869. Everyone who knows about it would accept the decision of the teachers and the medical officer fully, because they would know that it was based on full knowledge ?—Yes.

23870. To what sort of institutions do you think that those children who require custodial treatment should be sent, children who have no homes good enough to receive them or homes where their guardians could not control them ?—Some kind of special boarding school.

23871. It would not be a school in this sense that there would be no use carrying on a training after sixteen ?—You mean after the school age is over ?

23872. Yes. What would you do with those who have no proper homes, or have not self-control or prudence to look after themselves ?—They should be placed in as comfortable a home as possible under supervision, so as to be guarded from themselves. I think it would pay the community to do that.

23873. The community, if it designed these homes well, might obtain some advantage from their labour ?—I think so.

23874. Do you think that they would give to a considerable amount ?—No, I do not think they would make much out of the labour in any place like that.

23875. Would it be worth trying to design these institutions as labouring places ?—Yes, for their own interest, to give them some interest in life.

23876. That would have to be considered ?—Yes.

23877. The State would have to consider that ?—Yes, and through that you might have, if not an improvement, at any rate a prevention of further deterioration.

23878. Do your remarks apply equally to epileptic children whose chief defect is in the mind ?—Yes.

23879. Some of them would be able to go to good homes when discharged, while others would have to be taken care of ?—Yes.

23880. (*Mr. Dickinson.*) The Bill which you have in Parliament this year simply gives power to the school boards to spend money on investigations—or does it go further than that ?—It was really designed for physically defective children as well as mentally defective children. In Scotland there has been really no legislation about either. My experience of the school board here was that we were prevented from dealing with the physically defective children because we could not spend the rates on them. The same thing applied to some extent with regard to the mentally defective, and therefore the Bill provided for the education, for medical inspection, for conveyance to and from school of these children.

23881. And for special classes for defectives ?—Yes.

23882. It would give the power to your school board to carry out all that shall be required if they wished it ?—Yes, but only so far as day school education is required.

23883. You do not extend it to boarding schools ?—No.

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23884. The Blind and Deaf Acts amount to this, that when there is a blind or deaf mute child whose parents are unable to pay for its education, then the school board is bound to provide for that education ?—Yes.

23885. And for that it has power to build boarding schools ?—Yes.

23886. What has been done under that Act in Scotland ?—These children have been sent to existing boarding schools.

23887. What schools ?—The Blind Asylum in Edinburgh and also the Deaf and Dumb Institution.

23888. The School Board pays what ?—£20 a year for board and education. It used to be £15, but it is now £20.

23889. That system would hardly be applicable to defective children ?—The system would be applicable in this way, that a large number of these feeble-minded children would not be sent to a boarding school but would go to a day school. It would be only a proportion that would go to a boarding school which would be created in some way or other, which the School Board would either run themselves or towards which they would make a contribution. I should think that if there were an Act like this, school boards could quite well unite and run a boarding school.

23890. If, as was proposed by the Bill of 1904, it simply made this Blind and Deaf Act applicable to defective children, then the school boards in Scotland would have had to work out their own salvation afterwards, and they would have had to establish some system of management for this new institution ?—Yes.

23891. What was the system of management that you contemplated ? I see you suggest two institutions ?—From the previous evidence I judged that that would be about the thing. I should like to see a combination of school boards running such an institution.

23892. Two groups, do you mean ?—A group in the south east of Scotland, might, I think, run a school like that.

23893. Do you agree with what Sir James Russell told us ? His idea was to have one committee representing the whole of Scotland ?—No, I think that is too big. I would rather go in for districts. Scotland divides itself quite easily into districts.

23894. You would have one rate over the whole district ?—I would have it divided up. Are you talking about children ?

23895. About the administration of this institution. Suppose we had these boarding schools and establishments for defective adults ?—With the children it could be by a combination of school boards, and I think they should be asked to contribute according to their rateable value. You would say to Edinburgh that you wanted so many hundred pounds, and then to a small parish you would say that you wanted £10 or £15, and they would add that to their ordinary charge.

23896. Is it possible to have a committee representing all this large area ?—Yes. Just now there are provincial areas for the training of teachers.

23897. You say "provincial." What is the province ?—They are in connection with the four universities.

23898. They are not areas ?—They are areas working in with the universities. There is nothing to prevent the same geographical area in connection with this and a committee on a similar footing being established. With regard to the adults you have the county councils, which I think Sir James Russell omitted to mention, and which do combine.

23899. But they are hardly large enough. You must have some combination of areas, and I wanted to see what you thought would be the right one in Scotland ?—In connection with the children you could have the school boards, and in connection with the adults you could group the county councils. I think Sir James Russell forgot their existence. I think you could quite well group and levy according to the rateable value of each county.

23900. You would have two groups of county councils ?—Or three or four groups. You would really need four, south-east, south-west, north-east and the Highlands.

23901. (*The Chairman.*) Is there anything you would like to add ?—I do not think so.

N. Gordon Cluckie, Esq., M.B., C.M., called ; and Examined.

N. Gordon Cluckie, Esq. M.B., C.M.

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23902. (*Chairman.*) Do you represent the Scottish County Councils Association ?—No, I represent the County Council of Argyll.

23903. You have been so kind as to give us a statement of your evidence ; may we put it on our notes ?—Yes.

Statement of the Evidence proposed to be given by N. Gordon Cluckie, Esq., M.B., C.M.

I support generally the expressed opinions of Dr John Macpherson; the opinions of that expert and others thoroughly conversant with this important subject seem to be all that is required to establish a strong claim for special legislation for these unfortunate people.

My experience as town councillor of this town (Greenock) for nine years, as a county councillor of Argyllshire for the past four years, and as an ophthalmic surgeon for the past thirty years, in charge of two eye hospitals, leads me to say, very strongly, that the care and control of the feeble-minded should be continued to the Lunacy Board and not entrusted to what are called popularly elected boards. Town, parish, and county councils have more public work to do than they can overtake ; apart from that, the members of these bodies are ignorant of the special and peculiar management of this class of patient and institutions.

There should be one authority only to deal with all classes of mental deficiency, no matter the grade or defect, and that Board should have the entire administration of the Act for the care and control of all imbeciles and weak-minded persons, and that Board should license any House, Home or institution required for their detention or treatment, and all patients should be under the inspection of qualified medical experts. Every *Home, House,* or *institution* containing a feeble-minded person, whether for profit or otherwise, should be licensed and under control. There should be no imbecile or weak-minded person, no matter who or in what station in life, but what should be under the eye of the Lunacy Board, the richer the patient the greater the control and inspection. I would further suggest that the Board should have the power of appointing and dismissing certified male or female nurses to all classes of patients, and that these nurses should send weekly reports to the Board or the medical officer. I also favour separate schools for the education of the feeble-minded ; they should not mix with the strong or healthy-minded. The teachers should be men of great tact, kindliness, and forbearance. In the district or glen (Glenfinnart, Ardentinny) where I reside in summer, there were three imbecile cases, one a congenital imbecile, who, after much trouble and many filthy exhibitions, had to be removed to Lochgilphead Asylum. This girl's stepmother was also removed to the same institution, suffering from senile dementia. Another young woman was kept for many years at home who should have been placed under control. I have no doubt there are many such cases.

23904. (*Mr. Dickinson.*) I see you take the view that the authority to manage these institutions should be one authority ?—Yes.

23905. That is, one authority for the whole of Scotland ?—Yes.

23906. Would that be an elected authority or a Government authority ?—A Government authority. I think it should be the Lunacy Board.

23907. Should they actually carry on the administration of those Homes ?—I think it lies specially within their department.

23908. It would be a new departure for them to carry out actual administration ?—I think it would be a correct thing to have it that way.

23909. How would it be paid for ?—Out of the rates and by Government grant as well.

23910. Then you would have to give the Lunacy Board a right to charge the ratepayers ?—Yes, each corporation should levy so much upon the rates and hand that over to the Lunacy Board for administration.

23911. They would hand over as much as the Lunacy Board liked to spend ?—I suppose they would be guided by circumstances, by the number of cases that would require to be treated.

23912. You do not agree with what the last witness suggested that it should be done by groups of county councils ?—No, I think that all these councils and boards have plenty to do as it is. That is my experience of the town council and county council. I think these bodies have quite sufficient to do without doing any work of that kind, besides I do not think they are fitted for a class of cases of that kind. I do not think they have the knowledge to carry out the proper administration.

23913. You are putting under the Lunacy Commissioners a lot of people who would not in the ordinary way be certified as lunatics ?—That is a detail I am not quite familiar with, but I think that it could be overcome in some way.

23914. (*Mr. Byrne.*) Are we to gather from your statement that you consider there is a serious public evil on account of the imperfect way in which these feeble-minded people are dealt with ?—Yes, I think they are neglected.

23915. In what way has it chiefly come before you ? Is it in connection with the criminal law ?—Yes, and also from my experience as surgeon in hospitals of which I have charge.

23916. And from your knowledge of the Poor Law ? —Yes.

23917. What are the most striking cases that you have seen—is it the feeble-minded prisoner, the man constantly committing small offences, or is it the village idiot ?—I have seen both males and females brought before the Court for acts of immorality and drunkenness, and as a member of the Prison Visiting Committee of Greenock I see cases in prison that, I am told by the Governor and others, are there one day and out, and then back a few weeks after.

23918. Do you give it as your strong opinion that the existing methods are quite imperfect ?—Yes.

23919. And they should be supplemented ?—Yes.

23920. Is it the duty of the State now to go out and hunt up those people, or would you wait until they fall into the hands of the State ?—I think they ought to take charge of them as early as possible.

23921. At the school age ?—Yes.

23922. If you found defectives by the process of the Education Acts you would, if necessary, keep them ?—Yes.

23923. And never allow them to go out and commit crimes ?—That is so.

23924. Would you do that also with a prisoner who had been 200 times before the court and would probably be 200 times again ? If he were feeble-minded would you certify him and never let him out again except on license ? —Yes.

23925. Would you do the same with weak-minded paupers ?—Yes.

23926. And with women who were mothers of illegitimate children and who were weak-minded ?—Yes.

23927. In fact all cases we have been talking about to-day—you would as they fell into your hands examine them and certify them ?—Yes.

23928. Do you think that public opinion is fairly ripe for such steps being taken if explained to them ?—I think if it were explained properly the public mind would be quite open to it.

23929. What class of institutions had you in your mind in speaking of the administration of the law, what class of institutions would you like to see introduced ?—I have not any special experience except as a magistrate and a member of the Prison Visiting Committee and also experience gained in the hospitals over which I have charge.

23930. These defectives would be a pretty miscellaneous collection ?—Yes.

23931. Is it likely that one type of institution would suit them all ?—One type of institution would quite well suit them all, provided it were divided into certain sections for the treatment of those who were more outrageous than others or more difficult to deal with.

23932. Would it be a place for detention and work ?—Yes, and discipline.

23933. And for living an economic life ?—Yes.

23934. From what you know of these people, do you think that a certain amount of lucrative employment could be given to them ?—I do not see why not.

23935. At least as much as you would expect to find in any well-managed labour colony ?—Yes.

23936. Would you recommend that they should all be sent there ?—Yes, every human being should be made to work, and I think that in that way you would get a good result.

23937. (*Dr. Needham.*) Do you not think that there would be considerable difficulty in getting the Lunacy Board of Scotland to manage institutions of this character in addition to all their other work ? Would the details of it not make it almost impossible ?—They would have their officials. The point as to the Lunacy Commissioners discharging that duty has not been carefully considered by me, but I think they could adopt a system whereby officials would carry out their instructions and conduct institutions under their directions.

23938. Would it not be objectionable to pick out this particular class of institution and say that it is to be the only exception to local management, that it is to be managed by a central body and not by a local authority ? Would it not prejudice the local authority very much against the movement ?—It might do that, I cannot say; but I regard this as a very special class of disease or defect in humanity and it wants some special Board—not the ordinary public Boards that we have, to deal with it.

23939. Would it not answer every purpose if you let the local authority do the work and let the central authority have the control and inspection as in the case of asylums ? Would that not be better ?—Possibly it would.

23940. As regards the second and third paragraphs in your statement, would you like to make any modification in this statement, "There should be no imbecile or weak-minded person, no matter who or in what station of life, but what should beunder the eye of the Lunacy Board; the richer the patient, the greater the control and inspection." Is it desirable to drag the children of people who can look after them from their homes ?—I am strongly of the opinion expressed there that all imbeciles and all weak-minded people should be under observation by some Board, whether it be the Lunacy Board or some other Board.

23941. You agree with a witness who is going to give evidence and who says in his statement that there should be notification of these cases ?—I think so.

23942. The same as with infectious diseases ?—Yes, just the same.

23943. As regards people in the higher ranks of life who are well able to look after their children, should they be interfered with as long as they are doing their duty ?—Yes, I think they ought to be notified.

23944. But there should be no interference ?—I think there should be some inspection.

23945. But no interference ?—They should not be removed. But if you take the working classes in houses of a room and kitchen you will find a mother with three or four or five children, and she has not time to look after a weak-minded child, and that child is put into a corner and allowed to remain there.

23946. You would have notification and treat each case on its merits ?—Yes.

23947. (*Dr. Dunlop.*) Did you hear Sir James Russell this morning ?—I only heard part of his evidence.

23948. He gave us his magisterial experience. You have had a similar experience in Greenock ?—Yes.

23949. You have some very well known weak-minded delinquents in Greenock ?—Yes. We have a woman who has been 200 times before the Court and has been in this Girgenti institution for a length of time. She has been liberated and the result has been found to be a failure.

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23950. There are three women in that family with a total of 600 convictions against them ?—Yes.

23951. Were they children of weak-minded people ?—I could not say.

23952. Their parents were paupers ?—Yes.

23953. They have been more or less imbecile all their lives ?—Yse.

23954. They have spent their existence almost entirely in prison ?—Yes.

23955. They are three utterly irresponsible creatures ?—Yes.

23956. There are several other cases of that kind in Greenock ?—Yes, quite a number.

23957. Are you aware of the fact that a certain number of that class in Greenock have been in the parochial asylum and been discharged from it ?—Yes.

23958. Can you quote some cases ?—Not exactly.

23959. But you know of the existence of cases that have been in and out of the asylum several times and are still in Greenock going in and out of prison ?—Yes.

23960. It is a crying scandal ?—Yes, it is painful to the public of Greenock that these poor women should be left to their own resources and put on the street to go back to their old ways without anyone to take care of them.

23961. There ought to be some way of putting a check to that ?—Yes.

23962. The central authority should have power to interfere with them ?—Yes, I should think so.

23963. Greenock has had a fairly wide experience of the effects of the Inebriates Act ?—Yes.

23964. Can you tell us anything about the success of that Act in Greenock ?—Only that I understand it to be a failure.

23965. Although the female apprehensions have gone down one-third in number ?—Yes. I am talking of the class of people put into that institution.

23966. But has not the effect in the town been very beneficial indeed ?—I am not aware of it.

23967. The female apprehensions for drunkenness have fallen from about 1,200 to 800 since that place was opened. Is that not a very great score ?—Yes.

23968. You cannot call it a failure when that happens ?—I was referring more to the women put into the institution.

23969. But if you look at it from the community point of view, has it not been a thorough success ?—Yes, from that point of view.

23970. There are hardly any female habitual inebriates going about Greenock at the present moment ?—I am not aware of it, but it is quite likely to be so. I have left the town council and I am not conversant, therefore, with all these details of the police court.

23971. Are you aware of the fact that none of the Gallachers have been back in prison since the inebriates' reformatory was opened ?—No.

23972. (*Chairman.*) As representing a country district, I would ask you whether you agree with the desirability of making it compulsory upon the local education authorities to set up special classes or special schools ?—I think that is a most desirable thing to do.

23973. It would come rather hard upon small rural areas ?—Yes, and therefore they would require to have some grant.

23974. You think it could be put all right by having a grant from the central authority ?—Yes.

23975. Of course it would be very much more expensive for country areas to find accommodation than it would be for town areas ?—Yes.

23976. Would you vary the grant accordingly ?—Yes.

23977. You think there would be no difficulty in doing so ?—I do not think so, and it is a proper thing to do.

23978. (*Mrs. Pinsent.*) In speaking of notification, have you ever considered whether it would be done more easily through the educational authorities, given the fact that this Act is put into force ?—I am thinking of children who have not gone to school and who are weak-minded, and who might be seen by the medical man at home. In that case there might be notification, but there is no doubt that school boards have a very great opportunity in that respect.

23979. Do you not think they have a great opportunity of finding out the defective cases ?—Yes.

23980. And when the Act is put into operation all the children would pass under the medical officer ?—He would require to be an expert in lunacy, otherwise he might do no good.

23981. He would require some experience ?—Yes.

23982. In regard to those you were speaking of in their homes, would they not come under the cognisance of the visiting officers ?—Yes, sooner or later.

23983. They must report the reasons for non-attendance ?—Yes.

23984. And it would be easy to ask them to report on these cases and bring them before the school board's medical adviser ?—Yes.

23985. Does it not strike you that there is a machinery there for notification already in existence ?—Yes, but the school board officer does not see the child till it is five years of age.

23986. Do you think it is necessary before that ?—Yes, I think so. I think you cannot get them too early. They have no discipline at home and no decent care is taken of them.

23987. After five years of age it would come naturally if the Act were in operation ?—Yes.

23988. And there is ready-made machinery then ?—Yes.

23989. (*Chairman.*) Is there anything that you wish to add ?—No, nothing occurs to me at the moment.

FIFTIETH DAY.

Tuesday, 12th June, 1906.

AT THE CALEDONIAN STATION HOTEL, EDINBURGH.

PRESENT

The Right Hon. The EARL OF RADNOR (*in the Chair*).

W. P. BYRNE, Esq., C.B.
C. E. HOBHOUSE, Esq., M.P.
F. NEEDHAM, Esq., M.D.
The Rev. H. N. BURDEN.
W. H. DICKINSON, Esq., M.P.
Mrs. PINSENT.
J. C. DUNLOP, Esq., M.D.

HARTLEY B. N. MOTHERSOLE, Esq., M.A., LL.M. (*Secretary*).

WILLIAM W. IRELAND, Esq, M.D., called; and Examined.

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23990. (*Chairman.*) You were some years ago the medical superintendent of the Larbert Institution ?—Yes, and after that I had for about eighteen years a private place of my own for the care of imbeciles of the wealthier class.

23991. I think you wrote a text book on Imbecile Children ?—Yes.

23992. You have been so kind as to give us a statement of your evidence ; may we put it on our notes ?—Certainly. I would like to add to my statement some information that I got from my friend Jacob Saethre as to what is going on in Norway in regard to the matter.

STATEMENT OF THE EVIDENCE TO BE GIVEN BY WILLIAM W. IRELAND, ESQ., M.D., EDINBURGH.

PROVISIONS FOR THE CARE OF IDIOTS.

The number of idiots and imbeciles in Scotland is much greater than appears from the census, from the dislike of people to admit anything discreditable in their families. A large proportion of those are so far educable that their habits can be improved and their intellectual faculties quickened by assiduous teaching ; but for such defective children a special training is required. Moreover, they are often weakly in health, subject to various nervous diseases, and derive benefit from a careful regimen and hygiene. Such children, arrived at an educable age, are best treated in residential institutions under medical supervision. There is in general a reluctance on the part of the parents of these children to make so open an admission as sending to such establishments would imply, and a great dislike to any legal forms and certificates. There is also a fear on the part of the parents in the middle classes that their children would contract bad habits from intercourse with inmates of a low grade. These scruples being overcome, it is difficult for the parents of idiots and imbeciles who are poor to get them admitted into the residential establishments which exist, from the reluctance of the parochial boards to pay the considerable charges asked, and from the election machinery by which admission is to be gained to obtain the benefit of the charitable funds of the Larbert Institution.

Half a century ago schools for the education of idiots were begun under the impulse of Dr. Seguin, a most skilful instructor, who was slow to admit that any idiots were uneducable. Yet in many cases the improvement was so little apparent that people were inclined to think that the result was not worth the trouble. Hence in the training schools established in Britain and America there is a tendency to exclude the least educable pupils. This, though it gave ease to the teacher, did not lighten the load of the parents who were more anxious to get relief of the worst cases. Thus the charitable objects with which these institutions were founded has been, to a certain extent, lost sight of owing to the desire to show good results appreciable to the public.

PROVISIONS IN SCOTLAND.

The only provision for the care and training of idiots and imbeciles in Scotland are two institutions, one at Baldovan, begun in 1853, and the other at Larbert in 1862. These institutions were empowered under a special Act to have a licence for the care and training of imbecile children.

I was Medical Superintendent of the Larbert Institution for about ten years (1871–1881). In the course of the fourteen years in which the establishment had been carried on, some of the pupils had grown up. Some of these were paying boarders ; others, who had no relatives willing to take them away, were kept on as useful. In 1876 the General Board of Lunacy challenged the continuance of pupils in Baldovan and Larbert after they had reached the age of eighteen, on the plea that the superintendents of these institutions had no right to detain them. About a score of them were sent or forced away out of Larbert, some to go to poorhouses, others to asylums, or to tramp about the country or get into gaol. Five of the most intelligent were engaged as servants, their treatment remaining the same as before, save that they were paid a small wage. If they remained five years they would acquire a settlement in the Parish of Larbert.

DEFICIENT CHILDREN.

There are in the Board Schools a proportion of children, perhaps 1 per cent., who derive no benefit from the lessons and cannot get through the standards. For such children the schools like those in Manchester, or the separate classes as in Glasgow, are a great help to their parents in inculcating better habits and training them to simple employments. There seems to me a danger that these schools should be shunned for the class most likely to derive benefit, and sought by the parents of children of a very low type, becoming a species of crèche for idiots. I visited a school at Bremen, ostensibly for Schwachbegabte Kinder, conducted by a most painstaking schoolmaster who had some most unpromising pupils.

A CUSTODIAL ASYLUM NEEDED.

The great need in Scotland is a custodial asylum for grown-up idiots and imbeciles, such as I have seen at Newark in the State of New York, at Ebbordgaard in Denmark, and the one begun at Sandlebridge in Cheshire. I have conversed with many medical superintendents of training schools, and they all agree that imbeciles require to be cared for during their whole lives. Accustomed from childhood to guidance and control, they are quite contented in such places, and have not the desire for liberty and dislike of rules which makes some lunatics prefer cottage to asylum life. They would be able by their work to contribute towards their livelihood, although unable, when left to themselves, to encounter the competition of normal workmen. Tardy in the growth of their intelligence imbeciles continue to learn to a late time of life, and attempts to improve their habits and cultivate their faculties should be continued in these asylums, while they should not be allowed to remain in idleness. With most men love of work is an acquired habit ; and this holds good with imbeciles, although they are naturally lazy. A custodial institution with no teaching, no effort to make the inmates work or to instruct and amuse them, and to treat their special nervous disorders, would be like

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a marsh with no outflow becoming more noisome the larger it got.

THE IDIOTS ACT.

Parents of the wealthier classes, whose children are carefully secluded from all coarseness and indelicacy, if they have children needing special instruction, much dislike to send them to an open institution where they come in contact with the refuse of the lowest stratum of our large towns. They have also a pronounced dislike to any formal certificates, or publicity, which might attach a stigma on themselves or to their other children. Hence the desirability of private institutions for the better classes. In England, before 1886, a child could not obtain entrance to a training school for idiots or imbeciles without going through the same certificates used to imprison a lunatic in an asylum, with all the cumbrous returns and intimations following thereupon. The English institutions, public as well as private, were freed from this burden by the Idiots Act. In Scotland a private certificate that the child was an imbecile was sufficient. This gave the Scottish institutions a considerable advantage which ceased after the passing of the said Act. New homes were set up in England; cases no longer came from the south, and pupils left Scotland.

The legal status of a private training school or house for the care of such children in Scotland is doubtful, hanging much upon the opinions and goodwill of the Lunacy Board, which might shift. Nevertheless, a man who puts acquired skill at the service of the public is doing a useful work, and his occupation should not be made so unsafe that a sensible person would not venture to put capital into it. There is no reason why a monopoly should be held of the business, and why competition should not be free in Scotland as well as in England. For these reasons it seems to me that a law similar to the Idiots Act should be accorded to Scotland.

EPILEPTICS.

No unfortunates in Scotland need help more sorely than epileptics. Those who are insane are provided for in asylums; but there is a strong desire to exclude imbeciles subject to frequent convulsive attacks from training institutions; and, indeed, it may be said that epileptics are excluded by special regulations from every charitable institution in the country. From 40 to 50 per cent. of epileptics cannot be regarded as insane, yet their condition is most unhappy. A victim to this malady, unconscious during the attack, has no idea of its nature save by the description of others. When it first strikes him he is not easily discouraged. If he loses one employment he seeks another; but the strange character of the disease, the abrupt onset of the fits, and the fear and distrust amongst those who witness them, generally throw him out of regular employment. Thus poverty and enforced idleness embitter a malady otherwise most distressing. In 1899 I called attention to the unfortunate condition of this class by letters in the newspapers and an article in a medical journal, mentioning what had been done for epileptics in Germany, England, and the United States, but there was no echo in Scotland to my appeal. Several years afterwards the late Mr. Quarrier succeeded in raising some money for a house for epileptics connected with his Homes at the Bridge of Weir. This building, which is now finished though not yet occupied, will afford accommodation for twenty-five sane epileptics. Attached to it are one hundred acres of ground. They have already had above a hundred applications for admission. So far as I can calculate, there must be about 4,500 epileptics in Scotland, of whom nearly the half are sane. In the lunatic asylums many of the epileptics are good workmen, and if the sane epileptics were received into a special establishment, many of them could do work equal to the cost of their maintenance.

HABITUAL DRUNKARDS.

How to deal with the habitual drunkard is one of the most difficult of social problems. It has long appeared to me that, if the State has to interfere, the best way is to make habitual and wasteful indulgence in alcohol and other intoxicants a criminal offence punishable with confinement in special asylums until there be a good prospect of complete reformation.

WILLIAM W IRELAND.

Victoria Terrace,
Musselburgh,
23*rd May*, 1906.

I have received the following information about the training schools for imbeciles in Norway from my friend Jacob Saethre, superintendent of the institution for imbecile children at Ekelund near Bergen.

"Ekelund has 156 inmates.

"Thorshaug, near Kristiania, 180 inmates.

"Röstod, near Trondhjem, 150 inmates.

"Röstod is the former school at Lindern, near Kristiania, now removed to northern Norway. These are now State schools for imbecile and weak-minded children."

"We are longing for custodial asylums, but we cannot afford to get aid yet. We have as yet only one, Trusliorth Pleiehjem in Barum, near Kristiania, a small place partly kept up by charity. Admission to the training schools is given by the Education Department of Government, which requires every year reports from the local school boards concerning all children of a specified age who are unable to go to the public schools on account of mental and physical deficiencies (imbecility, deafness or blindness). Out of the reports given on formal schedules the cases deemed teachable are selected and sent to the schools adapted to their special disability. These children may be kept in school for eight years, but not as a rule above the age of twenty-one. The general ages are from eight to sixteen years."

"The cost of tuition is free, paid for by the State; but the board is paid for by the parish and county when the parents themselves are not able to do so."

I visited Mr. Saethre's institution in August, 1887. It was then his own undertaking. Since then it has been taken over by the State, he remaining superintendent. I saw a special class for deficient children in the public school at Bergen which he conducted. In the *Journal of Mental Science*, Vol. XXXIV., there are "Notes from Saethre's institution for imbecile children near Bergen."

23993. (*Mr. Byrne.*) With reference to the first paragraph of your statement, in which you have described the difficulties of procuring proper treatment for defective-minded children, can you give us any idea of the number of children who in your opinion should have institution treatment and who are at present without it?—I could not give any exact statement, but I think the number is very great. The first difficulty is to know what proportion of imbeciles should require it. Some of them are beyond teaching. Some of them are too young and so on. I should say that about one-fourth of the imbecile population in Denmark are cared for in special establishments.

23994. Of a boarding character, not mere day schools?—They are not day schools; it is all of a boarding character. I expect Denmark is probably better provided in that respect than any other country in Europe. There were nearly 4,000 weak-minded and imbecile persons ascertained by a very exact census in Denmark, and there are about 1,100 of these in institutions of different kinds. You may say that one-fourth of these are actually taken care of in residential asylums.

23995. Can you relate to us any of the evils which show themselves in Scotland on account of this absence of sufficient accommodation at present?—The evils are that the children are neglected in the first place, they are taught nothing if their parents do not take the trouble to do so; in the second place they are the sport of mischievous boys, and then a number of them suffer from different physical defects and diseases which might be treated, but which are not treated. They are worse off in a great city like Glasgow.

23996. Are there any more serious evils than these? Do they lead to crime or gross immorality or an expense to the police?—It is when they become old that that takes place. No doubt imbecile girls, for example, are very much exposed, especially if they are in crowded quarters. The boys, perhaps, become tramps or go about, but I do not think they fall into the thieving class, as they are not handy enough, and they have not sufficient intelligence to be used as tools. I think these are the principal evils connected with it.

23997. You do not lay much stress on the fact, which some people allege, that they propagate a defective race if they are left alone?—I do not think there is any great danger of that.

23998. Would you say the same about epileptics? Referring to your statement you calculate that there are about 4,500 epileptics in Scotland, of whom

only about one half are sane. How many of these require institutional treatment ?—I think they require to be in a place of their own where certain arrangements are made for their employment and where they can assist one another. I think the most unfortunate class I have ever met with are the epileptics. I have already pointed out in my statement about the matter of employment. As for the number of epileptics, I was very much at a loss to get a census. There have been two or three made in Germany, and I have taken these as *data*; I have taken ten epileptics to 10,000, but I see James Stewart, of Glasgow, who takes an interest in epileptics, calculates them at twenty in the 10,000. That of course would double my number. He affirms that there are seventy-five under the care of the parochial authority in Glasgow. I visited the proposed Home for epileptics, and I was told by Miss Quarrier that she had already had 100 applications, but they have only built a house for twenty-five.

23999. How many epileptics may require institutional treatment, having regard to the degeneration that happens to themselves and the misery caused to private families ?—I have not got the materials for a calculation. Those in wealthy circumstances do not require assistance. I could not specify the number, because I do not have sufficient *data*. I have observed individuals here and there in the course of my experience, but I do not think there are any statistics by which one can calculate the number in Scotland—at least I have not got them.

24000. (*Mr. Dickinson.*) I notice in the first column of your statement you say that you were superintendent of the Larbert Institution between 1871 and 1881, and you deal with the question of the pupils who were at that establishment and who outgrew the proper age, and you say, "In 1876 the General Board of Lunacy challenged the continuance of pupils in Baldovan and Larbert after they had reached the age of eighteen, on the plea that the superintendents of these institutions had no right to detain them. About a score of them were sent or forced away out of Larbert, some to go to poorhouses, others to asylums, or to tramp about the country or get into gaol." Now, why did the Board of Lunacy interfere there ? I understand the position of affairs was this, that many of these idiots were staying on there at their own will ?—They were all staying at their own will. The doors were open almost night and day. None of them ever tried to escape. The whole plea that was put forward by Sir James Cox was that we had no legal right to detain them. It was a point of law. I simply said I did not detain them. The idea was picked up from the lunatic asylums, where there are a number who try to escape. It was a question of law, and it did not seem to me that there was any law on the side of the Board, but the directors determined to test the matter, and we had to get these pupils away. One had actually to be hauled out, because she wished to stay in the institution.

24001. What, in your opinion, was the object of the Board of Lunacy in taking that action ? Did they want to clear out the place and have other ones there ?—No, I do not think so. I think it was a kind of desire for uniformity. They thought they should be treated equally with the lunatics. As long as they were children we had that right to control them as the master of a boarding school has a right to lay his hand on a truant boy, but I never knew why they took the age of eighteen, because there is no such age in Scottish law. A boy enters the age of pupillarity at fourteen and a girl at twelve, and they remain in that state till twenty-one. I suppose eighteen was fixed because that was thought to be the period of puberty.

24002. Were any of these patients suitable for asylum treatment ?—No.

24003. Why not ?—Because they were not lunatics, they were not dangerous to themselves or to others. They were more like children than lunatics. Most of them were retained because they were useful at work. They were girls that worked about the kitchen and young men that worked in the garden.

24004. Since that time do I understand that in these institutions all children when they attain the age of eighteen are sent out ?—I do not think so.

24005. What happens ?—They consider each case, as it were. Some of the better paying boarders were allowed to remain in. I daresay that this regulation became loose in a few years, but my evidence is mostly historical; since I left Larbert in 1881 I know nothing of what has taken place.

24006. But still, when you were there they were turned out when they were eighteen years of age ?—Yes, I think most of them were turned out.

24007. I suppose you say that all those cases were cases that ought to have been placed in some institution ?—Yes, but unfortunately there was no institution in Scotland at that time into which they could be put.

24008. Where you speak of the Idiots Act (*page* 194) you tell us that in Scotland a private certificate that the child was an imbecile was sufficient. What kind of private certificate was that ?—Just a certificate by a medical man saying that A. B. was weak-minded. That seems to be sufficient. When I left Larbert I wanted to set up an institution for the children of the wealthier classes, and I went to Sir Arthur Mitchell and asked about the law of the matter. He gave me a license to receive four lunatics, and if there were any of these certifiable I might get them certified in that way and keep more of them; but as for the rest, if they were simply weak-minded or could not be classed as lunatics, I might simply return their names. I said to Sir Arthur Mitchell, "You know that I only intend to take imbeciles for training; I do not want lunatics at all; I will not take lunatics whether melancholics or inebriates," and I have always kept to that. I think the Board of Lunacy kept faith with me in the matter. They did not disturb me, but I think they might have challenged what I did, if they had been so disposed—at least they might have put me to a good deal of expense and trouble. I was not secure; I always kept my hand so that I could draw it back.

24009. Here you are speaking of a private Home ?—Yes.

24010. Receiving private patients for payment ?—Yes.

24011. And they are received under a private certificate ?—Yes.

24012. That is, a certificate given by a medical man ?—Yes.

24013. And under that certificate, I suppose, with the consent of the parents or guardians you keep the child ?—Yes. There are imbecile children boarded here and there with that certificate. There are no private training schools in Scotland.

24014. (*Dr. Dunlop.*) With regard to that matter that Mr. Dickinson was referring to, the certification of these cases, is it not the fact that no certificate is necessary for Larbert ?—You had simply to certify that they were imbecile, but when the 4s. grant came for paupers from the Exchequer they had to be certified as of unsound mind. They preferred that expression. So all these pauper children to whom the 4s. grant is given are certified as of unsound mind, which is the equivalent to a certificate of insanity.

24015. It was put to us by a witness that for admission and detention there was no certificate at all ?—There is no certificate for admission or detention except what I have mentioned.

24016. But for the purpose of earning the 4s. grant the Lunacy Commissioners insist on a special certificate, which is a private certificate to meet that purpose ?—Yes, it was simply to enable them to get the 4s. grant.

24017. You mention in your statement something about a special Act for these institutions in Scotland. What is the Act ?—I have not a copy, but it amounted to this.

24018. The English Idiots Act does not apply to Scotland ?—No.

24019. Is there any other Act in Scotland to which you refer ?—No, the only Act I know of is the Act giving a license to a training school for imbeciles supported by charitable institutions. That would exclude a training school not supported by charitable institutions. When the Idiots Bill was being passed the directors of Earlswood got it so worded that Dr. Down's establishment and other similar institutions would have been excluded. When he found this out he, through the assistance of a friend in the House of Lords, got the Bill so modified that his private asylum was also legalised.

24020. I see you are in thorough sympathy with the terms of the Idiots Act. Would you like to see it applied

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to Scotland ?—Yes, or a similar Act. I am not exactly sure of the drafting, but I think a similar Act would enable anyone who wished to set up a training school for imbeciles to do so without such interference as might endanger his capital.

24021. At the present moment that exists in Scotland, does it not ? There is no reason why a man should not set up a training school in Scotland for imbeciles ?—No, and I think there might be a great many of them. Competition is always a good thing, I think.

24022. You would not advise the extension of the English Idiots Act to Scotland ?—I would have a similar Act. I do not know whether I would suggest that this Act should extend to Scotland, perhaps some little modifications might be made.

24023. Are you aware of the fact that there are no safeguarding clauses in the English Idiots Act ? It is a criminal offence to abuse an idiot in England ?—I think it is a criminal act to abuse a lunatic.

24024. But not an imbecile under that Act ?—No, but it would come under common law, which I think would be sufficient.

24025. Is that quite sufficient ?—I think so.

24026. For instance, they are allowed to use restraints freely in imbecile asylums without reporting them, but they are not allowed to restrain lunatics without reporting them ?—I would like to know the age of the child.

24027. These Acts in England apply to imbeciles up to sixty and seventy years of age, they apply to all ages ? —They are extremely manageable as a general rule. Nothing is more manageable than these creatures if they are kindly treated. There may be difficulties as there are in all conditions of life, but it would have been no advantage to me to have been allowed to use restraints, nor did I ever use them.

24028. You were talking about the undesirability of imbeciles being sent to lunatic asylums. Did your remark apply to the milder grades only, or to the lower grades too ?—Any grade. The more intelligent learn all sorts of tricks; as for the helpless ones, they are apt to be cuffed and beaten and pushed about. I have seen very peaceable imbeciles who have been trained in establishments, and when they were in lunatic asylums they became like wild beasts in a year or two.

24029. That might be the fault of the asylum management ?—I do not see how the superintendent could help it. You cannot isolate an imbecile. They are turned into the common room and they hear all kinds of oaths and blasphemies and all kind of talk, and they are terrified.

24030. Is that classification not possible with the modern villa asylums ?—I do not know what is going on at present, but I am told that the Board of Lunacy have set themselves against imbeciles being admitted into lunatic asylums except in cases of inter-current insanity, which sometimes takes place with imbeciles.

24031. That is more hearsay than personal knowledge ? —Yes ; I believe it is quite correct, however.

24032. Your opinions are in favour of there being two classes of adult institutions, leaving the children aside just now ?—Yes. For example, there is one in Denmark with 452 inmates. This is a custodial asylum for adults. The training asylum for the young at Bakkehus has 204 inmates. Besides that, there are several of the Keller institutions in Denmark, which provide for the training of imbeciles.

24033. In your opinion is a poorhouse a proper place in which to receive an imbecile ?—The matron would require to be a very benevolent person, and the poorhouse a very small house. I have seen imbeciles in poorhouses; they were clothed and fed and perhaps kept clean enough, but they were neglected and nothing was done to amuse or employ them.

24034. So the ordinary treatment of imbeciles in poorhouses is unsatisfactory ?—It is not treatment at all.

24035. They are neglected ?—Yes, there is no special treatment.

24036. Do you not think it is a very inhuman thing to shut up sane inmates of the poorhouse along with persons of unsound mind ?—I think the sane would have a right to complain.

24037. Is it not very unkind to the sane ?—I think they would have a right to complain about being associated with imbeciles.

24038. It is bad for both ?—Yes,

24039. In regard to the children, you are strongly in sympathy with the proper training of them ?—Yes.

24040. What is the outcome from the training and teaching of imbeciles ?—It depends on their grade. They are educable at almost all ages except the very lowest class. There is the teaching of cleanly habits for which the parents are often very grateful, and then you can teach them to put on their clothes. It sometimes takes weeks to teach them to put in a button. They are laboriously taught to put on their clothes. When you come to a higher grade you can teach them more ; you can teach them to know the value of money and to be able to buy a thing in a shop, but you can never turn an imbecile into a normal child.

24041. That is the point I wanted to get at. That was what Dr. Seguin used to preach ?—He would get hold of the dullest idiots in the world and teach them the sense of touch and so on to an extraordinary extent, but you would require a race of Seguins to carry that out.

24042. You cannot cure imbecility by training ?—No.

24043. The corollary to that is that special classes in schools will not take the place of institutions ?—I do not think they can, but they might be very useful. I saw some in Bremen and in Manchester and other places, and also in Glasgow. I daresay they are of great advantage to their parents. They are taught a number of things and they are kept away from the streets ; they are taught a number of little exercises, and they are brighter and happier.

24044. It is more a matter of custody for so many hours a day, and nursing ?—Yes, and to learn to know colours and that sort of thing.

24045. Special schools will never bring up these children to be useful citizens afterwards ?—No.

24046. You were talking about insane epileptics and the number of sane ones, and you were saying that some of them were taken care of by the parish councils just now. Have you ever seen those unfortunates ?—No.

24047. Would you be surprised to hear that practically all of them are insane or demented ?—I know that there are a good many sane epileptics going about.

24048. They are so afflicted with epilepsy that they require care ?—They are mostly droll and queer and they are regarded with suspicion, but I think that fully half of the epileptics are sane and remain sane.

24049. Have you ever been in any of these epileptic colonies ?—Yes, I have seen the one that David Lewis has founded in Cheshire, and I have also seen a small one in Copenhagen.

24050. The cases for the David Lewis Institution are very carefully selected, and even there a number of them are demented ?—I would not like to abuse the place after having visited it.

24051. There is another point, and that is the fact that children in an imbecile asylum acquire a domicile in the parish in which that asylum is situated in Scotland at present ?—That is with regard to the children engaged as servants. We wanted to get some of these, because they were very useful in the establishment, and I engaged five as servants and gave them wages. If these people had remained for five years they would have acquired a settlement simply because they got a wage.

24052. They must earn a wage to acquire a settlement ? —One of them was turned away just on the day before the end of the five years so as to prevent him getting a settlement, but I think they argued that he should have got a month's notice

24053. At all events that is a point that should be considered in making regulations for future institutions ? —Yes. There are great hardships about acquiring a parochial settlement in institutions planted here and there. I could mention cases, but it would take rather too long.

24054. (*Dr. Needham.*) As to the two classes of institutions about which you were talking to Dr. Dunlop, you have no doubt that there ought to be two classes of

institutions for lunatics and for imbeciles and idiots ?—Yes.

24055. You have not the least doubt that to put idiots into the wards of ordinary lunatic asylums has the effect of damaging them extremely ?—I think it is a most unhappy thing to do.

24056. They become corrupt and acquire all the bad habits of their seniors ?—Yes, and they learn all kinds of foul words and practices.

24057. And they may be kindly treated or unkindly treated, according to their environment ?—Yes, and they are terrified too.

24058. You have no doubt of that ?—No.

24059. As regards the granting of leave to remain after they are eighteen or whatever age may be fixed, is there no permissive power statutorily inherent in the Commissioners to allow people after they attain the full age to remain in idiot institutions ? Does the law not allow the Lunacy Commissioners for Scotland to permit the retention of persons attaining full age in idiot institutions ? —It would come to this—do they fall under the Lunacy Acts ?

24060. The English law makes it imperative that, when it is desired to retain idiots in idiot institutions after they have attained the age of twenty-one, application shall be made to the Commissioners and the Commissioners shall, if they think proper, give sanction for their being retained. Is that so in Scotland ?—I do not know of any law on the point, that is assuming that imbeciles are not lunatics.

24061. But have the Commissioners no controlling power ? You say that in 1876 the General Board of Lunacy insisted upon all the people being turned out after they had attained the age of eighteen. Now in England they would have been allowed to remain there on application to the Board of Lunacy ?—So far as I know Scotch law, and I was assured by Sheriff Barclay, they could have instituted no proceedings against me for keeping those children.

24062. But is there any special permissive power inherent in the Commissioners or in any other public body to allow them to remain, or if you had kept them would you have been doing so at your own peril ?—I assume there is no statutory law on the subject at all, but I am not a lawyer and I cannot give an answer on that point.

24063. As regards the certificate which secures the 4s. grant, what power have the Commissioners to order the special certificate which is to ensure a 4s. grant if that grant is not already ensured automatically by the law ?—I suppose they said that pauper lunatics were entitled to the 4s. grant and they were required to be constructed into lunatics to obtain it—they were certified of unsound mind. They are not required to be certified as idiots so far as I know, but as of unsound mind, which, I suppose, includes idiocy and imbecility as well as insanity.

24064. You talk about the desirability of providing institutions for idiots of the better classes ?—Yes

24065. Are there none in Scotland ?—So far as I know there are none. I have heard of a lady near Linlithgow setting one up, but I know nothing about it. Dr. Brodie had one and I had one for seventeen years. The parents were very much put about when I gave my institution up.

24066. What prevents the establishment of them ?—I should have some dread about the Board of Lunacy making restrictions and alterations which would entail great expense, and perhaps they might quash the whole thing on some legal plea. It would be very difficult for a man setting up a thing of that kind to go to law with the Board of Lunacy. I would not advise anyone to do it.

24067. There is apparently a power for the establishment of institutions such as Earlswood in Scotland ?—Yes, institutions for imbecile children supported by charitable contributions.

24068. But there is no provision for the establishment of places for people who are willing to pay ?—No. The Board never interfered with my place or Dr. Brodie's place.

24069. And these were both paying places ?—Yes, the Board never interfered unduly. If they did interfere, they did not press any difficult point upon me or Dr. Brodie. They seemed to be friendly as far as their powers went.

24070. As regards what Dr. Dunlop was asking you with reference to the Idiots Act which you think ought to be applied to Scotland, you are aware that the Idiots Act makes no provision for the limitation of mechanical restraint ? In England people in charge of idiots can restrain them as much as they like and as many of them as they like and by what means they like—there is nothing to prevent them as there is in the Lunacy Act ?—I cannot see what advantage it would be to any one.

24071. Would it be an advantage to limit it, because you might get a person who was fond of restraint and he might apply it to everyone in the place ?—I do not see that a man has a right to set up an establishment and keep his patients in cells. There would be a great temptation to treat melancholic patients in that way.

24072. If they did adopt the Idiots Act in Scotland, then the clauses with reference to restraint, with reference to carnal knowledge, with reference to employing males in dealing with females, and things of that kind for the protection of the idiots, should be engrafted upon the Act as they are in the Lunacy Act ?—I think certain precautions should be taken against abuse, but in an establishment for the better classes it is almost an imaginary danger. The parents come often and they pay high boards, and they would take their children out if they were ill-used.

24073. Is it an imaginary thing that idiots of the better class are sometimes mechanically restrained ?—I never knew an instance.

24074. I have seen many of them ?—I never knew of an instance in Scotland. In Denmark I saw two cases in cages. One of them was a general paralytic.

24075. I think you said there were no institutions for the better class of idiots in Scotland ?—So far as I know there are none.

24076. So you could not see them if they did not exist ? —I said in Denmark.

24077. But I am talking about Scotland ?—So far as I know there are none unless the little place at Linlithgow that I heard of.

24078. (*Mrs. Pinsent.*) I see you say that there are about 1 per cent. of the children in board schools who do not derive any benefit from education in those schools because of their mental deficiency ?—I was a member of the Prestonpans School Board, and I got permission to examine the children, and of these out of five hundred pupils there were five who could not get on at school. I do not say that they were imbeciles, but they were practically learning nothing.

24079. Your percentage tallies with pretty nearly all the evidence we have had, that there are about one per cent. who do not benefit in ordinary schools. Can you certify that 1 per cent. as idiots and imbeciles ?—No ; they were rather incorrigible dunces. Some of them had traces of constitutional disease. There were no idiots in the school.

24080. Does that not constitute in your mind an argument for the establishment of day schools for those slightly mentally deficient cases who cannot benefit by ordinary instruction ?—That can be done in large cities but not in the country parishes.

24081. You approve of it as it has been done ?—Yes.

24082. You could not certify those children as idiots or imbeciles and send them to residental establishments ? —Not those five that I mentioned. They were incorrigibly stupid.

24083. You have seen the children in the Manchester classes and in the Glasgow classes. Would you be able to certify those ?—I would be able to certify some of them.

24084. Others you would not be able to certify ?—No, I dare say a considerable number were too intelligent for that.

24085. And yet they cannot be educated in ordinary schools ?—No.

24086. Some provision therefore is necessary ?—Yes. There is too much reading and writing taught in the schools.

24087. The whole of education does not consist of the three R's ?—In most of those schools in Scotland it does.

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If the children of the fisher classes learn to read and write, they drop it in a very few years.

24088. That was the reason why special classes were established in order that more manual work could be given to those slightly mentally deficient children. I am not quite clear as to whether you think that all children who cannot be educated in the ordinary schools should be sent to residential establishments. That would mean the certification of between 300 and 400 children in Edinburgh, and it would be a very great expense to the country?—I would not advocate that.

24089. (*Chairman.*) Is there anything you would like to add?—No, I do not think there is anything that I can add.

W. Bruce, Esq., M.D., Ll.D., called; and Examined.

W. Bruce, Esq., M.D., Ll.D.

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24090. (*Chairman.*) You are the member of the General Medical Council for Scotland?—Yes.

24091. Is your practice a large general practice?—It was for some years. I have not been in general practice for the last fourteen or fifteen years.

24092. You have been kind enough to send us a statement of your evidence; may we put it on our notes?—Yes.

Statement of the Evidence Proposed to be given by W. Bruce, Esq., M.D., LL.D.

1. The first thing to be done is to find the numbers, and as far as possible the nature, circumstances, etc., of *all* the persons coming under the categories named in the reference.

In Scotland, at least, there is no such complete record.

2. This record would be valuable—

(*a*) For children.

(*b*) For adults.

3. As to class (*a*), a properly managed institution or institutions open to all would be of undoubted benefit, and should, in my opinion, be mainly maintained by the State for reasons I shall explain.

In the second category (*b*) there are many undoubted cases unreported for various reasons, which should be reported to the Board of Lunacy and put under surveillance.

4. I strongly approve of boarding out. With twenty years' experience as a parochial medical officer visiting such cases, I have not seen more than two or three of neglect or bad usage, and these only slight.

I believe that these cases are better boarded out with strangers, and not with their own relatives.

The visiting doctor should be well paid, and not only sign the book kept for the purpose, but *report quarterly* to the Board of Lunacy. On the other hand, the Board's inspecting officer should strictly inquire as to the time, trouble, and care taken by the local medical man; should confer with him on each case individually, and if necessary, warn him to be more careful when he (the inspector) finds anything wrong. The great danger is, that the work of the local man becomes too perfunctory.

The duties of the assistant Commissioner have always to my knowledge been well and thoroughly done.

With really careful supervision, which is quite possible, there can be no doubt in the minds of those intimately acquainted with the real state of matters that in suitable cases (and, of course, cases are not always of that kind) boarded-out harmless lunatics, idiots, etc., are as a rule much happier than when herded together in an asylum, besides costing less money.

W. Bruce, M.D., LL.D.

24*th May*, 1906.

24093. Would you tell us in what way you have been particularly interested in the questions we are now investigating?—Mainly, I think, as having had to do with the fatuous poor as parochial medical officer under the parish council.

24094. Have you come across large numbers of children who need institutional care?—No, I have not.

24095. But there are a certain number?—Yes, in some cases there are whole families of fatuous mind.

24096. I believe your opinion is that in these cases their care should be undertaken by the State rather than by the parish?—Yes. My reason for that is that parish councils look upon the sending of them away as more or less an experiment which may or may not succeed, and if they send away a child or two and the child comes back no better then they are loath to make another experiment in that particular way. It costs them a good deal of money with no result that is satisfactory to them.

24097. What do you suggest for the children, that the State should set up institutions like Larbert and Baldovan?—I think there should be such for those who are really able to be taught in some measure. Up to this time children so sent have not been classified into those that were really able to get advantage from such institutions as Larbert or Baldovan, and those who were really idiots or epileptics or congenitally defective to such an extent that it was impossible to do them any good by sending them to such places.

24098. Have you any reason for preferring that the care of these children should be undertaken by the State rather than by the locality. You would not put the special schools under such management; you must leave those in the hands of the education authority of the districts?—Yes, but then you come to the question as between the Local Government Board's duties and the Department's duties, which, of course, is a very difficult question indeed. Supposing the State were ready to take those institutions in hand, then the question would be whether they should be managed by the Local Government Board or by the Education Department.

24099. I do not think you apprehend the meaning of my question. If you had special schools you would not take the management of the children in those schools out of the hands of the local authorities?—Not entirely.

24100. Then when you say that you prefer State management you refer only to boarding institutions?—Yes, boarding institutions alone. Might I add that I do not think that Larbert and Baldovan meet all the cases in Scotland.

24101. I understand you think that the State should set up further institutions?—Yes. I do not see how they are to be provided otherwise.

24102. Is your opinion the same with regard to adults?—No, it is not the same. I think where you have to deal with adults who are entirely helpless or idiotic they should not be boarded out at all. They should be maintained either in separate institutions or in connection with ordinary lunatic asylums, and a large proportion of their maintenance should fall on the State.

24103. Did I understand you to say that you did not think they should be boarded out?—That is so, not adult idiots or hopeless imbeciles.

24104. But I think you are in favour of boarding out?—Yes, but only in certain cases. I would at once say that I do not think that any feeble-minded person should be boarded out unless he is very likely to be of some use to the person who took him in.

24105. In whose hands would you leave the decision—in the hands of the medical officer who certified the case?—I think I should leave it to the medical officers, but perhaps in Scotland—and I am only speaking of what I know—I should leave it mainly in the hands of the Assistant Commissioner.

24106. He is a doctor?—Yes.

24107. (*Dr. Needham.*) With reference to the first point, you say the first thing to be done is to find the numbers. How do you propose to do that?—In the case of adults it would be done through the police and through the inspector of poor and by the Assistant Commissioner on his rounds.

24108. You do not think that we should appoint special investigators?—No.

24109. You propose to do it by the ordinary means ?—Yes. I think the time to find out is when they are children, and there should be the strictest means taken to pick out those children at the school age.

24110. Would you do it by those means ?—No. In the first place there should be a proper census of all children. In Scotland that is not perfectly done at all. It is done apparently at any time the school board chooses to do it; it is not done systematically and properly. When that census is taken every child who is more or less of an imbecile should be noted and his case brought up before the board, and then the school board should come in and decide as to whether he should be sent to be trained or not.

24111. That is so under the Epileptic Act in England ?—It is only Scotland that I know.

24112. It is not so in Scotland ?—No.

24113. You have got the Act in Scotland now ?—If that is so, I must plead ignorance. I am talking of the particular means of finding out the child.

24114. You have no special schools to speak of in Scotland ?—No, certainly not a sufficient number.

24115. And you do not get the information in that way ?—No.

24116. You say that properly managed institutions would be an undoubted benefit. Have you formulated what character these institutions should assume ?—No, I had better not go into that because I have not formulated it.

24117. Do you think they should be of an educational or an industrial character ?—I think all education should be industrial, but I think educational is the way I look at it.

24118. (*Dr. Dunlop.*) Should adult imbeciles and feeble-minded be dealt with in institutions regulated by the Lunacy Board or by a new *ad hoc* authority ?—The Lunacy Board.

24119. It works perfectly well in Scotland ?—Yes.

24120. Other witnesses have told us, and I think you agree, that the two great wants in Scotland are a training school for children and a central asylum for prisoners, vagrants, and other undesirables ?—Yes.

24121. You agree with that ?—Yes.

24122. As it was given by Dr. Macpherson, who covered the matter pretty fully ?—Yes.

24123. You spoke about a census and obtaining the number of imbecile children. What practical advantage would arise from that ?—I think you would catch every imbecile.

24124. Is it necessary to catch every individual ? Is it necessary to segregate all imbeciles, or is it only right and proper to spend public money on the segregation of those who require treatment ?—It seems to be impossible till you catch your fish to know what it is. You do not know what you have got until you catch them. It is only then that you can decide as to which are worth training and which ought to be sent to some proper asylum.

24125. Do you not think it would be a great advance if we dealt with those cases that we already know of as requiring treatment ?—Yes, but do you know all the cases ?

24126. Take a country district. Do not the medical men and the parish people know every imbecile child in the place ?—I am sorry to say to begin with that the parish council are not very anxious——

24127. But that is another matter. They know all the cases ?—No, they do not always know the cases.

24128. The medical men in the district do ?—No, they do not. I could mention a particular case told me by an inspector of poor lately, where a child was treated with the utmost cruelty, and they only discovered that when the poverty became so severe that the inspector of poor was called in. It was only then that they found out that this terrible state of things had been going on.

24129. At all events, it is the neglected cases that we want to know of ?—Yes.

24130. I think you can tell us about the action of the parish councils. At the present moment it is the duty of the inspector of poor, when he gets word that there is a person of unsound mind in the parish requiring relief, to send a medical man and get a certificate and follow certain procedure ?—Yes.

24131. Is that carried out in the case of imbecile children ?—No, nor is it carried out in the case of imbecile adults.

24132. Is that in accordance with the Scottish law ?—I understand it is contrary to the law, but you see cases like this; as long as this particular individual is not certified then they will let it go.

24133. The Lunacy Commissioners have power over certified cases, but none over uncertified cases. The inspector's duty is to deal with the certified cases in a certain way ?—He is quite content to be in the position of not knowing that a particular pauper is imbecile.

24134. He shields himself in that way ?—Yes.

24135. That is a matter that wants revision ?—Yes.

24136. They want to compel the parish council to take care of these cases ?—Yes.

24137. As soon as the necessity for care and treatment arises then the parish council must act ?—Yes.

24138. Regarding adult imbeciles and defectives, generally, you have stated the opinion that they ought all to be under one authority ?—Yes.

24139. Is it necessary to have two institutions, one for acquired insanity and one for congenital insanity ?—I think they ought to be together.

24140. The modern asylum ought to be able to deal with all kinds of cases ?—Yes, by enlarging its bounds.

24141. It ought to be able to do so by internal division ?—Yes.

24142. (*Mr. Dickinson.*) About this boarding-out which I see you speak of, you say that you strongly approve of boarding-out, and then in your last paragraph you point out that, "There can be no doubt in the minds of those intimately acquainted with the real state of matters that in suitable cases (and of course cases are not always of that kind) boarded-out harmless lunatics, idiots, etc., are as a rule much happier than when herded together in an asylum, besides costing less money." I understood you to say in an answer that you did not recommend boarding-out for a class of case with which we are most directly concerned at the present moment ?—I have given that matter more consideration since I wrote my statement, and I have come to the conclusion that there must be a strict line drawn, and the line, I believe, ought to be drawn at the point where the boarded-out individual would be of some use to the person who boarded him.

24143. In what way ?—To do some work.

24144. He must be a useful person ?—Yes.

24145. Have you ever seen the colony in Belguim ?—No.

24146. Who do you think would be suitable for boarding out ?—I do not think it would be a large number. I should explain that the part of the country where I practised was particularly adapted for boarding-out, and in that way I perhaps formed rather an exaggerated idea of its value. I could suggest nothing better for a feeble-minded person than to be on a croft in the country, away from a village, and in my mind, I perhaps exaggerated the value of it.

24147. Would those persons be lunatics or feeble-minded ?—Feeble-minded.

24148. Not lunatics ?—As soon as there is the least danger they are drafted over to the asylum.

24149. I understood that the custom in Scotland was to board out lunatics ?—Not dangerous lunatics.

24150. But a chronic lunatic would be boarded out ?—Yes, but he might develop a sudden disposition and become dangerous, and then he must be certified and sent to the asylum.

24151. You really do not recommend boarding-out as a solution of the question with which we are concerned ?—It is a partial solution.

24152. You say that it costs less money ?—I am a member of the parish council, and it is just a question which is the cheaper, and we board out because it is cheaper.

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24153. Can you give me any figures ?—I think you can board them out for less than £20 a year. There is a saving of something like £10.

24154. (*Mr. Byrne.*) I only want to ask you why you suggest that when boarding-out takes place it is better to be with strangers than with one's own family ?—Since I wrote that statement I have questioned people who know about the matter. There is a great deal to be said in favour of the family, for sentimental reasons. The idea that I had as a member of the parish council was that one has more hold on the non-relative. You can change them without any difficulty, and you can put the screw on them a little better.

24155. (*Chairman.*) Is there anything you would like to add ?—I think I have kept pretty closely to the class of the feeble-minded, but I would like to mention something that I have come across, which I think might interest the Commissioners. It so happens that a friend of mine is inspector of poor for two parishes in the neighbourhood of Dingwall, one being the parish of Urquhart and the other the parish of Fodderty. In the parish of Urquhart with a population of 2,029, there are at present fourteen fatuous paupers belonging to that parish, and four belonging to other parishes. Now contrast that with the parish of Fodderty with a population of 1757 and not a single fatuous pauper. So far as I know, the conditions are exactly the same as regards environment; there is the same amount of consumption and alcoholic abuse, and the same climate, and yet within sight of each other, these two parishes show totally different results.

24156. How do you account for it ?—I cannot account for it. There are a great many different causes working together. You could not account for it by the causes I have read of, by putting it down either to hereditary tendencies or to alcohol or consumption. You would be wrong if you put it down to that as the sole cause. A cause suggested to me is certainly one which I think is an element, and it is this—as my friend puts it—the one parish where the fatuous paupers are is in a sort of eddy or bye-current where people do not mix very much, and there is not much going and coming, while in the other parish there is a great deal more going and coming, and they are more in the general current of things as they go on day by day.

T. S. Clouston, Esq., M.D., F.R.C.P.E., F.R.S.E., called ; and Examined.

T. S. Clouston, Esq., M.D., F.R.C.P.E., F.R.S.E.

24157. (*Chairman.*) You have been so kind as to give us a statement of your evidence ; may we put it on our notes ?—Certainly.

12 June 1906.

Statement of the Evidence proposed to be given by T. S. Clouston, Esq., M.D., F.R.C.P.E., F.R.S.E.

Qualifications.

I have been the Physician-Superintendent of the Royal Edinburgh Asylum for thirty-two years and I was Medical Superintendent at Carlisle Asylum for ten years previously. I am the lecturer on mental diseases in Edinburgh University. I have studied and written about mental diseases and defects during the whole of my professional life. Two of my works implied special study of congenital mental defect, viz., "The Neuroses of Development," and "The Hygiene of Mind," now in the Press.

Close connection of Feeble-Mindedness with other nervous diseases.

My studies in regard to arrested and enfeebled mind (idiocy and imbecility) took into account, as closely related to such weaknesses of mind, the large number of other nervous conditions which are often seen along with them during the development of the human body from birth to the age of twenty-five. This relation to other nervous diseases is a very important aspect of mental imbecility, and throws much light on its nature. The chief of those related nervous affections are, epilepsy, which is in the direct scope of your Commission, acephaly or the absence of brain, hare-lip, cleft palate, the convulsions of teething, infantile paralysis, many forms of squint, St. Vitus' Dance, some forms of asthma, sleep walking, sick headaches (megrim), hysteria, and adolescent insanity. In addition, too, there is often seen many morbid mental changes short of insanity such as eccentricity, stupidity, perversities, impulsiveness, drink or drug craving, etc. Those are all pathological cousins of congenital feeble-mindedness. They are often mixed up with it in the same individual and in the same family.

Bad heredity the chief predisposing cause.

They all have in common as a chief pre-disposing cause, bad brain heredity, or direct brain poisons in the parents, such as alcohol and syphilis. Some of those related nervous conditions are curable and in them there is not found after death any organic change in the brain, but in idiocy and in the worst forms of congenital imbecility, as in many of the pathological cousins which I have enumerated, quite marked and unmistakeable changes

Abnormal state of brain cells immediate cause.

in certain portions of the brain, as compared with its normal condition, are seen. Advances in modern microscopical science have enabled us to make out such changes. The existence of those pathological arrests in the brain cells or of other changes, the result of poisons, indicate a definitely incurable condition of mind. No doubt, there are a few cases where in the development of brain from birth to twenty-five there may be postponement of

Postponement of development in some cases.

faculty and mental power which do not come on at the usual time but appear at a later period. For instance, I have seen the faculty of speech delayed in its appearance till the age of eight and afterwards become normal. Also I have seen the ordinary mental capacity to acquire school knowledge delayed till at eleven years and afterwards it appears in normal power. In regard to the moral faculties, the sense of right and wrong, resistance to temptation, animal impulses and mental inhibition generally there is the most extraordinary difference as to the time of its full development in many cases where there is a nervous heredity. I have known a young woman, where there seemed to be no moral sense whatever up to about the age of eighteen, and yet by twenty-five she became like other girls. The real cause of mental feebleness in youth is undoubtedly the physical one of non-development of the brain cells which are the vehicle of mind. Fifty-one per cent. of all epilepsy comes on before fourteen years of age, and 95 per cent. before twenty-five. This shows its definite relationship to the developmental period of the brain.

Epilepsy a developmental disease.

I have had under my care either in institutions or in their own homes, over 16,000 cases of mental disease or defect; 14,000 of those were certified as being of unsound mind and placed in institutions. About 11,000 of them have been rate-paid from Edinburgh and Leith. Of that 14,000, 690, or about 5 per cent. were congenital imbeciles and epileptics, the exact numbers being 247 congenital weak-minded, non-epileptic, and 443 epileptics the percentages being 1·8 and 3·3 respectively Part of those statistics refer to my experience in Carlisle, in the asylum for Cumberland and Westmorland, where I find there was nearly twice the number of epileptics and imbeciles admitted in proportion to the rest of the insane as compared with Edinburgh. This fact I partly account for through there being no organised "Boarding-out" system by the parish council as in Scotland. I have endeavoured to ascertain the proportion of imbeciles and epileptics in Edinburgh and Leith which have needed certification and residence in an asylum as compared with the whole number existing in those towns, but I have been unable to form even an approximation of evidence that would be reliable. The census of 1901 shows 321 feeble-minded persons in Edinburgh and Leith, but this number includes a large number of weak-minded persons whose mental defects did not arise in youth and obviously does not include many imbecile children or mildly enfeebled persons. The reason why imbeciles and epileptics are certified and sent to asylums are—

Proportions of Feeble-minded and epileptics to insane in Royal Edinburgh Asylum.

No statistics as to proportions of certified to uncertified imbeciles.

Reasons why imbeciles and epileptics are certified and sent to asylums.

1. Attacks of acute insanity, both mania and melancholia, which are, as it were, super-imposed on the state of congenital weakness of mind. As a matter of fact many imbeciles are very subject to such acute attacks.

2. Their having become nuisances and more or less unmanageable at home. This condition usually comes on after puberty and during adolescence.

3. Their having become nuisances to the community.

4. Their having lapsed into various degrees of criminality, the criminal acts being usually of the slighter kind, but implying the interference of the police.

5. Indecent conduct and behaviour, usually of a sexual kind. Many of those cases, after being subjected to the discipline of the Institution for a time and greatly improved thereby, were boarded out by the Parish Council with families in the country, and in many cases this mode of treatment was very successful and was cheap. I always however hesitated to recommend certain imbecile young women for boarding out, no matter how manageable they were.

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12 June 1906.

Ideal lives.

Great prevalence of mental defect and epilepsy.

Our average number of epileptics resident in the Royal Edinburgh Asylum during the past twenty-three years in proportion to the whole asylum population has been 5·2 per cent, and of congenital imbeciles 2·2 per cent; in all 7·4 per cent. As compared with many English County Asylums this proportion is very small. The cider and beer drinking counties have the largest proportion of epileptics. Some of them have nearly five times our proportion, or 25 per cent. of resident epileptics; and from 25 per cent. to 11 per cent. of their admissions, or over three times our proportion of admissions.

Of late years, I have been devoting special attention to the previous history of the feeble-minded who have been sent to the asylum as certified patients, especially the young women. Through conversations with the patients themselves and through the enquiries by nurses and the information supplied by parents and relatives and from bodily indications where they have had children, I have come to the conclusion that such persons in a large city are subject to overwhelming temptations and pressure towards sexual immorality. I find, as a matter of fact, that it is an exception for any of them not to have been sexually tampered with among a certain class of society. Many of them have had illegitimate children, and this often at very early ages. One had seven such children. I look on this source of immorality as an extremely grave one in our social life. In a way, it is more disgusting and degrading than prostitution or sexual lapses through passion. When illegitimate children are born by such young women, the chances are enormously in favour of their turning out to be either imbeciles or degenerates, or criminals.

Bad stock got in.

The existence of epilepsy in many of those cases, I look on as being an essential part of the brain defects and scarcely look on it as a distinct disease at all. In such cases the epilepsy and the mental weakness cannot be dissociated from each other. They are due to the same cause, viz., changes in the brain cells.

I am strongly of opinion that a proper care of feeble-minded girls would appreciably diminish the immorality, especially of our large cities, and would cut off one of the supplies of future imbeciles and criminals. During my long experience, I have now seen many cases of the grand-children of imbeciles who were themselves insane or epileptics. I believe that the tramp class is also largely recruited from this source.

Newhaven, near Edinburgh, and its mental defects.

My experience in private consultation practice is that among the better off classes the feeble-minded members are, as a rule, well cared for and kindly treated. Suitable means are usually taken for their being guarded from temptation. They are sent to schools for the feeble-minded when young and then they are often boarded at quiet farms under supervision in the country. A few of them are sent for various reasons to asylums as certified patients. I find that about 2 per cent of our patients at Craig House where the richer private patients live, are of this class. My experience does not agree with that of Dr. Maudsley that there are marked abuses in the boarding of such cases with strangers or relations. In Scotland, I think the supervision given by our Deputy Commissioners in Lunacy probably prevents this.

My suggestions for the proper meeting of the risks to society and to themselves of the existence of the feeble minded in our population are the following:—

Eight suggestions.

1. There should be an attempt made to instruct parents as to what the condition is, what it means, what are its risks and the proper precautions to be taken where it exists. Especially the extra risks that occur when that period of puberty arrives should be impressed on them. I have found usually lamentable ignorance on the part of the parents of such defective persons and gross carelessness resulting from such ignorance. I consider this would probably do much good.

Instructions to parents.

2. It should be made a notifiable disease by all family doctors, Poor Law medical officers, and health officers.

Made notifiable.

3. The effects of such instruction and such notification would, in my opinion, be to enable parents and teachers to distinguish the effect of mental defects from "laziness," "idleness," "carelessness," "obstinacy," "bad temper," "vicious tendencies," and such purely moral defects under the control of the will or of suitable motives. This confusion as to what such young people can help and what they cannot help in their conduct leads to much cruelty and unnecessary distress.

Distinction of pathological from moral vices.

As throwing light on the origin and prevalence of mental defects, both congenital and otherwise, I may mention the result of an investigation I once made in regard to them in a small isolated parish in the Orkney Islands, which I had known particularly well all my life. The families were very stationary, as most of the farmers have owned their land from time immemorial, but many of the individuals, usually the young people, all but the eldest sons and married daughters, go to the Colonies, to sea, and to domestic service in the South, from which few of them return to their native parish. There always has been much inter-marrying among families of this parish, the inter-marrying being often confined to the smaller sections of the parish, the townships. There is practically no drunkenness and none of the grosser vices of town life. The people are respectable, very thrifty and hard working. They are generally a fine race physically, mostly of Scandinavian descent. Their lives are, in certain respects, ideal from the modern health point of view. I took the history of three generations of eighty-three families, and I found that one or more cases of idiocy, epilepsy, feeble-mindedness, or insanity had occurred in forty-one of them. There were some families very tainted and some families entirely free from taint. The hereditary character of all those conditions was brought out most markedly, all the cases where idiocy, imbecility, and epilepsy had occurred showing a marked family history of nervous disease. There was much more idiocy, feeble-mindedness, and epilepsy than ordinary insanity. I attribute this amount of brain defect to too close inbreeding over a thousand years since the Scandinavian invasion of those islands. A bad stock had somehow got in and spread itself among the inhabitants of the parish through this close inter-breeding. This had not in all that time been counteracted by the healthy lives the people led. No doubt the tendency to mental defect had been accentuated by the fact that those who left the parish were, speaking generally, the healthiest and most robust, mentally and bodily. My opinion is that those defects prevailed in this otherwise healthy parish to a much greater extent than in the rest of Scotland, but I am not able to give statistics to prove this, for, so far as I am aware, no such minute investigation by a skilled observer who knew the people personally has been made elsewhere. No doubt the fact that children handicapped by mental enfeeblement and epilepsy are better cared for and live longer than they would do if born in our cities partly accounts for their prevalence. This is strongly brought out in a most instructive disquisition in the 45th Report of the Scottish Board of Lunacy. A comparison is there made between the Board's statistics and the number of imbeciles returned in the census of 1901 for different counties. The contrast between the urban and rural rates and its explanation is specially instructive. The law of sexual selection came in very normally, because I was able to trace only two or three cases of women, even slightly feeble-minded, having married. There were a few instances of such women having had illegitimate children, and undoubtedly the worst sexual scandals in the parish took place through the existence of such women. Such facts can only be got at by private investigation. They could not appear in any system of public statistics. Somewhat the same facts can be seen in the village of Newhaven, near Edinburgh, where there is an enormous proportion to the population of the insane, epileptics, idiots, and feeble-minded persons.

4. A properly organised and inspected system of boarding out in the country with respectable, conscientious people would solve the difficulties and diminish the risks in very many cases.

Boarding out.

5. Special educative institutions, such as exist at present for the educable, should be more largely used in the early years of life than is the case.

Imbecile schools.

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Asylums.

Mental examination by experts.

6. As at present the cases implying special dangers, those subject to acute attacks, and those whose immoral tendencies are a special risk to the social condition of cities, should be certified and sent to asylums.

7. Whenever such cases fall into the hands of the police a careful examination and report should be made by an expert, and his advice taken as to what should be done with the case. They are all unsuitable for prison life.

The very dangerous to be sent to criminal lunatic asylums.

8. There are a few cases of such an extremely dangerous character that they should, after due judicial enquiry, be placed in the special institutions for criminal lunatics. This suggestion is made for their own sakes, the sake of the ordinary patients in asylums, and for the sake of the public. A modern asylum is becoming more and more a curative hospital where a great deal of freedom is given, where restrictions of personal liberty are relaxed to every practicable extent and where therefore the influence of certain dangerous patients of intractable bad tendencies is a great evil, and tends to spoil the character and diminish the usefulness of such mental hospitals. This suggestion applies to certain cases of ordinary insanity as well as the feeble-minded. It specially applies, however, to epileptics, some of whom are the most dangerous class in our asylums, and almost all of whom are incurable. Epilepsy is especially prevalent among the children of the drunkard, the vicious, and the criminal.

I do not think that the carrying out of those suggestions would cost the country much more than the feeble-minded at present cost it in one way or another.

Mental examination of criminals.

I strongly agree with Dr. John Macpherson that a most careful examination should be made into the mental condition of every criminal sent to gaol, by an expert medical man. I would extend this suggestion to all tramps who come under the notice of the police.

Correction of Mr. Spence's opinion as to Scottish six months' certificate.

I think it is my duty to say in regard to Question 20895, and its answer that I entirely disagree with the answer given to it in reference to the effect of the six months' certificate for incipient cases of mental disease provided for in the Scotch Lunacy Act, 20 & 21 Vic., c. 71, s. XLI.* Dr. Dunlop asked the witness being examined, Mr. Spence, the Secretary of the Scotch Board of Lunacy, referring to such patients: "Are they not under compulsory detention at all? The answer was, "No." This is entirely, in my judgment, contrary to the facts, and my experience on that point is probably as large as that of any doctor in Scotland. In my opinion, those certificates are most valuable. Two Bills, at least, have been brought into Parliament to extend them to England, and I have heard many members of our profession in England expressing the strong opinion that it would be an advantage to that country. My practice and that of other medical men has been to regard the certificate as warranting compulsory control while it lasts. Otherwise, it would be of no use whatever, and its existence in the Statute would be a mere farce.

The bromides in epilepsy.

I emphatically disagree with Dr. Alexander's opinion as to the uselessness and harmfulness of the bromides in the treatment of certain forms of epilepsy. I made a series of most careful scientific experiments on this important point in 1867, and succeeded in reducing the fits taken by my epileptic patients to one sixth of what they had formerly been. Most of them benefited during the treatment in their general health. They gained in weight, and they were less irritable and dangerous. I have used it regularly ever since for nearly all my epileptics, and my opinion about it has not changed. My epileptic patients are mostly adults, and it is possible that most of Dr. Alexander's were children, though he does not say so. I admit that its use in many epileptic children is not nearly so great as among adults, but his statements are, in my opinion, far too sweeping, and therefore calculated to do harm. My opinion in regard to this is the opinion of most medical men in practice, and is the opinion now commonly expressed in the standard works on the practice of medicine.

Senile Feeble-mindness and asylums.

There is a kind of mental feebleness which of late years has been increasingly certified as technical insanity and sent to mental hospitals, that is, the senile and paralytic broken down people among the poor. The mean age of our admissions into the Royal Edinburgh Asylum has gone up in the last thirty-two years by three years. The number of the patients over sixty sent to us year by year has more than doubled. Our death rate has gone up 46 per cent., and our recovery rate has fallen 33 per cent.—all from this cause. Such patients are very troublesome and expensive. They take up the best parts of our hospital departments, they need our best nursing staff to attend to them, and this with no hope of cure in almost any of them. Yet I cannot altogether condemn the practice, for there is no doubt they receive treatment in asylums which they could not receive elsewhere. My chief objection to them is that they take up beds and nursing which should be reserved for curative purposes. The sending of such cases into asylums is undoubtedly one of the causes of the apparent increase of insanity of late years which has caused so much unnecessary alarm among the public, who think that this increase is owing to the stress and strain of life in modern times, while the actual increase of numbers is in reality among the poor who have had no such mental stress. Such cases often improve in respect of becoming more quiet by night and day after a few months, and they might then be sent to poorhouse hospitals, where the cost would be less, while the care would be sufficient.

24158. (*Mr. Dickinson.*) I notice in the first paragraph of your very interesting statement, you point out that a great deal of the feeble-mindedness is due to some cause that is inherent in the parents, or at any rate is due to the action of the parents?—Yes, transmitted through hereditary laws.

24159. But not merely hereditary. You attach a certain amount of importance to the use of alcohol?—Yes.

24160. That is to say that drunken parents, without any hereditary mental taint in themselves—I do not say so—might produce feeble-minded children?—I think that is possible, but I think the kind of drunken parents who beget imbecile children have usually themselves a hereditary tendency towards some kind of brain weakening. I am not prepared to say that an absolutely healthy man who became drunken in his lifetime would beget such children.

24161. I suppose you would say that a congenital feeble-minded child owes its affliction in some cases to operations committed either before or after its birth?—Do you mean surgical operations?

24162. No, I mean circumstances from poor bringing up, or bad unhealthy condition of the mother immediately before the birth?—In such cases I should judge that there was some little unsound weakness. I do not believe it would be possible to produce an imbecile of the typical sort by mere environment after birth, unless there had been some tendency towards brain weakness.

24163. That is important, because I gathered to the contrary?—I do not believe that would be possible. You can kill a child, but you could not make it a typical imbecile.

24164. Do you say there are practically no imbecile children whose imbecility might have been prevented if certain steps had been taken at a particular stage of its infancy?—Quantities of them. The influence of environment is enormous, but I think you must have some little peg behind on which the environment acts.

24165. Does it come to this, that the evil results of this peg, this hereditary tendency, could be dissipated by proper treatment in a great many cases?—Yes.

24166. But you do not think that the feebleness of mind can be due entirely to neglect?—I do not think so.

24167. Talking about feebleness of mind due to failure of development, you say you have seen the ordinary mental capacity to acquire school knowledge delayed till at eleven years, and afterwards appearing in normal powers?—Yes, often.

24168. And so you cannot say for certain whether a person is feeble-minded until that person has become ten or eleven years of age?—I do not say that. There are many cases where there are many indications of incurability and which you can see will not develop. There are others where you could not say that they would not develop, because they might be cases of postponed development.

24169. I think you understand what my mind is turning upon—the question of the education of children. According to you it seems to me that one ought not to stop the education of feeble-minded children until the time at

* Vide page 19, col. 2.

which you get pretty well certain that development is hopeless?—Certainly not, if the education is of the right sort.

24170. Do you approve or do you not approve of the special classes for feeble-minded children?—I entirely approve of them.

24171. Would you give us your reasons for that?—The principles on which these schools are founded are those which are applicable only to children of somewhat backward intellect. The ordinary school assumes that the intellect is normal and developing in a normal way, and therefore it is not applicable to the imbecile child.

24172. You understand that there are people who say it is useless to teach these children?—It depends what you mean by the word "useless." You may not get much £ s. d. from it, but it is a very philanthropic thing to do, and it makes their lives happier and more human.

24173. There is a certain proportion of those children to whom the education would insure a complete mental development?—Yes. Suppose you had an imbecile child, mildly imbecile up to the age of nine, and suppose it was sent to an imbecile school and then suddenly developed, it would be taken away from that school and sent to an ordinary school for education. I have known that to occur.

24174. With regard to the proportions of feeble-minded and epileptics to the insane in the Royal Edinburgh Asylum of which you speak, you say that you have had under your care, either in institutions or in their own homes, over 16,000 cases of mental disease or defect, and 14,000 of those were certified as being of unsound mind and placed in institutions. What were the other 2,000?—Those were cases that I have seen in private consultation work.

24175. Not placed in institutions?—Some of them were and some were not, but these are cases where I have been asked by the family doctor to see them.

24176. Then you take the 14,000 as the figure you deal with, and you point out that 690 of these were congenital imbeciles and epileptics. Now, I take it that those 14,000 are chiefly persons who were supposed to be insane?—No, who were absolutely insane. The only definition of insanity in this country is that a case is certified by two doctors. Those were all certified by two doctors.

24177. They would not have come under your notice otherwise?—No.

24178. Then 5 per cent. of congenital imbeciles would not be the figure all over the country. Of these 14,000 that you saw, 5 per cent. were congenital imbeciles and epileptics, but that would not mean that we were to assume that only one-twentieth of the number——?—By no manner of means. Those 5 per cent. represent congenital idiots with such habits that they were difficult to manage and could not be treated outside an institution; they required to be sent under the Lunacy Act by means of the lunacy certificates, which specially provided, "insane, of unsound mind, lunatic, or idiot." "Idiot" is really in the certificate as one of the expressions that you can use in signing a certificate. These are sent under those certificates.

24179. If you were to take a population that contained 14,000 mentally affected people, would you probably find a greater number than 690 congenital imbeciles?—Beyond all doubt. That is merely the worst class of imbeciles, the most troublesome class.

24180. I see you strongly favour the segregation of the feeble-minded, women particularly, in Homes?—Yes.

24181. You think there is a great moral danger?—Yes.

24182. And you go by facts?—Yes, I specially mention facts that have led me to that conclusion.

24183. You also say that in your view the tramp class very largely springs from feeble-minded parents?—That is my view.

24184. You tell us about an investigation that you made in the Orkney Islands, where you took the history of three generations of eighty-three families, and found one or more cases of idiocy, epilepsy, feeble-mindedness or insanity had occurred in forty-one of them. Would that, in your opinion, be above the ordinary average or below the ordinary average?—It is above the ordinary average, in my judgment; but, at the same time, I am not prepared with statistics. Such investigations, where you know every member of a family, are so rare that it is difficult to compare that bit of work with any other that has been done.

24185. You had facilities for knowing the private history of all those persons?—Yes. In a little parish you know everybody and you can get at every member of three generations.

24186. Assuming that someone else had had similar facilities to those which you had in this place, would they find the same thing somewhere else?—I believe they would not find the existence of mental disease to such an extent, but I am not prepared with facts to support that.

24187. You think it is an exceptional case?—Yes.

24188. And you attribute it to the inbreeding?—Yes. You have the population living under the most extraordinarily favourable circumstances, free from vice and drink, and yet you have that condition.

24189. It makes it all the more startling that in all probability in another case under less favourable conditions you would find less insanity?—In cities it is one of the great hopes for the future that people do not intermarry with their kin. Now these people had intermarried with their kin for hundreds of years.

24190. In large cities there are circumstances which would counteract the adverse circumstances of environment?—Yes. That is one of the great things in large cities, that people marry outside their own ring.

24191. And that will produce a stronger population both physically and mentally?—Yes.

24192. In this case you find them physically better developed in the Orkneys?—Yes.

24193. Is it your explanation of this state of things in the Orkneys and Shetland that they have been bound to intermarry?—I do not say so, but the intermarrying is all over the Orkneys and Shetland. Many of the parishes are sea-board parishes. This parish to which I refer is not bounded by the sea. It is the most isolated parish and yet it is the parish where the people are extremely comfortable, owning their own land.

24194. But there is a good deal of emigration there?—Yes. If they had not emigrated they would have got into the same position as the Western Hebrides and have been over-populated and miserable in consequence.

24195. To come to your suggestions, I see there are eight and I notice that you do not propose the establishment of institutions for feeble-minded?—Not specially.

24196. Can you tell us your reasons for that?—Feeble-mindedness, as everyone knows, is a question of degree. There are no two feeble-minded persons precisely like each other, and therefore you must graduate them according to their feeble-mindedness and their tendencies in life. It seemed to me that the boarding out, and the asylum, and the school, and a certain number of prisons practically covered the ground, but possibly I ought to have said that in regard to specially educative institutions I should continue those longer than is done at Larbert and I would have in a special department of those institutions a very considerable number of imbeciles of adult age. I would combine the education with the establishment life in some of the other cases so that you would have both together, probably in a separate department.

24197. Not all?—No. In Scotland we are very much prejudiced in favour of boarding-out for a great number of imbeciles. They are an extremely suitable class to board out.

24198. Did you hear Dr. Bruce's evidence?—Yes.

24199. You would differ with him?—Yes.

24200. You think they are suitable?—Yes, most suitable.

24201. To begin with you say that you would hesitate about recommending young women to be boarded out?—Yes, but that is merely a section. If you take in the main 100 imbeciles you will find thirty of them quite suitable for boarding-out.

24202. Take 100 imbecile women, how many of those would you find that could be boarded out?—All those

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above the climateric age, and then there are quite a number under that age who have no immoral tendencies and who under a certain amount of supervision could be boarded out quite safely. It is always a pity to apply a general principle too much all round where it does not apply.

24203. Would you say that you would board out nearly one-half of such cases ?—I put it at about one-third.

24204. What would you do with the remaining two-thirds ?—A number of them would be in the asylums. I have tried my utmost to find out the proportion of imbeciles sent to asylums as compared with the existing number, but I do not think there are any statistics from which to form a conclusion on that point. Supposing there are 15 per cent. of the actual imbeciles sent to the asylums, then you have them provided for and then you have a certain number provided for at home. I do not call that boarding out. A great many decent people provide for their own imbecile relations. There is quite a large number among self-respecting people such as you have in this country who do not like to part with a weak-minded child. So you really dispose of the greater number of them in that way. The others are sent to the educative institutions and are kept there. But I would weed them out as soon as the educative or schooling process is done—say when they reach the age of fifteen—and then after proper investigation they would be kept in the institution or sent out to the country. That should be done in every case so as to weed them out. It is a question of proper organisation and it must be someone's business to attend to this.

24205. Did you hear Dr. Ireland's evidence about the action of the Lunacy Board in regard to Larbert ?—Yes.

24206. Did you think that was right ?—My view was always this, that the Board were obliged to do it from their interpretation of the Scottish Lunacy Acts. I do not think that the Lunacy Commissioners believed it was a good thing, but they had to carry out the law.

24207. I take it to be your view that it was a good thing ?—I think that many of them would have been better left there.

24208. Have you any idea how many of these institutions—places like Larbert—you would require in Scotland?—I have not gone into that question.

24209. The last thing you say is that some cases you would send to the workhouse ?—Yes, if they had a properly organised hospital. Those people are invalids, they have damaged brains, they are undergoing the process that takes place just before death, and they require hospital treatment wherever they are. I think it would be cheaper to give them that in the poorhouse hospital.

24210. You think that they would get proper treatment there ?—Yes, some of our poorhouse hospitals are very well organised nowadays.

24211. (*Mr. Byrne.*) With regard to the feeble-minded that you would continue in an institution after their training was completed, what sort of institution do you contemplate ? Would you like to have a colony ?—An industrial place in the country.

24212. Is this the idea; you would have universal training separating itself into two sections, at the age when the experts said that this was a case that could be taught and that was not, and then at the adult age, you would put the latter into a colony ?—Yes.

24213. You speak strongly of your belief that a proper care of feeble-minded girls would appreciably diminish the immorality, especially in our large cities and would cut off some of the supplies of future imbeciles and criminals ?—Yes.

24214. We had a witness who told us that in fourteen years out of 400 cases of illegitimate children born in the poorhouse with which he had an acquaintance only four showed any signs of feeble-mindedness ?—That is a very unusual experience.

24215. I refer to the mothers—four mothers were feeble-minded, the others not being feeble-minded. Does that surprise you ?—I am surprised at that. If other masters of poorhouses were taken to corroborate that statement it would not be confirmed.

24216. Can you tell us how it is that in the 14,000 cases of which you speak, and also in the second column of your statement (*page 200, col. 2*) where you speak of the asylum population of the Royal Edinburgh Asylum, you have in the one case only 5 per cent. of congenital imbeciles and in the other only 2·2 per cent. ? That much below the proportion in English asylums .— represents the difference between the rich and the poor. The 2 per cent. represents the absolute number of imbeciles that are so troublesome, however rich they are, that they must be put into an asylum. The other represents the poorer classes where minor unmanageableness implies their being sent to an asylum.

24217. But in either case it is small. Even 5 per cent. is very low ?—Yes.

24218. The percentage is about 10 in England ?—That, in fact, was my experience in Cumberland and Westmoreland.

24219. What makes the difference across the border ?—I do not know that it is proved, but I think our system of boarding-out makes the difference, our system of supervised boarding-out.

24220. People are more used to taking care of imbeciles at home and they feel that they can do it under inspection, and they do it ?—Yes. There are villages in Fifeshire which swarm with imbeciles and chronic lunatics and where the population are the keepers of these people. Everyone has an interest in them and looks after them.

24221. Are there many unknown to the lunacy authorities living with their own families ?—Yes. Of course, where they go with strangers then they must be known to the Lunacy Board, but there is no law compelling a father or mother to give notice to any public authority.

24222. Are there many scandals and cases of immorality and crime connected with the non-dealing with imbeciles ?—Do you mean boarded-out ?

24223. No, imbeciles who are not either in institutions or under supervision ?—I think it is quite common in city life. Sexual scandals have taken place.

24224. Is drunkenness, with the bad example it causes, often attributable to the presence of feeble-minded persons ?—I cannot tell the proportion. There is a certain amount of scandal and immorality, but I would not like to say that that accounts for an appreciable amount of the drunkenness in our great cities. It accounts for a proportion.

24225. Among your eight remedial steps you say nothing about discharges of lunatics alleged to be recovered from asylums. I notice from the last reports of the Commissioners in Scotland the proportion is about the same as in England ?—Yes.

24226. The proportion that go in again in a year or in a few months is about the same as in England ?—Yes.

24227. The proportion that get into trouble is about the same ?—Yes.

24228. In England many of those people are discharged although it is certain that their minds will give way again. We are told that substantial evils arise from that. Is that so in Scotland ?—Yes, and it always will be so.

24229. Under any change of the law that may be made ?—At the present time the physician of an asylum is bound to discharge a patient when that patient recovers.

24230. But there is no definition of the word "recovered" in the law ?—No. It is largely a question of his daily conduct.

24231. Why is the physician tied down to that ?—I cannot imagine any test of insanity so practical as daily conduct.

24232. If you had a case of a man or woman who was sent from the prison to an asylum as insane and made a pauper lunatic, and then released by the medical superintendent, and then back again in a short time to the prison, and so on for twenty-seven times, it being absolutely evident to anyone that that person would continue to act in the same way as long as she was allowed, what would you say to that ?—I say that the doctor is not to blame there. It is the law. If the law provided for such a case then we should carry out the law.

24233. The law says nothing at all except that the man is to be discharged when recovered ?—You put an

enormous responsibility on a doctor when you say that he can keep a man twenty years in an asylum when that man's conduct is that of a sane man.

24234. It would be a very heavy responsibility ?—It would be a responsibility which I for one would not accept.

24235. You advise us that there is a great evil ?—Yes, there are great evils.

24236. Have you thought out any practical suggestions for alterations in the law to meet these evils ?—I think one alteration in the law would practically meet the evil. Supposing you had such a case as you have described, and supposing the medical officer in the asylum was fully convinced that that case would undoubtedly come in again, either to the prison or to the asylum to be discharged again, then I think if that officer were able to intimate to the judicial authority who sent in the case, that is the Sheriff, and if a new investigation were made and a new kind of order were given to the doctor, so that he would have legal power to keep that person in, then I think that would meet the difficulty. I do not think that any single doctor should have the power; it should be some judicial process.

24237. In England at the present moment the Home Secretary has directed that all feeble-minded persons discharged from prisons shall be specially reported to the police so that a magistrate shall deal with them as feeble-minded persons. The magistrates say that they have only power to send persons to prison for seven days ?—They must act according to the law.

24238. It is the law that ought to be changed ?—Yes.

24239. And it is the criminal law that ought to be changed, not the lunacy law ?—I do not care which law it is; it is in order to protect society against the evil. Now, the lunacy laws are for the purpose of caring for the insane. If you depart from that then you alter their whole character.

24240. Do you see anything unreasonable in a change of the law which would enable a magistrate, having such a person before him and having these facts proved, to say, "I commit so-and-so to be sent to the aslyum until the authorities discharge him" ?—No.

24241. Would that meet the requirements ?—Yes, I think it would meet them quite well if we had a special class of asylum for such cases. At the present time our institutions are really curative hospitals.

24242. You want a place which is, so to speak, a labouring prison ?—Yes.

24243. And you would recommend that ?—Yes.

24244. Is that suggestion one in recommending which you feel that you are speaking for your profession in Scotland ?—I think so. I think I may say that I speak for my profession in that respect.

24245. Is that a matter that has been discussed much ?—Yes, we have often felt it a great grievance.

24246. You say that you strongly agree with Dr. John Macpherson that a most careful examination should be made into the mental condition of every criminal sent to gaol. Supposing that examination is made and you find that the man, although not legally insane so as to escape the consequences of his criminal acts, is nevertheless feeble-minded, and is not deterred by the fear of punishment, what consequence should follow this examination in your opinion ?—I think it introduces a new principle into jurisprudence and it is rather for the lawyers to determine what is to be done.

24247. That should be an alteration in the criminal law and not in the lunacy law ?—Yes.

24248. Suppose we had the case of a man committing sexual offences time after time, then that is a case for the criminal law ?—Yes.

24249. And the criminal law ought to settle it by providing for his detention ?—Yes, but he ought to be made to work for his living when that is determined.

24250. And never get out until he is believed by experts to be free from danger ?—Yes, and by some judicial process.

24251. With regard to the Scotch six months' certificate, where you say you do not agree with the statement that the patients are under compulsory detention, this matter has been mooted in England. What is the nature of the power which you think that gives to the doctor ? Does it enable him to use force to prevent a man going out ?—Yes, I have always so interpreted it, but I am willing to admit that the interpretation has never come before our law courts and it is my own common-sense interpretation. What is the good of the thing unless it gives such a power ? I have always practised that and I have never been questioned except on one occasion.

24252. Have you often been asked as to that in your consulting practice ?—Yes.

24253. And you have told them your powers are sufficient ?—Yes.

24254. And you have had no trouble ?—No. I have always acted in conjunction with the natural guardians of the patient. I should never as a doctor act on that certificate alone without their moral support. I always ask the nearest available guardian or relative to give me a letter homologating the certificate to back up my position. I do not think it affects the thing legally, but it affects it morally.

24255. You do not think it requires any change in the law ?—No.

24256. (*Mrs. Pinsent.*) In one of your suggestions you recommend instruction to the parents ?—Yes.

24257. How would you suggest that that should be carried out ?—At the present time as things are situated I would make it one of the duties of the parish council medical officer under the general instruction of his Board. As regards one of the practical ways in which it could be done, I have no doubt you have seen those little pamphlets given out to mothers by philanthropic societies, as to how children should be treated, etc. I remember writing a little pamphlet on marriage for instance. I do not see why this should not come under such a scheme.

24258. The only thing that occurs to one is that the parents are often of a very low class, such a low class that they do not read or appreciate such pamphlets ?—There is no doubt about that.

24259. Has it occurred to you that one way to do it might be through the teacher ? It is very common for educational authorities to issue pamphlets of the same description ?—Yes.

24260. And also for the teachers themselves to have conversations with the parents ?—I would accept that and every other common-sense way in which it could be done. Another way of which I am in favour is for it to be done by the medical man.

24261. Yes, if the medical man could get at the parents ?—Yes.

24262. But the teacher has greater opportunities ?—Yes. I would accept any way of giving the information.

24263. That would be one of the forms in which the special classes would be of very great use to the community ?—Yes.

24264. In the way of getting into touch with the parents ?—Yes, using their knowledge for the teaching of the community.

24265. You are well in favour of the establishment of special day classes ?—I do not know about them.

24266. Have you any experience of the special classes in Glasgow ?—No.

24267. You have not formed any opinion that you could give us ?—No, because I do not know the facts.

24268. With regard to the instruction of parents, would you think that a body of experienced teachers would be of very great use ?—Yes, beyond a doubt. The idea seems to strike me as a remarkably valuable one.

24269. To go to suggestion No. 3, you state that the effects of the instruction of parents would be to enable them to distinguish the effect of mental defects from laziness, idleness carelessness, obstinacy, bad temper, vicious tendencies and such purely moral defects under the control of the will or of suitable motives, and you say that this confusion as to what such young people can help and what they cannot help in their conduct leads to much cruelty and unnecessary distress ?—Yes.

24270. There is a great deal of unnecessary suffering on the part of those children where such things are not

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recognised in ordinary day schools ?—Yes, and that is why the teachers should have some reasonable instruction in this matter.

24271. And it is also a reason why special schools should be established where these things are recognised ? —Yes.

24272. (*Dr. Needham.*) Have you had much personal experience of the operation of the six months certificate ? —Yes.

24273. Do you think that it is successful ?—I think it is decidedly successful, of course always assuming suitable cases.

24274. Do you think it does prevent a good many people going to asylums who might otherwise go ?—Yes, it is simply doing under the law what I take it is done in England without any legal sanction.

24275. Do you think that notification to the Lunacy Board is desirable ?—No.

24276. You might tell me why ?—If we could get rid of the ideas attached to lunacy and asylums and Commissioners, if we could get all these things out of the heads of the public, then I would have notification; but if you provide for notification, I believe the relatives will often not adopt it.

24277. Mrs. Pinsent suggests that a notification to the education authority would get rid of the difficulty ?—No, I would not have any public notification at all, any more than for pneumonia or bronchitis.

24278. What guarantee have you that their treatment is proper if you do not know of the existence of these people ? How can the Board or anyone in Scotland know that the treatment of these patients spread all over the country is what it ought to be ?—This only lasts six months, and then there is always the doctor in attendance, and there is always a responsible relative who has authorised this step. I say that those things are quite sufficient to guarantee against any bad treatment.

24279. You would not be in favour of the extension of this from six months to a longer period unless in very exceptional cases ?—No, I think six months gives a proper indication of whether the patient is to get better or not.

24280. There is a power to extend it somewhat ?—Not the certificate. There is power to extend probation from an asylum, but not this particular certificate.

24281. It is limited strictly to six months ?—Yes.

24282. And you think it ought to be limited strictly to six months ?—I think it is a reasonable provision.

24283. You know that in the proposal for the alteration of the English law it is proposed that the six months should be capable of a considerable extension from time to time ?—Yes.

24284. You do not approve of that ?—I do not know that I have formed any definite opinion. I am content with our Scottish six months, but I have not thought it out.

24285. Now as respects boarding out : when you were in Westmoreland you had great experience, no doubt, of the English system, or want of system, by which no lunatic can be boarded out by the committee. They can be boarded out—if you can call it boarding out—if their friends apply to the committee, but the committee have no initiative ?—That is so.

24286. Do you think it is very desirable that some alteration should be made in the law which would allow the boarding out of people from asylums by the committee, the committee taking the initiative ?—Yes, by the committee or the parish council, or the county council, or some specially authorised authority who would follow the patients and see that they were properly dealt with.

24287. And you would have no doubt that it would be a very desirable alteration of the law in England ?—It would not only be a very desirable alteration, but it would save hundreds of thousands of pounds if carried out.

24288. If the alteration were made you have no doubt that it should be an essential part of it that these people boarded-out should be supervised by some central authority ?—Yes, that is the whole gist of the matter. One advantage is that our asylums which are growing so very large and unwieldy would not have to be enlarged at the same rate.

24289. You answered very fully with regard to the discharge of patients. You think it would not do at all to interfere with the discretion of the superintendent. When the superintendent has decided that a patient is recovered, then you should not interfere with him ?—Except by some judicial process.

24290. You recognise, as everyone must, that there must be a certain number of people who will recover rapidly and will have recurrences frequently and will also have to be under treatment frequently ?—Yes.

24291. You would treat each occurrence as a fresh attack ?—That is so, except where the recurrence is frequent, say monthly. There is a medical discretion in such a case as that.

24292. You would leave it to the medical discretion ? —Yes.

24293. You would not put any restriction on the discharge of patients ?—As it was put to me, if there was a proved case of such a patient having been repeatedly in the asylum and repeatedly in the gaol and breaking the law, then I would court the intervention of another judicial process.

24294. I was not referring to a case of that kind; I suppose everyone would agree with you in that, but with respect to the ordinary recurrent case in which the recurrence is really a fresh attack, you would not interfere in any way with the discretion of the medical superintendent as regards the discharge of such a person ?—No.

24295. (*Mr. Byrne.*) I thought you said you would call upon him to report it as a special case ?—If he considered that it was a special case.

24296. (*Dr. Needham.*) There are hundreds of cases that occur every year. It has been suggested that there should be some restriction as regards the discharge of persons who have recurrences—I do not say very frequent ? —I have been in a great difficulty in this respect with regard to married women who have been in the asylum through child-birth and are likely to come back again when there is another birth. I could not treat such a woman as a permanent patient.

24297. You had no guarantee that she would certainly have a recurrence ?—Probably so. I am assuming an exaggerated case. I have always taken it as a rule that I had no right to keep such a case permanently.

24298. As regards restriction of the discharge, do you not think that the power to send out a patient on trial would meet the difficulty ?—We exercise that power every month under the Scottish law.

24299. And you think that is very important ?—I think it is extremely important. I know one institution where all the rate-paid patients are sent out on probation and the doctor adopts a very valuable process, he throws the responsibility on the inspector of poor, where that patient is chargeable, to see that he is properly looked after, and in that way you have an after-care arrangement set up.

24300. In England that would be the Union medical officer, the visiting medical officer ?—Yes, with the relieving officer.

24301. In your statement with reference to the condition of modern asylums and a certain class of cases that are now more frequently under the care of modern asylums, that is to say, the senile broken-down people who could be ultimately treated in the poorhouse; you do not think that these helpless broken-down senile cases who also are physical invalids could be treated in the ordinary ward of the poorhouse ?—Emphatically not.

24302. And you do not think that the asylum accommodation, which everyone is desiring to make cheaper, can ever be made cheap for the treatment of people who have got to be treated as hospital patients ?—That is so.

24303. And that is the case with these broken-down old people ?—Yes, that constitutes a difficulty in the case, that you require a kind of asylum hospital, and you get nothing for it in the way of hope of recovery.

24304. Do you think you could have very cheap accommodation which would provide for the nursing of this class of patients efficiently ?—It is absolutely impossible. We set up separate hospital buildings in Morningside and my idea was that all the patients who came into that building

should be curable cases. They had not been in operation for six months before we were burdened with these senile cases, and my difficulty now is to get enough beds for the curable cases.

24305. What you do is to nurse them as carefully as they require to be nursed, and then you would remove them if you could to a workhouse infirmary ?—Yes.

24306. That probably would not be much cheaper than the asylum ?—I cannot tell about that.

24307. It would be cheaper as regards maintenance ?—It would not be cheaper as regards buildings if some of the things we hear about the London workhouses are correct.

24308. But it would be cheaper as regards maintenance ?—I could not tell.

24309. (*Mr. Burden.*) I see from your statement (*page* 201) that you find a large number of feeble-minded girls who come under your notice have been sexually tampered with ?—Yes.

24310. Is it a very large number ?—The greater number have been so tampered with when they come in, certified under the Lunacy Acts.

24311. And you go on to speak of it as being an extremely grave difficulty in our socal life. In what sense do you use these words ? Do you mean that they are likely to give birth to a large number of children who will become in later years chargeable in consequence of feeble-mindedness ?—That is one fear, but the greater fear is that they become the lowest class of common prostitutes.

24312. What would you do with those women ?—In the earlier stages I would put such women into educative institutions for weak-minded people and keep them there.

24313. For how long ?—Some of them for many years, some for nearly all their lives.

24314. Until age prevented their having more children ?—Yes.

24315. You would like to see permanent detention of those unfortunate women ?—Yes, but of course there are cases and cases.

24316. Suppose a feeble-minded woman came into the poorhouse a second time to give birth to an illegitimate child, what would you do with her ?—I would have no more breeding of that class in the community.

24317. You would take away from them the opportunity of going wrong again by placing them under care ?—Yes.

24318. And detaining them permanently ?—Yes.

24319. (*Dr. Dunlop.*) Would you go to the length of saying that all imbeciles should be segregated and put under lock and key to prevent their breeding ?—No, where it occurs in self-respecting families the parents are the best people to see that it does not occur again.

24320. But where there is sexual perversity with imbecility there is a strong necessity for segregation ?—Yes.

24321. You spoke of the desirability of special schools for backward children. Are you familiar with the terms of the Special Schools Acts ?—No. I have only the general knowledge that I possess from a perusal of Dr. Warner's writings.

24322. You said they were specially valuable for backward children ?—Yes.

24323. Are you aware that the law excludes backward children from the special schools ?—No, I was not aware of that. Do you mean that the children for whom they were provided are excluded from them ?

24324. The children who would be benefitted from them are excluded ?—I cannot imagine that.

24325. "Defective children who are not merely dull and backward" is the definition. You cannot speak to the class of case treated in these schools ?—No.

24326. Now, regarding the question of distinguishing congenital defect from acquired defect, are you in favour of there being a hard and fast definition throughout the country, the one class being in one class of institutions and the other in another class of institutions ?—No.

24327. The asylums of the country are adapted to the requirements of the different classes ?—Yes, that is my idea, with the exception that there is a perfectly legitimate field for educative schemes.

24328. But let us restrict ourselves to the adults for the moment. You are in favour of having them brought into one complete system ?—Yes, but not necessarily one institution.

24329. The relief of the insane and of the imbeciles at present is by parishes under the supervision of the Lunacy Board ?—Yes.

24330. And there is no necessity to interfere with that arrangement in Scotland ?—No, it works well.

24331. When dealing with imbeciles, is there anything to be gained by very fine distinctions of imbeciles into various classes ? We have had presented to this Commission a series of definitions which are practically the definitions given in Dr. Mercier's handbook on insanity. You know these definitions; are they of any practical value at all ?—They are all very interesting, but I would not say that they are workable. They are exceedingly interesting. Probably every scientist has to go through the stage of constructing definitions.

24332. These definitions have been before the profession for ten years ?—Yes.

24333. But they have not been universally adopted ?—No. When I was younger I used to be rather fond of definitions. I have now largely given them up.

24334. There is one class of person to which I would like to call your attention, and that is the moral imbecile. Have you ever seen an imbecile whose imbecility only showed itself in the want of moral power and in no other way whatsoever ?—An absolute question of that kind is rather difficult to answer. I have had a very long experience of all kinds of mental defect and disease, and I rather think there are a few that would correspond with that definition, but I would say there are exceptionally few. You nearly always find an intellectual defect as well as a moral defect.

24335. At all events they are non-existent, or they are so rare as to be beyond practical politics ?—Yes. The moral defect is so great in some cases that it rather overshadows the intellectual defect, and you do not find out the intellectual defect until you go thoroughly into the question.

24336. There is an intellectual defect in all the cases ?—Yes, nearly all.

24337. Insanity exists, and that defect or insanity is not certifiable, that is to say, is not brought before us. Is it possible that a defect, whether congenital or acquired, can exist in an individual and that individual require care and treatment without being certifiable ?—If you will permit me to say so, that is a somewhat theoretical way of putting it. I should say that the word "certifiable" means that you are acting under the authority of the Lunacy Acts and using your medical discretion in so acting. Now, there are plenty of cases who are imbeciles and who should not be certified. I would put it this way, when you say "certifiable," if the doctor detects any slight defect there is no reason why he should not think the case certifiable, but we do not certify as a matter of fact. I think "certifiable" is absolutely conditioned by the two words "care" and "treatment." I would say of any case, no matter whether it were a case of weak-mindedness or a case suffering from gross delusions, that if it did not require care or treatment, it was not "certifiable."

24338. Is it possible to conceive in a case requiring care and treatment and having mental defect, that the mental defect or insanity, whether congenital or acquired, was so slight as not to justify certifiability ? The necessity for care and treatment are the test, and not the degree, of defect ?—Yes.

24339. At present there is a slight check upon certification in the shape of the risk that the medical man runs ?—Yes.

24340. And that is a point which will come up ?—Yes. It is just as great a check in Scotland as in England. It is sometimes difficult to get certificates now on account of that risk.

24341. It is a risk ?—Yes. At the present time we are under rather a scare in Scotland as regards that risk.

24342. Do you remember the practice of the magistrates in England as regards the certificates ?—No, I was in England before the present Lunacy Act came into operation; I was in England in the old times when a relative sent the patient.

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24343. You are quite satisfied with the present process of certification in Scotland?—Yes, and the best proof of its value is that they virtually adopted it in England.

24344. With a big modification?—Probably according to the feeling of the country.

24345. The cases with which we are concerned are those outside the asylum, and we are concerned with this matter of discharge. That word "recovered" is extremely loose. It does not mean sane?—I scarcely agree with that. I think "recovered" should mean the capacity to take your place in society, and to do your ordinary work.

24346. Dealing with cases of imbeciles in which there is no hope of recovery, are you ever justified in discharging such cases as recovered?—No, but this is what has happened in my experience; you have a very mild imbecile, say the son of a farm worker, and he has been an excellent farm worker. In this case at the age of twenty he had a slight attack of mania; that mania passed away, and one's ideas of recovery were such that I have discharged such cases as technically recovered, because such a man was able to go back and do his work, although I knew he was slightly weak in mind.

24347. Of course, I have a knowledge of these cases from my official appointment, and I have known cases where imbecile prostitutes have been turned out of the asylums no better than they were when they went in. That is an abuse that exists at the present moment?—That is one that should not exist.

24348. And that is one that requires change?—Yes.

24349. For that purpose we have been advised that there ought to be a central institution where this power of discharge should be very strictly limited?—Yes.

24350. In fact the discharge would be somewhat in terms of Section 89?—Yes.

24351. You agree with these sentiments?—Yes, but you are passing now out of the medical area and you are setting up a *quasi* prison for the good of society. That must be thoroughly realised by the community.

24352. It would be practically an extension of the criminal lunacy policy?—Yes, I think it would be a very good thing.

24353. You were talking about colonies for feeble-minded or defective adults as distinguished from asylums. Surely some of our modern asylums are practically labour colonies?—Yes. The latest Scottish asylums, Aberdeen and Bangour, are really labour colonies.

24354. And you have a colony of your own?—Yes.

24355. So if you look upon these as modified asylums it gives us a far better idea than a labour colony?—Yes.

24356. You have had considerable experience in the appointment of *curator bonis* in those cases?—Yes.

24357. That acts very well in Scotland?—Yes, exceedingly well.

24358. And it is a procedure that does not require to be interfered with at the present moment?—No.

24359. Do you think that it should be extended to include other cases?—It is applicable to every person who has any means. You mean it should be extended to drunkards?

24360. Certainly, and to wastrels. The class of the habitual drunkard is as incapable of taking care of his own affairs as the imbecile?—Yes, he needs someone to take care of his affairs.

24361. And that is a procedure that might be taken advantage of?—Yes.

24362. Do you know about the French system?—Yes.

24363. It is fearfully complicated, is it not?—Yes, but its principle is good.

24364. Our own Scottish system is very simple?—Yes. You could get over the difficulty by the extension of the appointment of *curator bonis*. You have the lawyers and the politicians, and they cry out, "the liberty of the subject," and you never get any further. That is the great difficulty.

24365. Are you in favour of the detention of habitual drunkards?—Yes.

24366. You have come across many distressing cases in private practice?—Yes.

24367. And you can only shake your head and say you can do nothing?—That is so.

24368. It is a crying want in the country?—Yes. The British law seems to allow any man to drink himself to death if he can afford the money.

24369. And ruin his wife and family?—Yes.

24370. (*Mr. Hobhouse.*) You said in every case of feeble-mindedness that you examined you always found that there was a peg of mental weakness in the background, and in no case with which you had dealt had weak-mindedness been caused solely by environment?—I ought to have excepted the use of instruments during birth.

24371. Into how many histories of weak-mindedness had you inquired to enable you to arrive at this conclusion?—I wrote once on the nervousness of development where I had to do with cases of St. Vitus' dance, and all that sort of thing, and it was my special business to go into the family histories of all those people, to endeavour by getting at the relatives of such people to learn their histories, and in by far the greater majority of the cases I was able to get a bad family history of some kind or other, but not necessarily of imbecility.

24372. How many cases did you examine?—I must have examined a vast number, several hundred I should say.

24373. These were not cases of insanity, but cases of weak-mindedness. I had not so much to do with insanity in that investigation. I was tracing weak-mindedness to its source.

24374. And what was the source?—Heredity. If you get 80 per cent. then you can assume that the remaining 20 per cent. can be proved.

24375. You always came back to insanity?—No, epilepsy or any weakness of any kind. My investigations did not refer to insane heredity alone, but to any heredity of nervousness.

24376. What was the cause of that nervous condition, did you ever get beyond that?—No.

24377. You landed yourself in an *impasse*?—Yes.

24378. (*Chairman.*) Is there anything that you would like to add?—I show some diagrams which illustrate normal and abnormal brain cells. In one diagram you have the normal cells, in another the cells of a child at birth and in the other diagram you have the brain cells of an epileptic idiot of twenty-four whose brain cells are not so good as those of the child at birth, showing that the whole thing arises from an arrestment of growth. The one is a complete mental machine, while the other is an incomplete machine.

24379. (*Mr. Hobhouse.*) Arrested?—Yes. In regard to your last question we must have arrived at imbecility through want of knowledge and want of obeying the laws of our being.

24380. That is to say by some lapse of conduct?—Yes, and disobeying the laws of nature, physical and mental.

JOHN THOMSON, Esq., M.D., F.R.C.P.Ed., called; and Examined.

John Thomson, Esq., M.D., F.R.C.P.Ed

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24381. (*Chairman.*) You have been kind enough to send us a statement of your evidence; may we put it on our notes?—Yes.

STATEMENT OF EVIDENCE PROPOSED TO BE GIVEN BY JOHN THOMSON, ESQ., M.D., F.R.C.P. ED., ONE OF THE PHYSICIANS TO THE ROYAL HOSPITAL FOR SICK CHILDREN, FORMERLY PHYSICIAN FOR DISEASES OF CHILDREN TO THE NEW TOWN DISPENSARY, EDINBURGH.

During the last twenty years I have done a great deal of dispensary work in Edinburgh and have spent much time visiting in the poorer parts of the town. In the course of this out-patient visiting, I have met with a large number of mentally defective children. I have also seen a great many of them in the Children's Hospital. During the last eighteen months I have, in addition, had a special hour once a week for seeing such children in the Out-patient Department of the Hospital. For many years, I have been strongly impressed with the difficulty that the parents of such children generally have in getting assistance, however much they may need it, and with the great hardships often suffered on this account, by both parents and children.

This is the subject on which I wish to offer evidence.

When poor parents have a deaf and dumb, or a blind child there is rarely any difficulty in getting him properly taught and looked after. When, however, a mentally defective child occurs in a family and requires skilled instruction or removal to an institution for training or special care, the difficulties are, in most cases, practically insuperable. I have seen a great many instances of this. I regret that I have seldom taken notes of this aspect of the cases, and that I have consequently very few detailed instances to lay before you.

There are, of course, a large number of mentally defective children among the respectable poor, as among other classes, for whom no outside help is desirable. It is also true that many parents are so attached to their defective children that they cannot be induced to let them go to any institution. This is by no means always to be regretted, for the drawbacks of unskilled teaching and training are often much more than compensated for by the inestimable advantages of family life and mutual affection. There remain, however, a large number of these children for whom there is a crying need for outside help of some sort. This need may arise from reasons connected either with the children's welfare or with that of their parents.

Some of these reasons may be enumerated as follows:—

(A.) ON THE CHILD'S ACCOUNT.

1. *Unkindness at home*, as in the case of the illegitimate (or other) children of bad women.

2. *The impossibility of getting liberty* in their home surroundings for healthy occupations and exercise and fresh air.

3. *The impossibility of getting training* at home that will occupy their energies and turn them from mischievous into innocent and happy channels.

4. *Inadequate protection* from the injuries inflicted on them by unscrupulous persons.

(B). ON THE PARENT'S ACCOUNT.

1. *Too exacting demands on their time and energy on* the part of an idiot child who causes an unjustifiable interference with their earning a livelihood and with the training of their other children.

2. *The constant anxiety caused to the parents* by a child's living in the home when circumstances make it impossible to keep him or her under safe control. (Mischief; injury to younger children; fire-raising; injury to child himself in a fit; dangers of immoral conduct, etc.)

I may illustrate what I mean by referring shortly to some classes of these cases that are often met with in practice.

SOME CLASSES OF CASES FOR WHOM FURTHER PROVISION SEEMS NECESSARY.

1.—*Young Children who are Completely Idiotic*, who do not even know their own mother's touch, who often take frequent fits, or scream continuously night and day when they are not asleep. Such a child is a terrible affliction in any household. Among the poor, he not only wears his mother out, but also prevents her from working for her livelihood and from looking after her other children. When the parents have not the means to pay for assistance in looking after such a child, it should certainly be possible for them to get him into a custodial institution. At present it is absolutely impossible for them to obtain any relief whatever of this sort.

2.—*Imbecile Children*, who are altogether unfit for ordinary school lessons but are able to go about freely. Many of these would benefit greatly from the skilful training and intelligent supervision of an institution. At home they go steadily downwards and learn all sorts of undesirable ways, besides interfering greatly with the work of the house. It is very bad in many ways for such children to be confined indoors, and yet they cannot be allowed to live on the streets without a certainty of rapid deterioration.

A very important group of imbecile children are those who are mischievous and dangerous. Such children are apt to get more and more troublesome amid the aggravating but necessary restraints of home life. Many of them improve surprisingly and permanently in a well-ordered imbecile institution. It is, therefore, most important to get them there.

As has already been pointed out to the Commission the institution accommodation in Scotland for imbecile children is altogether inadequate.

It is also well-known that the proceedings necessary in order to get poor children admitted to those institutions which exist are deplorably unsatisfactory.

At the present time when it is decided that an imbecile child of poor parents is a suitable case for institution treatment, and the parents desire to have him admitted, two courses are open to them and their friends. They must either (1) endeavour to have the child taken into the Larbert Institution as an "election case," or (2) they must apply through the Parish Council office, telling at the same time how much they are able to pay towards the child's keep in an institution.

The former way of admission (by election) is, practically, only open to such poor persons as have influential friends who are willing to take a considerable amount of trouble and expense in the matter. These friends have to solicit votes from subscribers to the institution all over the country, and only if they do so successfully is the admission of the child assured.

In endeavouring to get the child admitted through the Parish Council great difficulties are often met with. Sometimes when the case is a dangerous one and the parents are destitute, the child is removed more or less promptly. If the parents are respectable working people, however, it is much more difficult, because the authorities generally demand so large a proportion of their entire income, that the proposal is regarded as prohibitive and the negotiations promptly brought to an end.

The following case will serve to illustrate this point:—

Case. James B., æt. seven years, was the eighth child of intelligent and respectable people. He was an imbecile of a rather low grade, unable to speak or to do anything useful for himself. He was strong and active and very restless, especially during the night, and he slept very little. He was dirty in all his habits and exceedingly mischievous, being especially fond of throwing all sorts of things into the fire and playing with razors, etc. His mother was getting worn out with looking after him. I advised his being sent to an institution, and the father went to the Parish Council Chambers to make inquiries. He was told by the authorities there that in order to get the child admitted to an institution he must pay £30 a year. He said that this was beyond his means and offered £10 a year. This offer was laughed at and he was told to go away. At that time Mr. B., who is a working carpenter, was making not more than 28s. a week, and three of his older children were bringing in 12s. a week among them. Out of this £2 a week he had to keep himself, his wife, and six children, besides supporting his aged mother, who was quite dependent on him. As the parents could not

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provide the required £30, the child remained at home till he died a few years later from measles.

I should like to suggest that it ought to be made obligatory on parish authorities to remove suitable cases to an appropriate institution, even when the parents can only pay a small amount. In the case of pauper lunatics the inspector has to answer to the Lunacy Commissioners if he does not have them properly looked after. In that of mentally defective cases there is no such obligation at present. I think that there should be.

3. *Young Children with Lesser Degrees of Mental Defect.*—There are a considerable number of such children who go regularly to school, but learn practically nothing from the ordinary class lessons. Many of these would be benefited by special classes in the board schools such as are now being carried on in many other towns, or by institution treatment.

4. *Epileptic Children,* whose mental condition is little, if at all, affected. This, especially among the poor, is a most pitiable class. The following is a typical example:—

Case.—Mary M., the child of a labourer with four other children, who earns irregularly 25s. a week. She began at the age of four years to suffer from slight epileptic attacks (*petit mal*); and since she was eleven has had frequent severe seizures also. She is now eighteen, and has never learned any lessons, as, after a week at school, her name was "taken off the books," on account of her fits. She usually stays at home all day, assisting her mother with the house work. She cannot be left alone in the house as she is apt to fall into the fire, and she can only go out when her mother goes with her. She seems to spend almost all her time in two little dark rooms.

Such cases as the above would be very greatly benefited by being sent to an epileptic colony or some such institution. There is, however, at present no adequate provision of the kind for young sane epileptics from the poorer classes.

5. *Returned Institution Cases.*—Children who have been discharged from a training institution, either because they have been there for the statutory five years or because they are past eighteen years old, are often found in a miserable state in their homes. During their long absence in the institution their place in the home has been filled up, and the other children are unused to their ways and are inconsiderate to them. They miss the regulated freedom to which they have been accustomed and the encouragement and equal fellowship of institution life. They are laughed at and bullied, and led into mischief.

Some suitable institution or colony is greatly needed for the permanent care of such children.

6. *Weak-Minded Girls Past Puberty,* who are healthy and more or less normal in appearance. This is a class which urgently requires consideration and relief. When the parents of these girls are poor they often cannot possibly provide for their proper supervision, and the girls are consequently almost certain sooner or later to be led into mischief. This happens even when the parents are most respectable and anxious for the best interests of the child. Many of this class are capable of regular and remunerative work which would be extremely good for them—apart from the question of money. They cannot, however, be allowed to undertake it because they cannot be trusted to take care of themselves in the society with which they would have to associate at the works and on the way there.

The following cases may be given as illustrations:

Case.—Maggie S., æt. twenty-one, is one of four children of respectable parents. Her father is a shunter on the railway, earning 30s. a week. She has always been dull and backward and never got beyond the first book at school. She cannot read, but can sew a little. She is cleanly in her habits and can do housework quite well when she is willing. In appearance she is rather undergrown, but not noticeably abnormal. Some years ago some of her companions put foolish ideas into her head about being "her own mistress," "not her mother's servant," and so on. Since then, she often refuses to help her mother and insists on going out when she likes. If kept in, she screams and is very unruly and complains to the neighbours. The mother has recently, from the window, seen her on the street, speaking familiarly to a man she did not know.

Her parents are extremely anxious about the girl, and would like to send her to any place where she could be kept safe from the dangers to which her want of sense expose her.

Case.—Annie W., æt. nineteen, is the only (adopted) daughter of a working class couple, and has been under my observation since she was an infant. She is an imbecile and has never been able to do any lessons. Two years ago, when she was seventeen, Mrs. W. consulted me about her because she was becoming foolish in her conduct with men and, as there were several lodgers in the house, there seemed to be a danger of her getting into mischief. I recommended that application should be made to the Parish Council Chambers. When this was done the case was investigated by an inspector and a medical man. These gentlemen on hearing that the girl was not known to have committed any moral offence as yet, reproved her guardians for having made a premature application. They said that it would be time enough to apply when the girl had gone wrong. She went wrong on several occasions within the following year. At the time the application was dismissed the child, though seventeen years old, could not dress herself.

I would suggest that there ought to be a residential Home or colony where such girls as these could be given work under safe conditions; and that some authority should have special powers to place them in such an institution if their parents desire it, or if they are either unable to look after them, or have shown wilful neglect.

24382. (*Dr. Dunlop.*) With regard to the custodial care of children, your view is that in every case there should be some distinct reason for granting that care?—Yes.

24383. The public funds should not be taxed by looking after all cases, cases which can be looked after at home?—That is so.

24384. But you think it is proper to use the public funds for looking after cases that require care and treatment?—Yes.

24385. You have had a large experience of this class of case?—Yes.

24386. Both in hospital and dispensary work?—Yes.

24387. You have experienced great difficulty in inducing parish councils to take care of cases?—Yes.

24388. You mention one where a working man was requested to pay £30 a year, and they laughed at him when he would not do so?—Yes, and I have seen several similar cases.

24389. Do the parish councils, so far as you know, justify their action in any way? Have you ever discussed the matter with the inspector and asked how he justifies his action?—I cannot say that I have.

24390. At all events that is a fact?—Yes.

24391. There is the very greatest difficulty in getting custodial care for cases which do require it?—Yes.

24392. These are not mild cases, but cases where the care is urgently required?—Yes, that is my experience.

24393. You will agree with previous witnesses that we want greatly increased imbecile asylum accommodation in Scotland?—Yes.

24394. In fact, it wants to be a compulsory duty under poor relief, the same as the care of the lunatic?—I think so.

24395. Regarding special classes for cases which can be improved by education without custodial care, do you think that the number of such cases is large or small?—I think it is pretty large. Of course there are a great many of these cases which might be better for custodial care, but for some reason or other there is great difficulty in getting them into institutions, or in getting their parents to permit their being taken away. Many of these cases might be greatly benefited, I think, by day schools of some sort and special classes.

24396. But granted increased asylum accommodation for the treatment and care of these cases and the compulsory reception of such people by the parish council, do you think the necessity for special classes would continue?—I think they would be extremely useful.

24397. For what class of case?—For those slightly defective cases and the class of case that is found to benefit most at present, the slightly defective and the backward.

24398. Rather than the genuinely defective?—Yes.

24399. The dull and backward are excluded from the benefit of these schools?—Theoretically.

24400. And practically?—No. I understand they are taken in, according to the evidence of Dr. Ashby and others.

24401. You have not much direct experience of them?—No.

24402. There are none of these schools in Edinburgh?—No.

24403. Theoretically the Act is faulty in that it excludes the backward children?—Yes.

24404. Did you hear Dr. Clouston talk of cases of delayed development?—Yes.

24405. Have you in your experience seen many such cases?—I have seen some.

24406. They are very exceptional?—They are rather exceptional in my experience.

24407. Regarding epileptic children, you are aware of the fact that from many of the ordinary imbecile asylums epileptic children are refused or excluded?—Yes, to a large extent.

24408. They make difficulties as regards their reception?—Yes.

24409. Is that a right state of affairs?—I think there should be suitable accommodation for them; I think it is urgently needed.

24410. Is it your experience that epilepsy in childhood, and imbecility, so frequently go together that it is not possible to divide them into two classes?—I think there is a class of children who are not imbecile, but who are epileptic. Many of them, as Dr. Ireland said, are decidedly peculiar, but there are very many of them who are not imbecile.

24411. Take those who are distinctly defective and epileptic, should they be dealt with together with the other children or separately?—I think if they have a great many fits it makes it undesirable to associate them very closely with those mentally defective children who are not taking many fits. Besides if they are having many fits in most cases their brain power will be deteriorated, and the careful instruction which is good for other children may in some cases be bad for them. I therefore think that there ought to be some restriction as regards their mixing with the other children.

24412. At Larbert 30 per cent. of the cases are epileptic, and the medical officers have expressed the opinion that they are never safe from an epileptic fit. That being the rule, and the experience in an imbecile asylum, do you think it is right to exclude epileptics?—In talking of epileptics you have to define what you mean, to a certain extent, because the epileptic children that one meets with among the poor or elsewhere who have epileptiform convulsions, may be divided into four classes: there are those who have the convulsions owing to some chronic disease of the brain; there are cases of what is called simple primary amentia, or congenital mental defect; then there are a smaller number of children who have epileptic attacks, as the result of some physical disease, such as some disturbance of the alimentary tract; and, lastly, there are the idiopathic epileptics. The answer to your question depends partly on the class to which the case belongs.

24413. When you have mental defect present along with epilepsy, should that be treated differently from the cases of mentally defective children who are not supposed to be epileptic?—I think the fact of a child's taking fits has to be taken into consideration. A child who is taking many or severe fits should not be treated in the same way as a child who is not taking fits.

24414. About the sane or mentally perfect children who suffer from severe epilepsy? Are there any such children?—I think so, but they are comparatively few. The great majority of those children who are suffering severely from idiopathic epilepsy are either dull and stupid or mentally peculiar.

24415. The vast majority?—The majority, the large majority I should say.

24416. Have you ever visited any epileptic colonies?—No.

24417. So you cannot talk about the class of inmates there?—No.

24418. From your experience in hospital and dealing with a very large section of the community of Edinburgh, you say that the number of sane epileptic children whose epilepsy is so bad as to require custodial care is very small?—I think that only a small number require custodial care on account of epilepsy only.

24419. (*Dr. Needham.*) I gather from your statement that you think it desirable in the interests of the population that institutions should be founded in Scotland somewhat of the nature of Earlswood and other idiot asylums into which admission should be secured, not by election, but by the order of some Poor Law authority or some other authority?—Yes, extremely desirable.

24420. And there ought to be State institutions established and maintained by the State, not maintained by local effort?—I think so.

24421. Do you suggest that there should be residential Homes for girls?—Yes.

24422. And also for boys? What sort of employment would you find for them? Would you make them educational or working colonies?—Working colonies, I think.

24423. For boys and girls?—Yes.

24424. They would be established, perhaps not in the first instance by the State, but by the local authority with State supervision?—Yes.

24425. I suppose you would think that the other institutions should be established by local action. I do not mean by local charitable action, but I mean established by an authority which is not charitable?—Yes, I think charitable resources are not sufficient for that.

24426. And they are not likely to be sufficient in Scotland?—No.

24427. (*Mr. Byrne.*) I have only one question to ask you, as your statement is so full. You say, "I should like to suggest that it ought to be made obligatory on parish authorities to remove suitable cases to a proper institution, even when the parents can only pay a small amount." That relates to the mentally defective?—Yes.

24428. What procedure would you suggest in Scotland for the purpose of applying that compulsion? Would you have the parents go before a magistrate or some such person like that and get an order?—I do not know very much about the ways in which these things may be done. I understand that in the case of a pauper lunatic who requires looking after, if that case is reported, it goes to the Lunacy Commissioners and they see that what is right is done.

24429. At the present moment the lunacy authorities have nothing to do with it?—Nothing, I understand.

24430. The parent goes to the Guardians and says, "I have a daughter who is a very great trouble at home; she is feeble-minded, and there is a danger of her getting into trouble with young boys; I want her taken to a feeble-minded institution." The Guardians say, "All right; you pay £28 a year," and the parent says, "I cannot." Your advice is that the Guardians should be compelled to do it and make the parent pay what he can afford, having regard to the rest of his family?—Yes.

24431. What sort of system would you suggest as a convenient way of doing that, and a way that would approve itself to public opinion?—I am afraid I have not thought of that. I do not have much to do with these official proceedings.

24432. The question arises very acutely in England, too, and we have to meet it in some way?—I am sorry I am not qualified to express an opinion.

24433. (*Chairman.*) Is there anything you would like to add?—No.

A. R. URQUHART, Esq., M.D., F.R.C.P.F., called; and Examined.

A. R. Urquhart, Esq., M.D., F.R.C.P.E.

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24434. (*Chairman.*) Would you please tell us how long you have been in James Murray's Royal Asylum, Perth?—Twenty-six years.

24435. You have been so kind as to give us a statement of your evidence: will you allow us to put it on the notes?—Yes, certainly.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY A. R. URQUHART, ESQ., M.D., F.R.C.P.E., PHYSICIAN TO JAMES MURRAY'S ROYAL ASYLUM, PERTH.

DEAR SIR,—I now submit statement of the evidence proposed to be given by me before the Royal Commission on the Care and Control of the Feeble-minded at Edinburgh on the 12th June next. I also enclose a print relative to Scottish lunacy law, and specially in reference to Interdiction. I have not burdened my statement with matters which perhaps already sufficiently have occupied the attention of the Commission. However, if it be desired, I am prepared to refer to the following matters as having come within the range of my experience:—

1. The heredity of insanity and allied conditions, with illustrative charts.

2. The feeble-minded and defective children of Perth in relation to school attendance.

3. The results of the three industrial schools of Perth, dealing with unfortunate and neglected and criminal children.

4. The relation of crime and insanity or feeble-mindedness in prisons and asylums, and the unsatisfactory present conditions.

5. The relations of pauperism in a suburban parish and in the Perth poorhouse—which has wards licensed for insane patients.

6. The relations of the Perth Royal Infirmary with feeble-mindedness.

7. The care and control of habitual drunkards in observation at Murray's Asylum, and in private care.

8. The treatment of incipient insanity in private care, and in general hospitals.

9. The discharge of certified and voluntary patients from asylum care. The importance of probation or pass previous to discharge.

I also enclose an address on the heredity of insanity, indicating certain excerpts which may be of sufficient interest to be entered on the minutes.

Yours faithfully,
A. R. URQUHART.

GENERAL CONSIDERATIONS.

The scope of the enquiry is wide, and it involves legal and medical questions of intricacy. My experience of epilepsy in Scotland is limited, and reference to this subject is therefore omitted. Idiots are so deeply affected by their incapacity that the questions arising under this subject are mainly in reference to administration, the need for further accommodation, and continuity of control. Lower-grade imbeciles may be similarly regarded. Higher grade imbeciles, the feeble-minded and defective, are not adequately dealt with under existing conditions in Scotland. Habitual drunkards, habitual offenders, tramps and beggars, prodigal and facile persons are not effectively controlled. A revision of methods, and a wider conception of the duties of the State are necessary; and I submit that for recovery or reformation, for improvement, or for the avoidance of hardships and dangers, further legal enactments and additional public expenditure are demanded.

I agree in the main with Lord Auchinleck—"I like factors *loco tutoris*, for they serve for hire, and consequently better than those who serve for conscience sake." That is to say, I am of opinion that the solution of the difficulties of adequately providing for the defective classes lies rather with the State than with philanthrophy, in the reform of law and expenditure, towards which recent benevolent work has led. For instance, there is in Perth a house of refuge for destitute men, where endeavours are made to induce work in return for food and shelter; but the actively philanthropic aid so carried on merely touches the fringe of the question. It merely indicates the method which Belgium has adopted at Merxplas. There are other institutions in Perth, such as the Fechney Industrial School, which may be safely left to local philanthropic management, assisted by Government grants. Indeed, this school may be cited as an example of the regenerative effects of appropriate education and environment on the waifs and strays of social wreckage. The Commission has had indications of the trend of Scottish opinion as regards great institutions, and I trust that this statement will not be taken as a plea for sweeping all the defective persons of the country into vast establishments, however carefully conducted. In so far as possible, the Home should be preferred to the barracks.

IDIOTS AND IMBECILES.

The accommodation for the early treatment of these classes in Scotland is not adequate. The institutions at Larbert and Baldovan have done admirable work, and receive the children at moderate rates, but they both require increased financial support, and should be supplemented by other similar establishments. It is difficult for those of the lower middle class to pay even the £28 yearly charged at Baldovan. Naturally, there is an institutional preference felt for cases educable or partially educable, as being those for whom something can be done. The lower grade idiots are unresponsive and most trying to the staff, and yet it is essential that they should be cared for by skilled persons in suitable surroundings. It is also felt that they should be housed in separate pavilions. In fact, the position is analogous to the presence of senile cases in county asylums. Generally, however unwelcome they may be, it is difficult to propose more appropriate treatment. It has been long felt that idiots and imbeciles should not be introduced into the wards of county asylums, and special buildings have been erected for them at Warwick and Northampton and more lately at Lenzie. It would appear to be desirable that Scottish districts should unite in combination districts to provide accommodation for this class.

FEEBLE-MINDED CASES.

I generally accept the definitions proposed by the Royal College of Physicians, London, for the purposes of the Commission. It will be understood that these definitions cannot be regarded as *watertight compartments*; that inevitable gradations and combinations must give rise to difference of opinion in individual cases; that in consideration of mind, mobile and elusive in its manifestations, an exact code cannot be formulated. Of course, pronounced insanity or conspicuous mental defect offers no difficulty, but we are well accustomed to honest difference of legal and medical opinion and questionable findings in our courts of law.

It is laid upon the medical profession to certify persons of unsound mind for care and detention, and consequent upon careful execution of this duty great wrongs have been inflicted upon individual members of the profession and upon the profession generally. A recent case in Glasgow resulted in the imposition of about £1,000 on the two physicians who successfully defended themselves. Having regard to such incidents, any proposal to widen the basis of certification must be guarded by appropriate exemption from retaliation. I submit that there is no better procedure than the even-handed administration of our higher Courts of law. Proposals have been made for the appointment of medical assessors, and these are, in my opinion, entirely unnecessary. It would appear that the questions arising in respect of the validity of a will, for instance, can only be legally and finally settled on the production of all the available evidence, for the consideration of a judge skilled in sifting evidence.

The Commission has been informed that cases of unsound mind are certified by two medical men as proper persons for care and treatment before the sheriff can

grant his order authorising transmission to the asylum. My patients are drawn from the middle class, and I have no hesitation in explaining to those who feel aggrieved that the sheriff has made his order, or in sending any letters they may address to the sheriff. In these circumstances the sheriffs of Perthshire have repeatedly visited patients in Murray's Asylum, and this practice of continuing a usage which was formerly the sole enactment in this respect is reasonable and valuable.

The Commission has also been informed that *Curators Bonis* (Committees of the Estate) are appointed by the Court of Session or by the Sheriffs on production of medical evidence of the incapacity of parties, the Sheriffs dealing with small estates at moderate cost.

I submit that the slighter cases of feeble-mindedness might be similarly dealt with. The French *conseil de famille* has been suggested to the Commission as a preliminary step to the protection of the feeble-minded. That exists in a potential form in Scots' Law. A curatory petition bears the names of the various members of the family, with their relationship and domicile, and the petition is served upon all named and accessible. Some further regulation of this procedure would be required in the more disputable case of feeble-mindedness. It would appear that an attested history of the circumstances leading to the family council, and similar medical opinion, should be submitted to the Sheriff in Chambers and that his order for control and protection should proceed upon the evidence so submitted. No doubt a right of appeal to the Court of Session would be desirable.

The Commission will have observed that the *Curator Bonis* is *Committee of the Estate*, while the *nearest male agnate* is generally the *Committee of the person*, if one may be permitted so to translate. But the nearest male agnate is not always the most appropriate guardian, and although the curator has the power of the purse, and may obtain special powers from the Court, it is apparent that there should be room for the selection of a guardian to the person.

The old Scots' Law relating to *interdiction* in cases of facility or weakness permits of the appointment of *interdictors* by the Court of Session. It has fallen into desuetude for various reasons—it merely deals with heritage, and is liable to being rendered futile in various ways. I submit that a revisal of this law would be appropriate to the feeble-minded, and would form a groundwork for that separate consideration of the feeble-minded which is desirable.

Appended is some account of these matters, prepared for Dr. Hack Tuke's Dictionary of Psychological Medicine.

It will be observed that the Ancient Scots' Law deals with the fatuous and the furious. In process of time finer distinctions have been drawn, and I understand that the Commission is now dealing with the fatuous, recognising the wider application of the term necessitated by the complex of modern sociological conditions. The Scots' Law regards an idiot as a perpetual pupil, and it apparently follows that the feeble-minded should be included in that category, and that indeterminate sentences should be the rule for habitual offenders. The Scottish Lunacy Acts authorise an indeterminate order; the Sheriff's Order in Lunacy is maintained for three years after it has issued, but it is continued thereafter year by year on certificates that detention is necessary for the personal or public welfare. Similarly an indeterminate sentence of Court should be maintained only on cause shown.

Habitual Drunkards.

The habitual drunkard who keeps clear of the police is at present permitted to ruin himself and his family, and my experience is that the friends are shocked and dismayed to find that the law is so ineffective. Of course those who suffer thus, suffer in silence. The public ear is not reached. I submit that habitual drunkards should be liable to be treated as feeble-minded. There are grave difficulties in this matter, but they are of such a nature as would best be left to individual consideration. For instance, it is generally conceded that a person who is drinking to excess, neglecting his business, and deteriorating mentally and morally and physically, should be placed under control. But it is not quite clear that a person getting drunk regularly on Saturday night, working and maintaining his family during the week, should be relegated to a reformatory. I submit that the method of dealing with the feeble-minded is applicable to all cases, and that the individual results may safely be left to the Sheriff.

A. R. Urquhart, Esq., M.D., F.R.C.P.E.

12 June 1906.

With regard to Expense.

This part of the remit affects me more as chairman of a suburban parish council than as a physician. There is a tendency to move for equalising of rates, and to call for State assistance in meeting parochial burdens. One cannot but admit that the custodial care of the feeble-minded, the special treatment of defectives, the reformatory control of habitual offenders, necessitate a generous State administration. I believe that the relief of the poor in Scotland is satisfactorily granted by the parish councils; but one can foresee that unenlightened parochial management would recoil from a large scheme unassisted by State subventions. The Commission will have noted that Scotland has no able-bodied paupers; the parish councils deal with the wreckage. If they could be brought to recognise, as they must in time see, that the present treatment of the habitual offenders, of the "ins and outs," and the drunkards and loafers, is fundamentally wrong, profligate, and ineffective, a hardship and a danger, I have little doubt that improved methods would be welcomed and developed. We have in the administration of the district asylums and the boarding out of insane a system of local charges and State aid. I am of opinion that this fortunate combination indicates the best method. It indicates that custodial care should be institutional or private as may be most appropriate, that State aid may safely be granted in partial relief of local burdens.

Authority.

The relations of feeble-mindedness are widespread. Law and medicine must join hands in the development of modern ideals. The doctrine of partial incompetence and partial responsibility has been recognised in Scotland; partial responsibility may not stand in bar of trial, or exempt from punishment, but it may reduce the offence from a higher to a lower category—from murder to manslaughter. This important consideration has been given effect to repeatedly in our Courts.

There is a class of persons unfit for prisons and unfit for asylums. I believe that the medical interest is predominant, yet the legal interest is definite and undeniable. It is not suggested that reformatory colonies for the feeble-minded will be as restorative as the general hospitals of the country; but they would do much to free our streets from rampant vice, to deter from vicious courses, to rescue the submerged, and to guide into habits of steady employment those who are educable.

One cannot but recognise that there is a certain stigma attaching to all forms of custodial care necessitated by weakness or wrong doing. That is the reverse of the shield, the inevitable drawback attaching to all forms of human endeavour. I recognise that the stamp of Merxplas hinders a return to ordinary industrial life, or at least interferes with success; I gathered that the recidivist was the rule at Merxplas; but, in spite of these manifest disadvantages, I submit that some such institution or institutions are urgently required in Scotland for the appropriate treatment of these persons. I am not unmindful of Elmira and the admirable work of Mr. Brockway in dealing with young criminals in the State of New York.

My experience in asylum life has been in favour of breaking up densely populated establishments, and in favour of providing variety of accommodation, and it is particularly gratifying to find that Mr. Hine, whose great experience in designing modern asylums must be well known to the Commission, is in favour of simpler construction, a greater land area, and a more homely entourage for the mentally afflicted than we have been generally accustomed to. The later developments of asylum architecture in Scotland have been on these lines, and I see no insuperable difficulty in making arrangements for the feeble-minded, the vagrant, the drunkard and the habitual offender, possibly at no greater cost than is caused by our present ineffective and unenlightened system.

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EXTRACT FROM "DICTIONARY OF PSYCHOLOGICAL MEDICINE." EDITED BY DR. D. HACK TUKE, 1892.

SCOTTISH LUNACY LAW.

From the earliest records it would appear that the Sovereign was the natural and legal guardian of the insane. The ward and custody of the property of lunatics were deputed to tutors, appointed after cognition by inquest. These were selected as being kinsmen of lawful age, men of judgment, discretion, and rule. By a statute of Robert I., in the beginning of the fourteenth century, the custody of persons of furious mind was devolved upon their relations, and, failing them, upon the sheriff of the county. According to Sir Thomas Craig, there was a distinction between the "fatuous" and the "furious." The custody of the former was committed to the nearest agnate (nearest male relative on the father's side), while that of the latter belonged to the Crown, as having the sole power of coercing with fetters. Legal procedure was more definitely settled by the statute of 1474, cap. 67, which was amended by the Act of 1585, cap. 18, and these statutes continued to regulate the appointment of *tutors-at-law* until 1868, when the Court of Session Act (31 & 32 Vict. cap. 100) was passed and provided for *cognition of the insane*.

Another class of guardians to lunatics are termed *tutors-dative*. This process has fallen into disuse for many years, and has now merely an antiquarian interest.

Judicial factors or *curators bonis* are at the present time by far the most important functionaries in this department. They are appointed by the court of Session or by the sheriffs under the regulations for *curatory of the insane*. The practice seems to have originated in the *nobile officium* inherent in the Court of Session as the Supreme Court of Equity in Scotland. The nomination of judicial factors has now practically superseded the more ancient procedure, so that the cumbrous and costly process of cognition has become almost extinct.

There is another remedy provided by the law of Scotland for the protection of silly, imbecile, or facile persons who are lavish, improvident, or careless in the management of their property. This procedure is called *interdiction*, which has been defined as "a legal restraint laid upon those who, either through their profuseness or the extreme facility of their tempers, are too easily induced to make hurtful conveyances, by which they are disabled from signing any deed to their prejudice without the consent of curators, who are called interdictors." Interdiction may be either (*a*) voluntary or (*b*) judicial.

(*a*) *Voluntary Interdiction.*—This was of frequent occurrence in ancient times. An Act passed in 1581 regulated it in some measure, and it was formally sanctioned in the seventeenth century. Voluntary interdiction proceeds upon execution of a deed, or bond of interdiction, narrating the weakness of the granter as the cause, declaring confidence in persons to be named (the interdictors), which binds the party not to alienate "his lands, teinds, heritages, annual rents, life rents, reversions, tacks or others; nor to grant dispositions or assignations, nor bonds, obligations, or contracts; nor to become cautioner for sums of money, or to perform acts and deeds" without the concurrence of his interdictors. There must be a valid cause, or the deed may be set aside by the Courts. Prodigality and injury to the family must be conjoined with mental weakness and facility. *But the cause may be scarcely referred to in the bond.* It is imperative that the bond be recorded in the register known as the "Books of Council and Session," whereby it is held to be published to the lieges and made patent to all.

(*b*) *Judicial interdiction* is obtained by decree of the Supreme Court, after proof being led as to the facility and weakness. In modern practice, the relations may institute proceedings for interdiction when the defects of the *prodigus* are not sufficiently marked for cognition or curatory. Or it may proceed from the *nobile officium* of the Court themselves, when they perceive that a party to any suit before them is liable to imposition, from an extreme profuseness and facility of temper. This not being an *actio popularis*, neither the Lord Advocate nor the public can interfere. The summons states that the person is "of weak and facile disposition, easily imposed on and liable to do deeds to his own lesion and prejudice." The Court will name interdictors without whose consent there would be no power of alienating heritage or of contracting debts, if the action be unopposed. If the Court proceeds to proof, the defender must appear; and, if the interdiction is granted, it is published and registered. The interdictors must be of perfect age and sane mind. They have no trust, no management. Their duties are rather negative than positive, as they do not originate deeds, but merely adhibit their consent. The interdiction terminates by sentence of Court; by death; if statements in the original deed are false; if reconvalescence can be declared. Voluntary interdiction cannot be recalled by the person interdicted without the consent of his interdictors, and if there be a failure of a quorum of these he must apply for others. But there are so many exceptions and limitations to the bond of interdiction, that it is not often in use. For instance, it only affects heritage and no other property. Rational and onerous deeds, moderate and reasonable tradesmen's accounts are also excepted. Moreover, the whole system of interdiction may be rendered futile by imprisonment for non-payment of debt*—for the Courts will not grant relief, although the party interdicted may have to burden his lands.

Besides these remedies, which have reference, chiefly, though not exclusively, to the future protection of persons of deficient capacity, a retrospective remedy is provided by the action of *reduction* on the ground of insanity, or idiocy, or facility fraud and lesion as the case may be. And this last remedy seems to reach all those causes by which an individual may be injured by the weakness of his intellect, even where the defect is not so grave as to render him a proper subject for curatory or interdiction.

We have seen that it was the policy of the law of Scotland, from a very early period, to entrust the persons of lunatics to the care of their relatives. This policy in a modified form is continued to the present day. As a general rule, the law takes no special cognisance of insane persons, unless their seclusion or protection is necessitated, or their property is endangered.

A. R. URQUHART.

OBSERVATIONS ON THE HEREDITY OF INSANITY.

(*From the Records of* 1,104 *Cases representing* 886 *Persons*)
By A. R. Urquhart.

I very much doubt whether the *neuroses* issue in insanity to the extent which is often asseverated. The lower depths are frequently manifest in the families of the insane, but in these observations I have recorded only the graver forms of *neuroses*.

Eccentricity is quite another matter. The occurrence of eccentricity—decided oddity of conduct—is a sign of definite mental aberration. The person so affected is really insane: he cannot adjust his conduct to his environment.

Epilepsy is still comparatively infrequent in Scotland, and among the middle classes specially rare. The chronic infections of tubercle and syphilis are also in evidence in this relation. As to tubercle—in 886 persons admitted, tuberculous disease occurred in the families of 96 males and 82 females, a total of 178—I find that there were 259 relations so affected, 130 males and 129 females, but it is not clear that this is a greater number than would have occurred in the general population. The number of deaths from tubercle recorded was 14 out of a total number of 172, being 8·1 per cent. The number of tuberculous persons under treatment was 36, and tuberculous disease was noted in the families of one-third of these persons, 33·3 per cent. Dr. J. C. Dunlop has kindly considered these figures, and concludes that they are insufficient to prove that the true death-rate from tubercle is actually less than that for Scotland.

The heredity of syphilis is an impossible inquiry in my experience. It is only in the rarest circumstances that we can discover it. The intoxications (exotoxic), of course, find large room in our records. Alcoholism is widespread, opium much less common, and lead is entirely absent from these family histories.

* But see Debtor's Act 1880 (43 & 44 Vict., cap. 34); and Civil Imprisonment Act 1882 (45 and 46 Vict. cap. 42).

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Diseases of obscure causation—rheumatism, gout, and diabetes—have not been so thoroughly studied in the inheritance of insanity as is necessary. They are all reported, but the exact incidence requires a wider investigation. Diseases of the kidneys are by no means uncommon, and I have noted their occurrence as well as the prevalence of cardio-vascular degeneration.

Paralysis is of definite importance, and it is stated as having occurred in 191 relatives of the patients observed. The degenerative changes issuing in paralysis may or may not be causative of insanity, but it is apparent that the frequency of this condition demands special attention.

One word as to cancer: Seventy relatives were affected by cancer, but few deaths occurred in the asylum. The statistic stands thus: In 886 persons admitted, cancer occurred in 3 cases, being 1·7 per cent. of the whole deaths. Cancer was recorded in the ancestry of 60 patients, affecting 70 persons. Dr. Dunlop informs me that these figures indicate that the rate for cancer is less than the rate for Scotland, and that cancer is less common in Murray's Asylum than in Scotland generally.

During twenty-five years I have had 1,104 cases under care, representing 886 persons; 623 of these persons were hereditarily predisposed to insanity, eccentricity, *neuroses*, paralysis, or alcoholism, while 394 had a distinctly insane heredity. During the last ten years 375 persons under care showed neurotic and insane heredity to the number of 304, while the heredity of insanity occurred in 180 cases.

These figures include voluntary patients as well as certified. Table I. gives a detailed statement of these classes separately. Of late years there has been an increasing disposition to avoid certification, and it will be observed that the hereditary tendency to insanity in voluntary patients is as much as 33 per cent. There were 72 patients on the registers of the asylum in the beginning of 1880, and these are included in the first period. The history of many of them was very inadequate, and I lay greater stress on the accuracy of the last period (from 1895 till 1904 inclusive)—that is a term of ten years. The results for the last period may be stated briefly: Certified patients with a hereditary history of insanity, 48·53 per cent.; voluntary patients, 42·42 per cent.; both classes, 48 per cent. If the *neuroses* and eccentricity, paralysis, and alcohol are included, the results are increased to 81·28, 78·78, and 81·06 per cent., respectively.

Referring to 623 certified and voluntary patients showing a heredity of insanity and *neuroses*, the total number of insane relatives recorded was 702 of all degrees of affinity, the number of neurotic relatives was 240. Relatives known to have suffered from paralysis numbered 191, alcoholics 169, tuberculous 259, and cancerous 70.

Table II. gives details of the relatives affected and shows several well-established facts. For instance, the insane fathers of patients affected number 54, in the proportion of 30 for fathers of males and 24 for fathers of females. The mothers number 66, in the proportion of 28 for mothers of males and 38 for mothers of females. The direct paternal and maternal influence show the same tendency, while the female sex is evidently more liable to hereditary forms of insanity than the male sex. Expressed in percentages we arrive at the following results:—

——	Males.	Females.	Total.
Total number of persons -	471	415	886
Persons with hereditary predisposition to insanity -	201	193	394
Percentage of hereditary cases	42·6	46·5	44·4

Next pass to the consideration of eccentric and neurotic relatives, regretting that greater care has not been exercised in discriminating between eccentricity and *neuroses*. The influence of the fathers is expressed in similar ratio—as fathers of 16 males and 14 females. The influence of the mother, however, is distinctly reversed. Thus:—

——	Males.	Females.	Total.
Total number of persons -	471	415	886
Persons with hereditary predisposition to eccentricity and *neuroses* -	130	99	229
Percentages of hereditary cases	27·6	23·8	25·8

The proportion of fathers and mothers noted as eccentric more nearly approaches the insanity table, thus:—

——	For Males.	Females.	Total.
Father eccentric -	6	2	8
Mother eccentric -	5	4	9
	11	6	17

In considering the incidence of paralysis, the results also resemble the Table for insanity. Although on the total paternal influence the figures are: males, 54; females, 35; total, 89; it will be observed that the total maternal influence is: males, 30; females, 28; total, 58. I believe, however, that this can be explained by the fact that cerebral hæmorrhage, arterial degeneration, and so on, are less frequent in women than in men.

The Table for alcoholism is, of course, liable to the same deduction, and may be offered without remark.

I trust that I am not misunderstood in the use of the word *heredity* in reference to these matters. I have no belief whatever in the hereditary transmission of cancer, or the possibility of tubercle bacilli lying dormant in germ cells ready to awaken to vigour in the course of events. It is late in the day to make these reservations, so one might guard against an imputation of belief in the malignant influence of the moon on being betrayed into speaking of lunacy.

The fact remains that there are mad families, doomed to extinction or regenerated by prepotent new blood; that in investigating the history of these families it is evident that degenerative diseases are common and widespread; that, following on the usual experience of medical observations, we do not ordinarily discover a single cause, but rather groups of causes, which we may continue to term *degenerative*.

I may be permitted to refer to environment in connection with heredity. It is, of course, a very important and responsible position for the physician who is consulted as to the future of a person belonging to one of these neuropathic families. Even if we regard heredity as the prime factor in the production of good or evil in the individual, and the generation of insane persons by those more or less eccentric as a great wrong, we must admit the regenerative effects of healthy environment. We have in Perth an industrial school which for many years has been most potent in rescuing boys from degradation. These boys are heavily burdened with inheritance of vice, crime, and insanity. Indeed, the primary purpose of the institution was to give the waifs and strays a decent chance in life. The results of the school are none other than amazing in face of asylum statistics.

I am assured by Mr. Hutcheson, the superintendent, that the Fechney boys turn out law-abiding, respectable, citizens in the proportion of at least 80 per cent.

General Paralysis.

I pass now to a brief consideration of the heredity of general paralysis, as represented by 39 cases, one being a female. Thus only 4½ per cent. of the total

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number of persons admitted represents this group. During my service in the Perth District Asylum over thirty years ago, the disease was still rarer. It is a disease of great cities rather than rural districts, the urban residents referred to numbering 34 out of 39. It is noteworthy, too, that the great majority have been admitted during the last ten years, the percentages for the three periods being: First period, 2·91; second period, 2·62; third period 6·66; or 4·40 on the whole term of years. It used to be said that the incidence of heredity in reference to general paralysis was but slight, and one endeavoured to console afflicted relatives by expressing that opinion. If my limited experience be found correct for larger numbers, however, that opinion must be changed. I have shown that ordinary forms of paralysis are very common among neuropathic families, especially amongst the male members and similarly I find records of insanity and other *neuroses*; referable to the families of general paralytics. Table III. gives a list of these occurrences. Briefly, the heredity of insanity finds expression 14 times, eccentricity 4 times, *neuroses* 12 times, and alcoholism 7 times. Rheumatism, gout, and tuberculosis are also noted. Thus there was a distinct neuropathic heredity in 32 cases. Turning to those in whom no morbid heredity could be ascertained, they may be separately mentioned:—

MALES ONLY.

Family history: Ancestors:	Cases.
Insanity denied	1, 2, 3, 4, 5
Consanguinity	3
Deformities	3
Tubercle	2, 4
Rheumatism	3, 4
Descendants:	
Lupus	4
No information	6, 7
Personal history:	
Syphilis	1, 3, 4
Alcoholism	1, 6
Mental stress	2, 3, 4, 6, 7
No cause assignable	5]

ALCOHOLISM.

With regard to the incidence of alcoholism, I must in the first place explain that, in so far as possible, I discourage the admission of habitual drunkards as voluntary patients to Murray's Asylum on the grounds that they are so frequently vicious persons who require reformation rather than treatment; that the arrangements of a hospital for the insane are generally unsuitable; and that the attitude towards an insane person is quite inappropriate towards an ordinary drunkard. The changes demonstrated by Table IV. are most unsatisfactory. It is disconcerting to find that the alcoholic persons have increased in numbers throughout the three periods from 6·8 to 24·8 per cent., the mean being 16·3.

On examining these 145 cases, we find that 38·32 per cent. were hereditarily predisposed to insanity, and 5·51 per cent. were hereditarily predisposed to eccentricity and neuroses. Alcoholism was found among the near relatives of 24·13 per cent., while the remaining 31·72 per cent. were apparently not of a hereditary nature. No doubt, occupation and environment played a considerable part in the evolution of these last-named cases, and fuller knowledge would assuredly reveal a faulty heredity in a certain proportion of them.

TABLE I.—Showing the Neuropathic Heredity of Patients under care in James Murray's Royal Asylum, 1880–1904 inclusive.

	Heredity of Insanity.			No Heredity of Insanity.			Heredity of Insanity, etc.			Total Numbers Admitted.			Percentage of Heredity Insanity.			Percentage of Heredity of Insanity, etc.		
CERTIFIED PATIENTS—	M.	F.	T.	M.	F.	T.	M.	F.	T.	M.	F.	T.	M.	F.	T.	M.	F.	T.
I—Year ending 1884	41	45	86	58	58	116	55	60	115	99	103	202	41·41	43·68	42·57	55·55	58·25	56·93
II—Year ending 1894	63	55	118	77	75	152	100	82	182	140	130	270	45·00	42·30	43·70	71·42	63·07	67·40
III—Year ending 1904	79	87	166	103	73	176	144	134	278	182	160	342	43·40	54·37	48·53	79·12	83·75	81·28
Total	183	187	370	238	206	444	299	276	575	421	393	814	43·46	47·58	45·43	71·02	70·22	70·06
VOLUNTARY PATIENTS—																		
I—Year ending 1884	2	0	2	1	1	2	2	1	3	3	1	4	66·66	—	50·00	66·66	100·00	75·00
II—Year ending 1894	7	1	8	21	6	27	14	5	19	28	7	35	25·00	14·28	22·85	50·00	71·42	54·28
III—Year ending 1904	9	5	14	10	9	19	16	10	26	19	14	33	47·36	35·71	42·42	84·21	71·42	78·78
Total	18	6	24	32	16	48	32	16	48	50	22	72	36·00	27·27	33·33	64·00	72·72	66·66
BOTH CERTIFIED AND VOLUNTARY PATIENTS—																		
I—Year ending 1884	43	45	88	59	59	118	57	61	118	102	104	206	42·15	43·26	42·71	55·88	58·65	57·28
II—Year ending 1894	70	56	126	98	81	179	114	87	201	168	137	305	41·66	40·87	41·31	67·85	63·50	65·90
III—Year ending 1904	88	92	180	113	82	195	160	144	304	201	174	375	43·78	52·87	48·00	79·60	82·75	81·06
Total	201	193	394	270	222	492	331	292	623	471	415	886	42·67	46·50	44·46	70·27	70·36	70·31

Columns headed Insanity, etc., include insanity, eccentricity, the graver *neuroses*, paralyses, and alcoholism.

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TABLE II.—Showing Neuropathic Relatives Affected, Direct and Collateral (including Voluntary Patients).

Total cases, 1,104. Persons recorded: males, 331; females, 292; total, 623.

Insane Relations.													Eccentricity and Neuroses.											
				Direct.			Collateral.			Totals.						Direct.			Collateral.			Totals.		
		M.	F.	T.	M.	F.	T.	M.	F.	T.	M.	F.	T.		M.	F.	T.	M.	F.	T.	M.	F.	T.	M.	F.	T.
Group 1	Coll.	2	2	4				2	2	4	Pat. 65	54	119	Coll.	—	—	—							Pat. 22	19	4
	F. F.	2	4	6	36	31	67							F. F.	3	1	4	20	16	36						
	F. M.	4	3	7										F. M.	1	1	2									
Group 2	F.	30	24	54										F.	16	14	30									
	F. B.	15	11	26				27	21	48				F. B.	1	0	1				2	3	5			
	F. S.	12	10	22										F. S.	1	3	4									
Group 1	Coll.	2	1	3				2	1	3	Mat. 61	67	128	Coll.	—	—	—							Mat. 36	16	52
	M. F.	4	1	5	35	42	77							M. F.	0	1	1	31	13	44						
	M. M.	3	3	6										M. M.	1	0	1									
	M.	28	38	66										M.	30	12	42									
Group 2	M. B.	9	12	21				24	24	48				M. B.	3	1	4				5	3	8			
	M. S.	15	12	27										M. S.	2	2	4									
Group 3	B. S.	49	51	100				81	122	210	Others. 220	235	455	B.	21	14	35				45	40	85	Others. 81	66	147
	S.	39	71	110										S.	24	26	50									
	Ch.	5	1	6	5	1	6							Ch.	0	2	2	0	2	2						
	Others	127	112	239				127	112	239				Others	36	24	60				36	24	60			
	Total	346	356	702	76	75	150	270	282	352	346	356	702	Total	139	101	240	51	31	82	88	70	158	139	101	240

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		Paralysis.												*Alcoholism.*											
—		—			Direct.			Collateral.			Totals.			—			Direct.			Collateral.			Totals.		
		M.	F.	T.	M.	F.	T.	M.	F.	T.		M.	F.	T.		M.	F.	T.	M.	F.	T.	M.	F.	T.	M.	F.	T.
Group 1	Coll.	—	—	—	43	32	75				Pat.	54	35	89													
Group 1	F. F.	6	2	8											F. F.	3	1	4	26	19	45				Pat.	34	29	63
Group 1	F. M.	4	4	8											F. M.	1	0	1									
Group 2	F.	32	26	59											F.	22	18	40									
Group 2	F. B.	4	1	5				11	3	14					F. B.	6	10	16				8	10	18			
Group 2	F. S.	7	2	9											F. S.	2	0	2									
Group 1	Coll.	—	—	—	27	24	51				Mat.	30	28	58	Coll.	—	—	—	11	4	15				Mat.	18	5	23
Group 1	M. F.	8	3	11											M. F.	4	0	4									
Group 1	M. M.	2	2	4											M. M.	1	0	1									
Group 1	M.	17	19	36											M.	6	4	10									
Group 2	M. B.	0	2	2				3	4	7					M. B.	7	1	8				7	1	8			
Group 2	M. S.	3	2	5											M. S.	—	—	—									
=	B.	8	4	12				19	6	25	Others.	32	12	44	B.	23	22	45				27	30	57	Others.	42	40	82
=	S.	11	2	13											S.	4	8	12									
	Ch.	—	—	—											Ch.	—	—	—									
Group 3	Others	13	6	19				13	6	19					Others	16	10	26				16	10	26			
	Total	116	75	191	70	56	126	46	19	65		116	75	191		95	74	169	37	23	60	58	51	109		95	74	169

NOTE.—For F. F. read Father's Father, F. B. Father's Brother, etc.

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TABLE III.—Showing the Incidence of Heredity in Patients Addicted to the Intemperate use of Alcohol or Drugs

Heredity of:	Certified.			Voluntary.			Totals.			Percentage Calculated on 145.
	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	
Insanity - - - -	38	8	46	9	1	10	47	9	56	38·62
Neuroses - - - -	6	1	7	1	0	1	7	1	8	5·51
Alcoholism - - - -	16	8	24	7	4	11	23	12	35	24·13
None ascertained - - -	25	8	33	11	2	13	36	10	46	31·72
	85	25	110	28	7	35	113	32	145	100·00

	Certified.			Voluntary.			Totals.			Percentage Calculated on 886.
By Periods:	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	
First to 1884 - - -	10	3	13	1	0	1	11	3	14	6·8
Second to 1894 - -	22	5	27	11	0	11	33	5	38	12·4
Third to 1904 - - -	53	17	70	16	7	23	69	24	93	24·8
	85	25	110	28	7	35	113	32	145	16·3

24436. (*Mr. Byrne.*) With reference to the points in the first column of your statement—on which you say that you are ready to give evidence, could you tell us what are the evils and the extent of them in your opinion which arise from any want of proper means for dealing with feeble-minded persons at the present time in regard to crime and immorality?—In regard to crime there are many considerations. What they call *recidivists* on the Continent are very prominent in our prisons. I might refer to a case of which I have the notes here. A woman was apprehended some ten times for breach of the peace and was placed in Perth general prison again and again for the same offence, without drunkenness. At length the sheriff sent me to the prison to examine this woman, and I found her to be not only grossly delusional, but distinctly feeble-minded. I certified her as insane. She was sent to the asylum and thence discharged, recovered.

24437. How soon?—Within some months. She was an excellent worker and quite quiet when under slight control, and the superintendent thought he was justified in sending her home. The medical officer for the parish of settlement of this person, found her one day occupying the middle of of the village street with a scythe. Being accustomed to this sort of case, he jumped off his horse and parleyed with her and deprived her of her weapon. She was again certified as insane and sent back to the asylum, where she remained. That was one of those cases that might very well have escaped attention in a large prison, and perhaps would be more fitted for a reformatory Home than for either the prison or the asylum. I do not think that woman required the elaborate and expensive treatment of an asylum.

24438. Do you think there are many cases of that nature or something like that, especially if you include the drunkards, but she was not a drunkard?—No. If we regard the criminals only, I think there must be many cases, because the medical officer of the prison said that if I certified that woman I would require to certify a great many more.

24439. Do you agree with Dr. Clouston that there should be a careful examination in the prison?—I suggested that to a previous Departmental Committee, and I was told that such an officer had been appointed, but an officer skilled in mental diseases had not been, and has not yet been appointed.

24440. You recommend that?—Yes.

24441. What is the proper treatment for such cases, supposing the permanent mental infirmity is established? Would you recommend indeterminate detention?—Yes. In regard to feeble-minded criminals, the indeterminate sentences I have seen in operation at Elmira seem to be something like what should be required. You will see later in my statement that I have recommended that there should be a revival of the Scottish law of interdiction, because I think it is quite a useful discrimination to make between the absolutely insane or the absolutely idiotic and the feeble-minded. I think it might be very helpful to have these feeble-minded people dealt with under some such law as the law of interdiction.

24442. You have mentioned one important class of case. Are there other cases of feeble-minded persons who are not dealt with satisfactorily at present which cause scandal or inconvenience or danger to the community?—Yes, there is the habitual drunkard, of course.

24443. Do you agree with the general principles of the Inebriates Act?—So far as they have gone.

24444. Are you in favour of compulsory committal?—Yes, but I think it is very important that we should not recommend that everybody should be swept into reformatory institutions. Control should be exercised, and that control should only be exercised by authority of the courts of law, a skilled judge taking all the circumstances into consideration and dealing with each individual case on its own merits.

24445. I notice you refer expressly to an individual whom we know in England and do not know how to deal with, that is the man who works and maintains his family during the week, but he drinks every second Saturday and has alcoholic mania?—I think it must be left to the Sheriff to decide whether the circumstances are such as to make it necessary for that man to be sent to a reformatory, or to be interdicted and put under control so far as his wages are concerned.

24446. Such a person as that would not be feeble-minded in the ordinary sense?—I regard most drunkards as vicious persons.

24447. And that class especially?—Yes.

24448. A sharp punishment might be given to such a man?—Yes, but not short. That leads into very great difficulties. For instance, I had a voluntary patient lately who was a labouring man with not more than 20s. a week. Old age was creeping on him. He broke down mentally and became depressed, and he came to me voluntarily because he was afraid he would drown himself. That man had saved £600, and yet he was drunk every

week of his life. He put aside a modest shilling every Saturday night, got drunk and slept it off on the Sunday, and thereafter was alwys first at work on the Monday morning.

24449. Are such cases fairly common in Scotland ?—Do you mean the Saturday drunkard ?

24450. Yes ?—Yes, very common, especially in Glasgow.

24451. We have been told by some witnesses in England that they practically do not exist, that such a man may drink too much, but he is really not an inebriate ?—I think if you take evidence from Lancashire you will find that not only is the Saturday night drunkard very common there, but the wife is so fully aware of the appropriate treatment, or what she considers to be the appropriate treatment, that she buys a pennyworth of tartar emetic to clear her husband out. I think you will find that already in evidence given before a Departmental Committee.

24452. You think that existing methods do not suit people like that; they are not properly punished with a 10s. fine or three days in prison ?—No. Such cases as I have stated to you must be dealt with by a judge who has all the evidence before him, a judge who is accustomed to sift evidence, and will authorise control if it appears to him to be necessary.

24453. At present he can only award fine and imprisonment. Would you leave it open to him to award long reformatory treatment and to attach the man's wages and so on ?—Yes.

24454. It is the criminal law that wants improving ?—Yes, but when one talks about the criminal law, one must remember that it is intimately connected with the lunacy law, and it is our desire that there should be no stigma attached to the milder cases of feeble-mindedness.

24455. Have you any practical suggestions to make to us with regard to the difficulties that now arise from the discharge of patients from asylums who are cured or recovered in the technical sense, but who are in danger of a relapse ?—Perhaps I might be allowed to read an extract from my last report, so that you may know exactly what happens and the difficulties one has in administrating the affairs of an asylum.

24456. I think you might put that in ?—Very well. (*Handing in extract from report vide infra.*) I may say that I have to deal entirely with private patients; I have nothing to do with the State supported class. The private patients who come to me being maintained by their own friends, the friends on ceasing payment naturally force the discharge of the patient unless he can be regarded as so dangerously insane that he should be reported to the procurator fiscal as a person who would be a danger to the lieges if discharged. Now, in twenty-six years, and in dealing with something like 1,200 patients, I have only gone once to the procurator fiscal to protest against the discharge of a patient. That patient was so dangerous that he was detained in the pauper asylum of the district. There are many patients who are discharged against advice, but some of these I am bound to say do very well. It depends very much on the home and the care and the control that they have afterwards. The most of those that are discharged against advice naturally come back.

Re-Discharge of Patients from Asylum Care and Control.

Excerpt from 79th Annual Report.—James Murray's Royal Asylum, Perth.

"Twenty-seven patients were received for the first time, nine returned relapsed after having been discharged recovered, and four returned on recrudescence of mental disorder. The intervals of sanity in these relapsed cases were generally of considerable duration—two had enjoyed excellent health for twenty years, one for sixteen years, one for thirteen years, two for ten years, and two for seven years. Others were of shorter duration, some going home for a change, others alternating between home and the asylums as many as six times.

"The number of re-admissions (thirteen) was unprecedented in the history of the asylum, and the number of those suffering from recurrence of mental disorder (twenty-two) was also disproportionate. In these observations the word *recovery* is used to indicate those in whom there is a re-establishment of mental soundness permitting of the return of the patient to his place in the world without requiring the care and supervision of others. The "lucid interval" may prove to be of life-long duration, it may be for years, or only for months. Doubts have been expressed regarding the propriety of liberty in many of these cases. It has been represented as a wrong to the lieges. This is a new phase of opinion. For many years we have been accustomed to accusations of undue detention in Asylums, elaborate safeguards have been devised to protect the insane from that evil, and now the tide of opinion seems to be setting in a contrary direction. As the law stands there is no longer authority for the detention of a person after he ceases to be insane and in the great majority of cases, it would be an intolerable hardship to be detained indefinitely because of a possibility of untoward remote consequences. No doubt there are those, including many who have never been under custodial care, who should be limited in liberty of action under revised legal enactments; but the advocates of extreme measures will have to be content with less Spartan remedies than they formulate. The practice of discharge on recovery or even on improvement, may entail occasional hardships; but on the whole it is appropriate to existing conditions. For instance, I have a case coming in periodically when he feels that an attack is impending. He is a bachelor, and leaves his home for treatment, as one might seek a Spa. One of the outstanding authors of the Victorian Period was similarly affected.

A. R. Urquhart, Esq., M.D., F.R.C.P.E.
12 June 1906.

There are many discharged who come short of complete recovery. There are cases removed against advice. They may not be "dangerous" in the sense that report to the Procurator Fiscal is necessary. I have only once reported to him on this ground, but have had to discharge unfit persons repeatedly.

The system of pass is used extensively by me, but it is not reported by the General Board of Lunacy. I rarely use the system of probation, but it is advocated by Dr. Carlyle Johnstone as an important means of after-care —*cf.* Trans. 4th International Home Relief Congress, Edinburgh."

A. R. Urquhart.

24457. Did you hear Dr. Clouston's evidence this morning as to the discharge ?—I am afraid I did not catch it.

24458. You speak very favourably of the results of the industrial schools in the neighbourhood of Perth. Have you any suggestion to make in connection with industrial schools in regard to dealing with the feeble-minded ?—I think the industrial schools offer a very good illustration and indication of what should be done for the young criminal. The young criminal, say from twenty to twenty-five, should be kept in a reformatory by himself, and not mixed with the general prison population. With regard to this question of feeble-mindedness among children, I have gone over the children in the elementary schools in Perth to the number of 3,759, and also in the industrial schools to the number of about 260, and it is a very remarkable thing that the feeble-minded children in these industrial schools do not exist.

24459. They are excluded, they will not take them ?—But even the dull and backward. Those complained of as dull and backward were of a very much higher plane than the dull and backward in the elementary schools.

24460. Do you think the industrial schools might be utilised on a somewhat different system for training the feeble-minded ?—No, I think they want schools of their own. Of course there is a difficulty about that, about the stigma of which you have heard so much attaching to a special school or a special class; but, as a matter of fact, stigma attaches to every form of custodial care. With some such arrangement you are in a much better position in the interests of the lieges, and so I do not make much of the stigma personally.

24461. (*Mr. Hobhouse.*) You have devoted a good deal of your attention to this question of heredity ?—Yes, I have worked a good deal at it.

24462. Do you agree with the evidence given by Dr. Clouston ?—I did not hear that part of his evidence.

24463. Do you agree that heredity can be traced in cases of feeble-mindedness ?—Yes. I have prepared family trees of something like 280 families. If the Commission has time to look over some of these in connection with feeble-mindedness and alcoholism——

A. R. Urquhart, Esq., M.D., F.R.C.P.E.

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24464. How far do your trees go back?—Unfortunately they do not go back very far.

24465. But how far?—One of them goes back to the great great grandfather. That was designed as showing the extinction of an insane family. You very seldom get beyond the grandfather.

24466. Does the grandfather exhibit signs of weak-mindedness as distinguished from insanity?—Not necessarily. All insanity is weak-mindedness, is it not?

24467. That is just what I wanted to get at?—Insanity may be acquired later in life, but I thought that the Commission did not take very much interest in that part of our work; I thought the Commission were more interested in feeble-mindedness, idiocy, and those congenital conditions.

24468. Do you find among these cases that you have traced that there is weak-mindedness or feeble-mindedness in the grandfather invariably?—No.

24469. Then where does the question of heredity come in?—Do you mean how can you say that anybody is hereditarily insane?

24470. No, not insane, but weak-minded or defective-minded?—You will find that a family is defective and insane and epileptic, and that you have various other forms of congenital mental weakness, or you may find that a weak-minded father had a weak-minded child. You might find, on the other hand, as generally happens, that all forms of distinct weak-mindedness end in the extinction of families. It is nature's method of extinguishing an unfit family.

24471. (*Chairman.*) Perhaps you will be so good as to show us your diagrams now?—(*The witness here displayed numerous diagrams on a board.*) The first Table shows Case No. 2596. This is a large family on both sides, and in the first generation noted there was cancer and nervousness. The family throughout are nervous. Two of them became insane after operations. The next Table shows the transformation of alcoholism to eccentricity and insanity with alcoholism. Case No. 2441. Grandfather alcoholic and his son eccentric. This eccentric person married an eccentric wife.

24472. (*Mr. Byrne.*) Was she eccentric before she married him or only after?—The eccentricity was life-long in both these persons, and I suppose the marriage was a proof of the eccentricity. At any rate, the first child was still-born, the first son was eccentric, the third was an idiot, the next was alcoholic and insane, and the youngest child was extremely nervous, leaving just one daughter out of that family who was normal. Case No. 2414. This shows the close relation of insanity and alcoholism. Case No. 2003. Here is a decidedly eccentric individual who was still considered as sane by his fellows and was a successful man of business. With regard to his family, the first three children became insane, the following son was insane, and the three younger sons were idlers and loafers, who dissipated the family means.

24473. What was the mother in that case?—I could get no information of her character, and antecedents, and she is marked doubtful. Then I might show one of persistent insanity with extinction of the family. Case No. 2107 goes back five generations. These insane persons were married, and they left two daughters who both became insane. An alcoholic married into that family, and the issue was insanity and early death, and now there are only three extremely nervous individuals left in this branch of the family.

24474. But the children of the insane daughter were all normal, and the dreadful people were those who belonged to a side branch?—Yes, that happens repeatedly. These tables are presented with a very severe qualification. We are occupied with the very worst cases in the country. This gives no adequate indication of the regeneration of families by the introduction of prepotent new blood. I am dealing with people who have gone from bad to worse, whereas the converse is just as true that by the introduction of fresh blood a decadent family may be restored in its generations. We require an investigation of the facts arising from a study of a great number of families taken at random from general experience. Insanity of course is most dreadful as a pauperising affliction. These two branches of the family had so long drifted apart that it was not till the two persons were in the asylum that it was found out that they were related. This person being married to an alcoholic in the very last line had two syphilitic children who are both dead, and this other branch of the family has been extinguished by tuberculosis.

24475. (*Mrs. Pinsent.*) It would be very interesting to know how many of these people were State-supported before their families became extinct?—I do not think there were any. You can imagine what the state of matters would be in another stratum of society were things going so very badly as here. This other family is of English descent, and is if possible still worse. There were eleven of this family, and they have practically become extinct. There is one person in the family who is far above the average in mental power. She is the only survival from the wreckage of this crowd. The next Table shows a very large family, and the chart is designed to show the persistence of suicide. Those who are not insane are mostly morose and depressed individuals. In this branch the family escaped the taint probably through the introduction of fresh blood. The same sort of evidence might be repeated indefinitely, especially in regard to alcoholism.

24476. (*Mr. Hobhouse.*) In these Tables you practically draw no distinction between defective-mindedness and insanity?—Yes, there is the difference that was commonly made in distinguishing between the congenital cases, that is to say, those who were born or in early infancy had shown themselves to be defective, and those who in after life became insane; but they are branches of the same defect.

24477. You do not draw any difference between the strength of the disease, the virulence of the disease?—No.

24478. (*Dr. Dunlop.*) We have had quite a large amount of evidence before the Commission regarding the incompleteness of the provision of imbecile asylums in Scotland. I suppose you agree with that?—Yes.

24479. Is the provision of these asylums a duty that can be met by philanthropy?—I doubt that very much. We have a difficulty in finding a place for an imbecile or idiotic child. If we take Baldovan, the money that was required last year for the support of Baldovan amounted to something like £4,000. £70 was the total amount of the subscription list, from philanthropic members of the community.

24480. That was the total amount after collecting as hard as the collectors could?—Yes.

24481. It is a public duty that ought to be borne at the public expense?—Yes, I think so.

24482. Should the duty of dealing with imbeciles and idiots be undertaken by the same authorities as those which look after lunacy?—Yes.

24483. The Poor Law relief in lunacy has worked well?—Yes.

24483*a*. But is there any distinction that could be made with advantage in the administration of insanity or feeble-mindedness or idiocy?—I think not.

24484. In Scotland the two have been dealt with by the same authorities and generally similarly?—Yes.

24485. Is there any advantage in separating them?—I do not think so; I think it would introduce great confusion. Of course, you are aware that in the Code the schools have been entitled to start classes for feeble-minded or backward children. Now if these feeble-minded children are sorted out from the schools, they must be under some authority. One proposition is that they should be dealt with as the deaf and dumb and the blind, that the education of the deaf and dumb and the blind and the feeble-minded should be under the scholastic authority. The other proposition is that the school boards should not be liable for the maintenance of the mentally defective, and while they might provide classes for them, they should not be entitled to go any further than to give them facilities, they should not be entitled to do anything as regards their maintenance. Now it is a little difficult to follow, but you will understand that the Government grant, the equivalent grant, can be given for all insane persons and idiotic persons, whether they are boarded out, or in asylums in Scotland, and therefore it

makes a little difference to the ratepayer whether the education authority will undertake this work or the parish council. On the one hand, if you put it on the school board you lose the proportion of the equivalent grant; on the other hand, if you put it in the hands of the parish council you attach a stigma to them namely, the association of pauperism with the affairs of the family.

24486. Do you think it is a legitimate function of the Education Department to deal with uneducable children?—No.

24487. They should not have the care of idiots?—No.

24488. Or low grade imbeciles?—No.

24489. Or high grade imbeciles?—I think there should be one authority for all kinds of mental defect, and that authority, which has been proved successful in practice for so many years in Scotland, is the authority of the General Board of Lunacy, although that is an unfortunate name.

24490. Any new name would get equally prejudiced very shortly?—Yes, it would be equally degraded.

24491. You think that the training schools such as Larbert or Baldovan should be under the jurisdiction of the Board of Lunacy, and should have nothing to do with the Board of Education?—Certainly.

24492. It is not a justifiable function for the Board of Education?—No, nor is it in the interest of the ratepayers, the equivalent grant being possible to the one and not to the other.

24493. But that would be manipulated?—Yes?

24494. You were talking of special schools for defective children. Are you of opinion that any amount of teaching or education will ever cure imbecility or mental defects?—You are asking a general question; I must differentiate the different kinds. For instance, a few years ago I was horrified by a lady saying that the mentally and physically defective children of Perth were neglected. I took the matter up, and we got the compulsory officer to look into the question. He found fifteen children who were defective, mentally or physically, in the school area of Perth, but of course he could not gather them all. While the Board did not think it worth while doing anything two years ago, perhaps they have now rather awakened to the necessity for doing something; and I went over some 3,759 children in Perth lately and found thirty-two children who were either feeble-minded or very dull and backward, and who were not properly placed in those elementary schools.

24495. There is a class not properly placed?—Yes.

24496. And the number is about thirty-two out of 4,000?—Yes, about 0·7 per cent. I am quite sure, speaking generally, that 3,759 of these children would not be properly placed at Baldovan or Larbert.

24497. These include the dull and backward?—Yes.

24498. Are you aware of the fact that the dull and backward children are excluded from these classes by the law?—Yes, but you know they insensibly shade into them. Who is to be the judge of whether a child is dull and backward or feeble-minded? We would probably all come to a different decision about every child. It might depend on the time of the day that we were looking at the child.

24499. As soon as there is mental defect of any serious grade, special classes are not of very great advantage?—If they are of sufficiently low grade as to have to go to Baldovan or Larbert I cannot imagine a better place for them than these imbecile asylums, where they are taught and where I daresay a few might be rescued and made self-supporting, but that with great difficulty. Dr. Greig at Baldovan is pressing for more educable children to be sent to Baldovan, which I rather deprecate, if that should mean the exclusion of idiots. I would ask the Commission to note that Baldovan Asylum was originally founded by Sir Reginald Ogilvie to be a training school for ordinary orphan children and idiots and imbeciles, on the plausible idea that the two classes of ordinary orphans and defective children would re-act upon one another for the benefit of both. That was found to be an absolute failure, and the two classes had to be separated and separate buildings had to be built.

24500. At all events you are in favour of day schools for the milder grades and boarding schools for the lower grades?—Yes.

24501. The day schools being under the education authority?—Yes.

24502. On the one consideration, namely, that the children must be educable?—Yes.

24503. Now, there are the prison cases, insane persons, some delusionary and some not, that find their way in and out of prison. Are you in favour of a State asylum, an enlargement of the State lunatic department practically?—A prison establishment for insane persons?

24504. It might be situated anywhere, a State-managed asylum?—Yes, a State-managed reformatory asylum.

24505. There is a great want of such an institution in the country?—Yes.

24506. Many of those cases can readily be certified as insane, but they cannot be certified because they would be shortly discharged from the asylums?—Yes. They are not fit to be in the asylums, and I think that one may say that the governors of the prisons are glad when they are discharged from the prisons, because they are hardly fit to be occupants of cells.

24507. You have already spoken about the compulsory detention of inebriates being required for certain extreme cases. A husband should be able by a petition to get a drunken wife locked up?—Yes.

24508. What is your opinion of the applicability of the process of curatorship?—The process of curatory is for a lower grade than for the merely feeble-minded.

24509. Would not such a process be very applicable to the case of the habitual drunkard?—I would rather have interdiction, proceeding on the *conseil de famille* as I have indicated.

24510. (*Dr. Needham.*) I see that you are in favour of breaking up densely populated establishments, "and in favour of providing variety of accommodation, and it is particularly gratifying to find that Mr. Hine, whose great experience in designing modern asylums must be well known to the Commission, is in favour of simpler construction, a greater land area, and a more homely entourage for the mentally afflicted than we have been generally accustomed to." Can you point to any plan of Mr. Hine's which shows this simpler construction?—No, he has prepared no plan so far as I am aware.

24511. You say that the later developments of architecture in Scotland have been on those lines. Is Bangour one of the latest developments?—Yes.

24512. Is it on the lines of cheap construction?—It was intended to be, and it is to be hoped that eventually the cost of Bangour will be much less than has been feared. It went up to about £600 a bed, the housing of each patient was to cost £600 of capital sum. But you must not take Bangour as an indication of the cost of this kind of asylum, because the Committee bought an estate and thereafter found that they had no means of conveyance to the estate, and they built a railway. Then there was no water, and the water scheme cost a great deal of money. You have to add all that.

24513. You have to add £100,000?—I could not say. If you refer to the new Aberdeen Asylum you will find that a very moderately priced asylum.

24514. Do you remember the cost per bed?—No, but I know it was something quite modest.

24515. (*Chairman.*) Is there anything you would like to add?—I do not think so, except that I am very much obliged to the head masters of the schools in Perth and to other ladies and gentlemen who have enabled me to prepare this information for the Commission.

[J. Quin Donald, Esq., L.R.C.P., L.R.C.S. (Edin.)

12 June 1906.

J. QUIN DONALD, Esq., L.R.C.P., L.R.C.S. (Edin.), called; and Examined.

24516. (*Chairman.*) You have been so kind as to give us a statement of your evidence; may we put it on the notes?—Yes.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY J. QUIN DONALD, ESQ., L.R.C.P., L.R.C.S. (EDIN.), MEDICAL SUPERINTENDENT OF THE INVERNITH LODGE RETREAT, COLINSBURGH, FIFE.

INVERNITH LODGE RETREAT.

I am desirous of offering information to the Commission in regard to persons suffering from inebriety, either in alcohol or drugs. For nearly six years I have devoted my whole time to the treatment of inebriety and narcomania, and during that period I have been licensed under the Inebriate Acts of 1879–1900, my licence having been granted first by the Staffordshire County Council, secondly by the Kirkcudbrightshire County Council, and lastly by the Fife County Council.

I have come to the conclusion, after careful study and experience, that inebriety and narcomania are mental diseases, which, if properly treated, are to a certain extent curable and preventable. I am convinced that there is no method of curing either of these diseases except by the victims being put in a place free from temptation and under proper control, where their physical strength can be built up by means of healthy surroundings, proper and regular diet, and, as the disease is a mental one, healthy habits formed and educational measures used.

When I state that I believe the disease to be a mental one I mean that inebriates are mentally defective; that is, they are not at times able to control themselves; that it is a disease in which loss of mental balance takes place; that fear of consequences do not deter; that judgment and will-power are completely swept away, and natural affection lost.

The term "craving for alcohol" is an every-day phrase, but only those who have studied the question understand the meaning of it. There are really two kinds of craving: first, the physical craving which a person experiences after having drunk to excess, and from certain states of ill-health where there is depression, discomfort, or pain. This craving can easily be remedied. But there is another kind of craving which is of a very different nature, and which does not assume a craving in the ordinary sense of the word: it is a state of mental unrest. The subject may apparently be in the best of health, may have no apparent bodily need for stimulation, may have no temptation specially offered him, may have no *malaise*, may fully realise the danger of taking the first glass of alcohol, knowing that it will inevitably lead to excess, and yet without rhyme or reason he will deliberately drink. The craving here, therefore, is a subtle, indescribable, and almost inexpressible state of mind which demands stimulation. Then again it may assume what may be called force of habit. A person has been accustomed for a length of time to go into temptation, to which he knows he will yield and which he knows to be wrong, but he has not the will-power to evade the temptation. I can cite instances of this indirect craving. A patient, who was with me upwards of a year, and who, during that time, had been an absolute teetotaller, and who during the time he was with me had been in London for three weeks on leave of absence, without any supervision, and when he returned to his old environment after he left me had no difficulty in resisting the many temptations offered to him during those periods. He was placed sometimes in surroundings which made it difficult for him to refuse alcohol, and knew that if he touched a single drop it would not end there. On going to fill a post of responsibility, on which to a certain extent his future career depended, he had a few hours to wait before fulfilling his engagement. Without any cause apparent to himself or anyone he went into a hotel bar where he was a perfect stranger, drank a bottle of lager beer, and next day was hopelessly drunk. Another case in point is that of a student who, having been with me for several months an absolute teetotaller, returned home and remained steadfast until a few days before an examination on which depended a great deal. He walked out of the house with no intention to drink, and for no reason apparent to himself went into a public house, ordered a glass of whisky, with the result that he was so bad in a few days that he had to be sent back to me. There is no doubt that there was a mental defect at these particular times in both cases, and they are only two of many I could cite.

The law as it stands cannot compel those suffering from these diseases to be detained unless they commit offences under the 1900 Act; and, in my opinion, unless compulsory powers are given by which inebriates and narcomaniacs can be compulsorily detained it will be impossible to deal with the great majority of them.

At present, as the law stands, an inebriate may sign under the Act voluntarily, and as inebriates are not as a rule in a fit state of mind to judge for themselves, it is extremely difficult to get them to believe that, in so doing, they are doing what is right. They are at times absolutely unfit to manage their own affairs and have no mental balance, and therefore it is the duty of the State to protect these people against themselves. At present the friends and relations are at the mercy of dipsomaniacs, and unless the law is altered they will continue to be so. I repeatedly receive letters from friends of dipsomaniacs asking me if there is no way to compel them to go into a retreat; my reply to which, of course, is in the negative.

Then again narcomaniacs, who indulge either in morphia or cocaine by the hypodermic method, do not come under the Inebriate Acts; and, as unfortunately this class of persons is rapidly increasing and extending, it makes it all the more necessary for something to be done for them in the same way as those suffering from dipsomania.

That a cure can be effected by measures such as I have mentioned, I would lay before the Commission some of my results, as given in my Report of 31st December, 1905, to the Inspector of Retreats. I may state that my experience has been confined to male patients of the better class. Out of the 215 cases whom I have treated, 45 have been cured, and by cured I mean that they have been at least a year away from me and have not returned to their habit; thirty-three are doing well; that is to say a year has not elapsed since they left me, but they have not returned to their habit; sixty-four cases have relapsed; forty-three have not been traced; two died under treatment, and twenty-eight are still under treatment. Deducting those who have not been traced, those who died under treatment, and those who are still under treatment, the percentage of cured is 31·6, those doing well, 23·2, and those relapsed, 45.

In looking into the cause of the large percentage of relapsed, I find two causes: first, the majority have had no real desire to be cured—they have simply been sent by their friends as a last resource, and have only come under compulsion; and second, the period of time they remained has been far too short. The average period of treatment over all is only about six months, and I am convinced that if this were doubled better results would be shown. There have been before the public of recent years advertised short cuts to cure. I mean treatment by the administration of certain drugs which act as specifics in removing desire for alcohol, and thus curing the patient of his habit. The cure of inebriety is, to a great extent, prophylactic; and, the disease being a mental one, I cannot understand how these methods are either scientific or based even on common sense. It would be just as reasonable for a medical man engaged in lunacy to advocate the use of a drug by which lunacy in a patient might be prevented or cured. Anyone, I think, advocating this, would be more likely to be thought the lunatic himself. I have tried these methods, and I am led to believe that they not only fail to do good, but often do actual harm. I admit that slight cases have been cured by these methods, but I firmly believe that it was rather by suggestion, by trading on the credulity of the patient, than by the drugs injected or swallowed. I have had thirty-four cases

who have come to me after they have been through one or more of these drug cures. Eight of these cases have died. I have invariably found that patients who have undergone one of these drug cures before they came to me are more difficult to deal with than those who have not. Their faith in cure seems to have been shattered.

I think all Retreats should be licensed under the Acts. Government supervision is, in my opinion, necessary for the proper carrying out of the work, and it is the duty of the Government to see that no one can receive a licence under the Acts unless they can show that they are proper and fit persons to carry on the work. I also think that, as far as possible, every licensee should hold a medical qualification.

JOHN Q. DONALD, L.R.C.P., L.R.C.S. (Edin.)

J. Quin Donald, Esq. L.R.C.P., L.R.C.S. (Edin.)

12 June 1906.

24517. (*Dr. Dunlop.*) You have been engaged for a fairly long time in treating dipsomaniacs and narcomaniacs ?—Yes, about six years.

24518. The general conclusion you have come to is that these cases are essentially cases of mental disorder ?—Yes.

24519. In some cases mild and in others cases not so mild ?—Yes.

24520. Have you any experience to which you can point as regards the necessity for the compulsory detention of these people ?—Yes, a great deal. The law as it is at present does not compel an inebriate to go under treatment unless of his own voluntary will. An inebriate as a rule is not able to judge for himself and if he does judge he will not go. His friends have no power to force him, and if such a man goes very much against his will then the object of the cure is defeated. If he were put in for a considerable time his irritability would pass off and he would have a better chance of cure.

24521. Many of the cases as you receive them are really not capable of making up their own minds, and they require their nearest relations to make up their minds for them ?—Yes

24522. You only treat better class cases ?—Yes, and only male cases.

24523. From your own personal experience you know that there is a great necessity for powers of compulsory detention ?—Yes.

24524. You say in your statement, "They have simply been sent by their friends as a last resource and they only come under compulsion." That is indirect compulsion ?—Yes. There has been some indirect influence brought to bear upon them in the way of cutting off supplies and so on, and they have been obliged to come.

24525. Also because of threats by masters ?—Yes, and threats of sending them abroad.

24526. Acknowledging the incapacity of the drunkard to look after his affairs, have you any opinion as to the advisability of appointing *curators* to take charge of their affairs ?—Yes. I think it would be advisable, because they may be right for a time, but in most cases their attacks are periodic; after going all right for a time the mental unrest comes and then the breakdown, and all the good is undone.

24527. You have known cases of fortunes that have been wasted ?—Yes. Most inebriates are pretty well penniless.

24528. In some cases it would be desirable to have a *curator* ?—Yes.

24529. You think that a most desirable change in the law ?—Yes.

24530. Are you aware of the procedure that there is in the appointment of a *curator* in this country ?—Only generally.

24531. With regard to the narcomaniacs, how are they as a class compared with dipsomaniacs ?—They are a growing class. Narcomania is increasing by leaps and bounds. The use of the hypodermic syringe is becoming a common thing now. There is scarcely a week passes but I am asked to take such cases. They are much more difficult to deal with than ordinary dipsomaniacs in so far as treatment is concerned, and they are victims of great delusions. Money is no object to them. They are more dangerous to themselves than dipsomaniacs.

24532. Would you apply the same conclusions to the narcomaniacs, that many of them are mentally affected and that they are incapable of managing their affairs ?—Yes.

24533. And they ought to be dealt with in the same way ?—Yes.

24534. You are aware of a little flaw in the Inebriates Act, in the definition of an inebriate, whereby some of these most desirable cases are excluded from being brought under the Act ?—Yes. I have had to deal with that several times. The Act says it is a person "who by reason of intemperate drinking." Now most narcomaniacs do not drink, and therefore they cannot be certified as habitual drunkards or inebriates.

24535. The man who drinks his morphia can be brought under the Act, but not the man who injects it ?—That is so.

24536. I suppose we may take the figures as regards the percentage of cures to be correct ?—Yes.

24537. Do you happen to know whether these largely advertised drug cures have any good effect ?—My experience is that they do more harm than good.

24538. You have known many a failure ?—Nearly every man that comes to me and has used these cures has been a failure, or rather is in a worse condition. It injures the man physically. I believe the drug that is injected is a strong nerve tonic, and the reaction is so great that the man is in a worse condition after trying these cures. I have no belief in them. My experience is such that I think it is a pity that the law cannot stop them.

24539. Theoretically they are absurd ?—Yes.

24540. And you found them an utter failure ?—Yes.

24541. There is no simple method of treatment by drugs which will replace the more expensive institution treatment ?—No.

24542. (*Mr. Burden.*) I notice you suggest that all institutions dealing with inebriates should be licensed ?—Yes.

24543. By whom ?—By the Government, and in Scotland by the Scottish Office.

24544. Not by the local authority ?—No.

24545. What advantage do you think you will get ?—All my dealings with my patients are directly with the Scottish Office and after they come to me I have to notify them to the County Council. All my dealings are with the Scottish Office; I think it is useless having to go through another application.

24546. You think it would be a great advantage to have the licences granted by the central authority rather than by the local authority ?—Yes.

24547. (*Mr. Byrne.*) What method would you recommend for inebriates who themselves would not go to a Retreat ? How would you get them sent there ? Should the magistrates do it, or would it be the High Court ?—I think the simplest method would be—and it must be private—for two friends to make a request to the sheriff, saying that so and so was an inebriate, and then he could appoint two independent witnesses to inquire into the matter and let him commit if the statement was true.

JOHN CUNNINGHAM, Esq., M.B., C.M., J.P., called; and Examined

John Cunningham, Esq., M.B., C.M., J.P.

12 June 1906.

24548. (*Chairman.*) You have been so kind as to give us a statement of your evidence; may we put it on the notes?—Yes.

STATEMENT OF EVIDENCE PROPOSED TO BE GIVEN BY JOHN CUNNINGHAM, Esq., M.B., C.M., J.P., MEDICAL OFFICER TO THE "GIRGENTI HOME" FOR INEBRIATES BELONGING TO GLASGOW CORPORATION, PAROCHIAL MEDICAL OFFICER, DEPUTE MEDICAL OFFICER OF HEATLH FOR THE BURGH OF STEWARTON, SURGEON UNDER THE FACTORY ACTS FOR THE PARISHES OF STEWARTON AND DUNLOP, VISITING PHYSICIAN TO THE BOARDED-OUT PAUPER LUNATICS IN THE DISTRICT BELONGING TO GLASGOW AND GOVAN PARISH COUNCILS, J.P. FOR THE COUNTY OF AYR, INCOME-TAX COMMISSIONER OF SUPPLY FOR THE NORTHERN DISTRICT OF AYRSHIRE, MEMBER OF THE SCHOOL BOARD FOR TWELVE YEARS AND CHAIRMAN FOR NINE YEARS.

Since leaving Glasgow University in 1889, I have been engaged in general practice in a wide country district.

As parochial medical officer for the parishes of Stewarton and Dunlop, I have to grant medical certificates in all cases of lunacy, and examine all persons seeking admission to the wards of the Cunningham Combination Poorhouse. During the last twelve years I have acted for the Glasgow and Govan Parish Councils, as visiting medical officer to the boarded-out pauper lunatics in this district of Ayrshire.

In 1900 the Corporation of Glasgow appointed me medical officer to the "Girgenti Home" for inebriates, and since that time I have made a special study of the inebriate.

It is my intention to give evidence chiefly on the subject of "Inebriety," but I shall also be prepared to answer questions on my work in connection with other medical appointments.

The Girgenti estate was purchased by the Corporation of Glasgow for £7,000, but the managers have spent over £2,000 in making the place suitable for accommodating and treating the class of patients to be committed to the Home.

It was licensed as an Inebriate Reformatory on December 18th 1900, for the accommodation of twenty-eight male and thirty female inmates. This certificate was cancelled on September 12th, 1901, and the Home licenses. for the accommodation of fifty-eight female inmated According to the Act of 1898 the managers are entitled to state what inmates they are prepared to receive into the Home. After consideration it was agreed to admit persons belonging to Glasgow who by character and disposition might be expected to return to society when cured of intemperance. They must not be known thieves or belong to the criminal classes. Soon after the institution was opened, it was found that the majority of the available patients were paupers, and about 50 per cent. had convictions recorded against them for importuning.

The inmates are employed in the work of the house, dairy, orchard, and garden. In the winter-time and during wet weather most of the patients are occupied indoors. Eight patients are regularly employed in the kitchen; five are constantly engaged in the laundry; ten are usually engaged in connection with the farm work, cleaning, feeding, milking, etc., the cows; and the others are employed in the sewing-room, the garden, and tomato houses. In the summer-time all the inmates are employed outdoors, except those who have household duties to perform.

The average daily number of inmates in the reformatory for 1905, was 31·36; and, with the seven attendants included, the number of residents was on the average 38·36. The expenditure (exclusive of expenditure in the farm and garden account), amounted to £2,431 13s. 1d., equal on the average to £77 10s. 9¾d. per inmate per annum, or to £1 9s. 8¾d. per week. Of this weekly amount there was contributed by

The Government	£0	10	8
The Corporation	0	18	8¾
Sundry Revenues	0	0	4
	£1	9	8¾

The weekly expenditure, on the average, was as follows:—

Salaries and wages	£0	3	2¼
Groceries and provisions	0	6	7¼
Fuel, lighting, and water	0	2	11¼
Medical expenses	0	0	11¾
Clothing for patients	0	1	1
Travelling expenses	0	1	8
Furnishings and repairs	0	0	6¾
Other expenses	0	2	10½
	£0	19	10¾
Interest and Sinking Fund	£0	8	2¾
Secretarial, etc., expenses	0	0	8
Instalment of preliminary expenses	0	0	11¼
	£1	9	8¾

The cost of food, including the food of attendants, is equal to 6s. 7¼d. per inmate per week.

Patients on admission are very easily excited, and this condition may continue for several days. They complain frequently of headaches, and suffer much from exposure to cold and dampness. In every instance, there is a distinct improvement in the personal appearance after a few months' residence; and the restless, sleepless condition in which they are usually admitted disappears in a few weeks. Rheumatic or neuralgic pains are common, and the circulation of the blood is usually weak. Dyspepsia and several other diseases of the stomach, interfering with the nutritive functions of the body commonly occur, and a large percentage suffer from bad teeth.

Dysmenorrhœa, amenorrhœa and functional disturbance of the genital organs are common complaints requiring special treatment. There is no doubt that inebriety is closely associated with certain forms of insanity, and a considerable number of those admitted are persons who occupy the "borderland" between sanity and insanity. Amongst the patients, the following four types are easily recognised:—

(a) *First Class* embraces the excitable, explosive, hysterical patients with inability to control temper and passions.

(b) *Second Class* embraces the weak-minded, imbecilic patients who are perfectly indifferent to the surroundings, and make no attempt to conceal their position.

(c) *Third Class* embraces the largest percentage. The drinking "bout" has been of long duration. The patients are usually weak in physical condition and mental health. This condition of affairs has been associated with unhealthy surroundings, bad food, neglected education, and consequently produces a weakened mental condition, and exhausted and depressed body.

(d) *Fourth Class* embraces the accidental periodical drunkards, in which a period of depressio precedes the "bout." The patient's power of resistance is small, and they are easily led for good or bad. There is a general feeling of weakness over the nervous system which may be caused by over-fatigue, worry, or bodily illness. In the first 100 patients admitted to "Girgenti Home" I found the following:—

(*a*) Hysterical patients	12
(*b*) Moral paralytics	9
(*c*) Chronic inebriates	65
(*d*) Accidental drunkards	14
	100

John Cunningham, Esq., M.B., C.M., J.P.

12 June 1906.

Causes.

I have no hesitation in stating that *Mental Enfeeblement* is *the* cause of inebriety; but the character of the surroundings, especially the sleeping accommodation, bad food, insanitary buildings, badly ventilated and lighted workrooms, interfere in the first instance with the nutritive functions and afterwards alter the will-power of the individual.

The craving for alcohol does not begin at childhood, but is usually delayed until there are special demands on the nervous system—the majority admit beginning at from sixteen to thirty years of age.

The effect produced by alcohol on the brain differs very much according to the age of the patient. As a female has less resisting power, she is more susceptible to its influence, and, as a result, degenerations appear at an early age.

The largest number of inmates still come from the lower grades of society, and as they have been "in-and-out" the poor-house for years, they may be called "pauper inebriates." In considering the failures it must be remembered that the majority have been confirmed inebriates for from ten to twenty years, and were admitted suffering from physical conditions as the result of disease and accident.

I believe that, in the course of time, especially if the inmates are about thirty years of age, a large percentage can be cured. Youth and good physique appear to me of more importance than the number of convictions. As a matter of fact, one patient was only thirty-seven years of age and yet she had 197 known convictions, whilst another, much older, had only a few convictions recorded against her. In the former case the patient improved much in personal appearance, gained in weight, did good work in the institution and on her liberation on licence; whilst the latter gave the management the greatest possible trouble, matured schemes for the escape of others, and relapsed within a few days when liberated on licence.

Transfers to the State Reformatory.—Since the opening of the Home fourteen patients have been transferred to the State Reformatory for persistently breaking the rules of the institution, causing breach of the peace, using bad language, assaulting inmates and officers, destroying the furniture and property, and, consequently disturbing the discipline of the institution.

Absence of Morality.—I regret to state that amongst inebriates there is nearly complete absence of morality. The patients in the Home nearly all blame their husbands and friends, and deny they took alcohol to any great extent. They advance all sorts of excuses for the convictions recorded against them. It is nearly impossible to rely on any distinct promise given.

Heredity. I regret to state that I cannot give a decided opinion regarding heredity in alcoholism, amongst our inmates, but the majority admit having a drunken father. This statement inclines to what is known as "crossed heredity." I am of opinion that it is not the disease that is inherited, but rather the tendency to the disease, and this shows itself in inebriety, epilepsy, hysteria, cerebro-spinal symptoms, headache, neuralgia and insanity.

Insanity among the Inmates.—Since the opening of the institution five inmates have been transferred to the wards of the lunatic asylum. A few still occupy "a border-land" position, occasionally causing the greatest trouble to the staff by exhibitions of temper, using foul language, fighting and quarrelling with other inmates.

Several inmates have previously been treated on account of mental illness in other institutions.

Drug Treatment.—During 1902 I made exhaustive inquiry regarding the so-called "cures" for alcoholism by secret drug treatment, without being able to recommend any of them for use in the Home. Last year, on the recommendation of a medical gentleman, who claimed most wonderful results, I was persuaded to try the administration of Atropine Sulph, $\frac{1}{100}$ of a grain, in the form of a *tabloid*, and a mixture containing quinine, sodium, ammonia and aloin.

Twenty-two inmates willingly consented to proceed with the treatment for one month, and suffered more or less from sickness, vomiting, diarrhœa and bilious symptoms for a few days. After the third day the medicine acted as a tonic and a more liberal diet was permitted as a result of increased appetite. No special selection of the patients took place. In December last, when writing my annual report, I gave the following as the result of the experiment:—"Three patients, who when previously licensed out, had relapsed, have remained total abstainers; eleven patients have returned to their former habits, and eight patients have still to be liberated on licence before I can give a decided opinion regarding its success." During the last few weeks I have learned that the three patients have now also relapsed, and the result of the experiment may be said to have ended in failure.

Failures when Liberated.—With regard to the hopeless cases in which there is distinct mental enfeeblement, I am of opinion that they should not be liberated at the expiry of their sentence, but should be sent to the wards of a poor-house with compulsory detention power, or kept constantly under supervision by boarding them out in the country, in the same manner as followed, in Scotland, with harmless pauper lunatics. Such patients drink or abstain according to the company with which they are associated. Their progress and definite result depends upon the surroundings and conditions of life. They have small resisting power and simply adapt themselves to suit their companions.

Several apparently hopeless patients when liberated on licence as farm servants, performed their duties to the entire satisfaction of their employers. They accumulated a few pounds in savings and gathered together a fair supply of good clothing. Immediately they returned to Glasgow and their old companions they relapsed into their former habits. However honest their wish may be to live soberly, they have not sufficient strength of will to resist strong and repeated temptation. To illustrate this fact I may mention the following inmates, viz., number 2, was thirty-seven years of age, married, and had 186 known convictions; number 6 who was forty-five years of age, married and had sixty-nine known convictions; and number 17, who was forty-two years of age, married and had thirty-five known convictions. Since liberation they have been frequently in prison. While on licence, in the employment of well-known farmers, earning from £12 to £16 per annum, I received the following reports:—

Number 2.—"I am pleased to be able to inform you that ———— has been in my employment for the last fourteen months. During that time she has been attentive to duty, kind to the children, settled in her work, and a distinct credit to the Home."

Number 6.—"It is with pleasure that I am able to say since ———— came to us eight months ago she has been most civil and obliging at all times and very attentive to the faithful discharge of all her duties; and, more especially since my sister has been unable to superintend the general care of the dairy cows, she has done exceedingly well. Whether she stays with us or not, I have nothing but good to say about her."

Number 17.— ———— has been in my employment for the last three months as a farm servant. She takes a great interest in the cattle and carries out her orders in a satisfactory manner. We would be sorry to lose her services and hope she will stay with us for a long time."

John Cunningham, Esq., M.B., C.M., J.P.

12 June 1906.

RESULT OF INSTITUTION TREATMENT, WITH PRESENT CLASS OF PATIENTS.

(1) Inmates Discharged during Year 1904.

No.	Age on Admission.	Religion.	Social Condition.	Occupation.	Convictions before Committal.	Date of Discharge.	Convictions since Discharge.		General Remarks.
							For Drink.	For other Offences.	
2	37	Protestant	Married	Housekeeper	186	30th Jan., 1904	10	1	Did well while under supervision.
3	40	„	„	Weaver	23	15th Sept., „	1	3	Poorhouse case.
6	45	„	„	Country servant	69	14th Feb., „	–	–	Did well while on license present address not known.
7	24	„	„	Domestic servant	4	19th „ „	–	–	In Glasgow; married since expiry of sentence.
8	42	„		Confectionery worker	59	11th March, „	9	–	Died since expiry of sentence.
10	29	„	„	Confectionery worker	100	3rd April, „	1	–	In domestic service in Glasgow; doing very well.
11	39	„	Single	Laundrymaid	58	9th „ „	5	–	In Edinburgh Poorhouse.
13	29	„	Married	Domestic servant	34	25th May „	–	–	Married since expiry of sentence, and doing very well.
17	42	R.C.	„	Weaver	35	22nd July „	8	–	Did well while on license and under supervision relapsed since.
20	23	Protestant	Single	Confectionery worker	18	18th Aug., „	6	6	Relapsed.
22	45	„	Married	Charwoman	35	23rd „ „	2	–	Mentally and physically unfit.
23	23	R.C.	Single	Hawker	54	24th „ „	–	–	In Glasgow.
24	28	„	„	Millworker	41	27th „ „	–	–	Last heard of in Barnhill Poorhouse.
26	44	„	Married	Housekeeper	17	13th Sept., „	3	3	Relapsed.
27	32	„	„	„	103	9th Dec., „	6	3	Relapsed.
28	28	Eng. Ch.	„	Charwoman	19	10th Sept., „	1	–	In Glasgow.
29	32	R.C.	Single	Weaver	96	14th „ „	–	–	In Glasgow.
30	21	„	Married	Housekeeper	7	3rd Nov., „	–	–	With husband in Glasgow; doing very well.
31	31	Protestant	„	Laundrymaid	14	29th Sept., „	–	–	In Glasgow: doing well.
33	37	„	Single	Domestic servant	45	30th „ „	–	–	Died since expiry of sentence.
34	45	R.C.	„	Dressmaker	34	3rd Oct., „	5	1	Relapsed.
37	30	Protestant	Married	Stillroom maid (Hotel)	7	7th Nov., „	1	–	Relapsed.
38	37	„	„	Housekeeper	51	11th „ „	13	3	Relapsed; mentally and physically weak.
39	32	R.C.	Single	Millworker	47	16th „ „	2	–	Relapsed.
40	39	Protestant	Married	Housekeeper	11	26th „ „	1	–	With husband in Glasgow.
41	45	„	„	Mantlemaker	111	26th „ „	–	–	Poorhouse case.
42	39	„	„	Domestic servant	27	13th Dec., „	–	–	Last heard of in Liverpool.
43	40	„	Single	Millworker	91	24th „ „	2	–	Poorhouse case.
46	61	„	Married	Housekeeper	60	26th „ „	–	–	Housekeeper in country; doing very well.

The average age of these inmates being 36.

From the foregoing statement it will be seen that 17 out of 29 inmates (=58·6 per cent.) discharged during the year 1904 have, since the expiry of their sentences, been convicted of being drunk.

(2) INMATES DISCHARGED DURING YEAR 1905.

No.	Age on Admission.	Religion.	Social Condition.	Occupation.	Convictions before Committal.	Date of Discharge.	Convictions since Discharge.		General Remarks.
							For Drink.	For other Offences.	
44	27	Protestant	Single	Domestic servant	48	3rd Jan., 1905	3	5	Relapsed.
45	39	„	Married	Charwoman	26	13th Feb., „	–	–	In Glasgow; married since expiry of sentence.
47	36	„	„	„	22	9th Jan., „	2	–	Did well while on license, but relapsed since discharge.
50	33	„	„	Millworker	7	28th Oct., „	–	–	Has had convictions for drink since expiry of license in Ayr.
51	34	„	Single	Charwoman	7	21st Feb., „	–	–	In Glasgow and country, according to work.
52	46	„	Married	Housekeeper	12	18th „ „	–	2	Mentally weak.
53	37	„	„	„	9	4th March, „	–	–	With husband; has done excellently.
55	21	R.C.	Single	Dish hawker	11	16th Nov., „	–	–	In Glasgow.
56	26	Protestant	„	Stay maker	11	22nd June, „	2	–	In Glasgow.
58	30	R.C.	Married	Laundrymaid	13	18th „ „	6	–	Hopeless case.
59	59	„	„	Clothes hawker	9	5th July, „	2	–	In Barnhill Poorhouse.
60	29	„	Single	Domestic servant	6	12th „ „	–	1	In Glasgow.
61	29	„	„	Weaver	32	24th „ „	2	–	Poorhouse case.
62	32	Protestant	Married	Machinist	6	29th Oct., „	–	–	In domestic service in Glasgow; has done exceedingly well.
63	17	R.C.	Single	Housekeeper	5	2nd Dec., „	–	–	In Glasgow; on the down grade since expiry of sentence.
65	32	Protestant	„	Millworker and domestic	10	22nd „ „	–	–	In domestic service; has done well.

The average age of these inmates being 33.

From the foregoing statement it will be seen that 6 out of 16 inmates (=37·5 per cent.) discharged during 1905 have, since their discharge, had convictions recorded against them for being found the worse for liquor.

Treatment is essentially the same as that for mental disorders. "A healthy mind in a healthy body" is the whole aim of treatment. To gain this end we must have (*a*) total abstinence; (*b*) removal of predisposing and exciting causes; (*c*) restoration of the general tone of the body and mind; and (*d*) full employment of body and mind.

I believe in keeping the inmates in constant employment, and, if the condition of their health permits, as much as possible in the open air. With some inmates this is nearly impossible, as they suffer so much from exposure to cold and dampness. Change of work is also encouraged to occupy the mind with new duties and new thoughts; and, to assist to tide over periodical, nearly irresistible demands for alcohol which appear at intervals, causing disturbance in the home and attempts to escape.

I am of opinion that inebriety should no longer be considered a crime or a social evil, but rather a distinct disease with well-known symptoms requiring treatment like all other diseases of the nervous system.

For some time I have had under consideration the advisability of recommending the managers to separate the inmates into two distinct classes as regards sleeping accommodation, dining hall, and recreation rooms. The one class would embrace those willing to adhere to the rules of the institution, and anxious to do well. They do not require constant supervision and might be allowed greater freedom in the house and grounds. The other class would embrace the weak-minded imbecilic patients and those who watch every opportunity for escaping, display fearful exhibitions of temper, constantly break the rules of the institution, fight with other inmates, and consequently require the same close attention as inmates of a lunatic asylum.

From the unsatisfactory results following the present Inebriates Acts, Mr. A. W. Myles, Town Clerk, Glasgow, Mr. William H. B. Martin, Town Clerk, Dundee, and Mr. Thomas Munro, County Clerk of Lanarkshire, have prepared a Bill to amend the Inebriates Acts, 1879–1900, in their application to Scotland. The most important addition appears in Clause 7, where power is asked to detain persons who are unwilling to admit that they are habitual drunkards, and although they are speedily reducing themselves and their families to starvation, yet keep out of the hands of the police.

If the new Act becomes law, a relative or the legal guardian of the person has to commence the proceedings, and in the first place has to satisfy the sheriff, or two magistrates or two justices of the peace, that there is a *prima facie* case for asking that the person complained of should be sent to an inebriate reformatory. He then presents the petition to the sheriff, who may order the person complained of to be cited to appear for trial. If after trial the sheriff is satisfied that the person is a habitual drunkard, and by reason of his conduct and habits of life is a fit and proper person for treatment in an inebriate reformatory, he may order him to be sent to such a reformatory.

The person is further protected by provision being made (1) for any of the relatives appearing in opposition to any application to send him to a reformatory, and (2) for the person himself, after he is in a reformatory, applying to the sheriff of the county in which the reformatory is situated, for his release.

John Cunningham, Esq., M.B., C.M., J.P.

12 June 1906.

Conclusions with Regard to Inebriety:—

(*a*) Inebriety is a disease closely allied to insanity in causation, etc.

(*b*) Treatment is essentially that of mental disorder.

(*c*) Urgent necessity for the compulsory detention of "non-convicted" cases.

(*d*) Necessity for after-care. Chronic or incurable cases should be boarded-out under constant supervision and medical inspection.

(*e*) Certified inebriate reformatories are at present useful for segregation.

(*f*) Failure of results in "drug cures," with present class of patient.

Boarded-out Pauper Lunatics.

In connection with the boarding-out of pauper lunatics, in Scotland, the following are the most important regulations:—

Every pauper lunatic, whose residence in any private dwelling has been sanctioned by the Board, must be visited within three weeks after such sanction has been granted, and at least every three months thereafter, by a medical man appointed to perform that duty by the parish council of the parish to which the lunatic is chargeable, unless the Board shall, on special application by the inspector of poor, otherwise regulate such visits; and the medical officer shall at every such visit enter in the visiting book, which shall be kept in the house in which the lunatic resides, a report of the mental and bodily condition in which he found the lunatic, with any suggestions or recommendations for improving the condition of the patient which he may think desirable.

Any medical person who shall make any such entry without having visited the patient within seven days previous to such entry, is liable in a penalty not exceeding £10 for every such offence.

Suggestions or recommendations for improving a patient's condition, recorded by the medical officer, shall be at once reported by him to the inspector of poor of the parish to which the lunatic is chargeable, who shall either see that they receive immediate effect, or shall report to the Board his reasons for not carrying them out.

The following is an exact copy of:

Report by Medical Officer.

To be filled up Quarterly.

Name of Patient,———
State of Mental Health,———
State of Bodily Health,———
State of House,———
———
State of Bedding,———
State of Clothing,———
State of Personal Cleanliness,———
Has any Accident, Escape, or other exceptional event occurred since last visit?———
Suggestions and Recommendations,*———
———
———
(*Signature*)———
(*Date*)———

*Recommendations requiring the attention of the inspector of poor should be immediately notified to him by the medical officer.

The sleeping room occupied by the patient must be free from damp and well-ventilated. The bed must be comfortable and the bed coverings suitable and sufficient for the season of the year. The guardian must keep all clothing clean, and in good repair, and attend strictly to the personal cleanliness of every patient. Guardians must take their meals along with the patients, at the same table, and supply them with the same kind of food as they themselves take, unless the medical officer shall decide otherwise.

The food must be sufficient in quantity, of good quality, and carefully cooked.

Guardians must find suitable work for the patients, and it is desirable that every patient should have out-door exercise every day when the weather is suitable. Patients must be treated as members of their own families, and punishment or mechanical restraint in any form is absolutely forbidden.

The majority of the patients are able to perform light household duties, feed poultry, and assist with the work of the garden, whilst a few can milk cows and help with the making of butter, etc.

In this locality guardians are paid from 6s. to 7s. for each patient, per week, and consider the profit after providing food is about 2s. each, with the addition of the work done.

With the exception of four females, all my boarded-out patients reside at small farms or wayside cottages with a large garden.

In this district boarded-out patients are well looked after by the guardians. The majority improve in personal appearance and gain weight. A few can be trusted to come to town for messages. On the whole they enjoy very good health, and accidents are rare amongst them.

24549. (*Dr. Dunlop.*) You heard what the last witness said about the close connection that there is between an inebriate and a mentally defective person?—Yes.

24550. Do you agree with what he said?—Yes.

24551. The experience at Girgenti, although the cases are carefully selected, is that a very large proportion indeed are mentally deficient in some form?—Yes.

24552. Do you agree with the previous witness as to the uselessness of drug treatment?—Yes, I gave it a trial myself, and I found it was a distinct failure.

24553. You made a genuine endeavour to test it, it was done enthusiastically and fairly all round?—Yes, and I administered the drug in the form of a tabloid.

24554. And it was an absolute failure?—Yes.

24555. Did you hear me talking about the appointment of a *curator bonis* for drunkards of the better class?—Yes.

24556. Would a similar guardianship or after-care be any use for reformatory cases?—Yes, I think so.

24557. The appointment of a *curator bonis* who would receive the wages and take a general care and supervision over the unfortunate?—Yes.

24558. Your experience of Girgenti has led you to that conclusion?—Yes.

24559. Several of the inmates are well behaved for two or three years under that supervision, but whenever liberated they fall back again?—Yes.

24560. An arrangement for after-care would be a very valuable addition to the ordinary reformatory treatment?—Yes.

24561. I think the Glasgow Corporation are very strongly of that opinion?—Yes.

24562. And they, as experienced men, would gladly welcome that?—Yes.

24563. There is another matter on which you might give us a little information. The Glasgow Corporation, who are the managers of your reformatory, have drafted a Bill to make amendments on the present Inebriates Act?—Yes.

24564. Is that public property?—I have a copy of it here. (*Hands in copy of Inebriates Amendment (Scotland) Bill.*)*

24565. You personally agree with the conclusions stated here generally?—Yes, particularly with Clause 7 where power is asked to detain persons who are unwilling to admit that they are habitual drunkards, etc.

24566. The procedure under Clause 7 is very complicated?—Yes, it is a little, but the liberty of the subject is pretty well safeguarded, because any relative can appear in opposition to the application, and the person himself can appeal to the sheriff of the county in which the reformatory is situated for his release at any time.

24567. Your managers desire that the power of compulsory detention should exist, and they concern themselves more with that than with the actual procedure?—Yes.

* *Vide* Appendix Papers pages 347–351, *post*.

24568. The other point on which you have given us evidence is about the boarding-out of pauper lunatics. You have considerable experience of that in your district in Ayrshire ?—Yes.

24569. Your general impression is very favourable ?—Yes, the lunatics are very well looked after ; they improve in appearance and their mental condition must also improve, because they are often very weakly when they come ; they are not at all well bodily. They gradually get better, and are sent messages and are trusted with money, and they bring back the change very correctly.

24570. It works very smoothly ?—Yes.

24571. I think you hold the opinion that the application for a curatorship in certain cases should be done by the public authority to relieve private people ?—Yes.

24572. It would relieve the medical practioner and the friends from doing a very unpleasant act ?—Yes.

24573. That is a point which you consider is part of the necessary treatment of defective persons ?—Yes.

24574. (*Mr. Byrne.*) Is there any difficulty experienced in Scotland in getting a woman or man convicted under Section 2 of the Act on account of the definition of "habitual drunkard" in the Act of 1879 ? Do magistrates or judges have fantastic views of the meaning of those words in Scotland ?—I do not think so.

24575. You know about the Yorkshire case in England ?—Yes. We have not experienced that.

24576. You understand the difficulty ?—Yes, but it has not cropped up.

24577. You do not sympathise with the views in Yorkshire ?—No.

24578. The definition seems clear enough to you ?—Yes.

24579. Have you ever heard any reasonable suggestion that the definition could be improved ?—No, but I think it should include the drug taking, either through the skin or by the mouth. Otherwise it is quite satisfactory.

24580. (*Dr. Dunlop.*) I think both from your personal experience, and also from the experience of your managers, you are of opinion that the Inebriates Act can never be a success until it is universally applied ?—That is so, until the Act takes in all cases of inebriates it must be a failure to a certain extent.

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24581. Whether they are reformable or irreformable ?—Yes, they must be all treated.

24582. The primary benefit to be derived is the segregation of that most undesirable class ?—Yes, Girgenti has proved that in every way.

24583. Segregation and keeping them out of the way ?—Yes

24584. (*Mr. Byrne.*) Girgenti costs a good deal ?—Yes.

24585. Do you think there is any reason why all such inebriate establishments should be conducted at that rate of expense ?—The extraordinary expenses make it very high. There is not very much wrong with the food and other things, but there is interest on sinking fund amounting to 8s. 2¾d. per head per week, the expenses of the secretary 8d. per head per week, and the primary expenses 11½d. Then we have fifty-five acres of land. The estate consists of a fairly large dwelling house and a large garden and fifty-five acres of ground. I think the whole estate cost the corporation some £7,000.

24586. (*Chairman.*) What do you do with the estate ?—We employ the inmates on it. They get employment in the garden, and then we have cows, chickens, tomato houses and a laundry.

24587. (*Mr. Byrne.*) Inebriate retreats could be erected at a less cost ?—Yes.

24588. There are some far higher, but there are some very much less ?—Yes, but that is the explanation, the extraordinary expenses.

24589. (*Chairman.*) Is there anything you would like to add ?—No.

FIFTY-FIRST DAY.

Wednesday, 13th June, 1906.

AT THE CALEDONIAN STATION HOTEL, EDINBURGH.

PRESENT.

The Right Hon. The EARL OF RADNOR (*in the Chair*).

W. P. BYRNE, Esq., C.B.
C. E. HOBHOUSE, Esq., M.P.
F. NEEDHAM, Esq., M.D.
The Rev. H. N. BURDEN.
W. H. DICKINSON, Esq., M.P.
MRS. PINSENT.
J. C. DUNLOP, Esq. M.D.

HARTLEY B. N. MOTHERSOLE, Esq. M.A., LL.M. (*Secretary*).

W. GUTHRIE, Esq., LL.D., called ; and Examined.

24590. (*Chairman.*) Will you kindly tell us how long you have been sheriff ?—I have been sheriff for four years, and sheriff-substitute in Lanarkshire since 1874.

24591. You have been so kind as to give us a statement of your evidence ; may we put it on our notes ?—Yes. It discloses the fact that I know very little of the subject of your inquiry.

24592. We are only anxious to get your views as to the legal aspect of the question ?—I should think so.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY W. GUTHRIE, ESQ., ADVOCATE, LL.D., SHERIFF OF LANARKSHIRE.

I am not able to add to the information which the Commission already possesses. I can only concur in the statements as to the law of lunacy in Scotland of Mr. Spence, Dr. Carswell, and Dr. Macpherson, and I have not been led to mark any points as to which I should have to differ from or criticise their views of the existing practice. I have no knowledge as to the number or condition of "feeble-minded" persons in Scotland.

W. Guthrie, Esq., LL.D.
13 June 1906.

With regard to legislative changes, I am not willing and have no right from the state of my knowledge to dogmatise ; but long experience in the busiest sheriff court in Scotland has led me to some distinct opinions on matters which have often come under my notice

1. I deprecate any multiplication of Government Departments, and can see no reason for removing the feeble-minded (if that class is to be the subject of State care) from the Lunacy Board.

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13 June 1906.

2. I am averse from any extension of the powers of town councils, parish councils, or any small local bodies. They are apt to be extravagant in spending public money. Even larger bodies, in which one expects to find men of higher standing and culture are guilty of the same error, even in a greater degree, and all alike are open to the invasion of faddists and sectarians. While they are able to procure Acts of Parliament under the new system of Provisional Orders, and to make bye-laws affecting the life and comfort of the people, they have not the check of a House of Lords, and the check—occasionally not always imposed—of the sanction of the sheriff or the Scotch Office, is not, I fear, always efficiently applied.

3. Any extension of the powers of lay magistrates in committing persons to long terms of detention is not desirable, and I believe would not be popularly approved.

4. An enlargement of the powers of the Sheriff Court to order the detention of confirmed inebriates, after ample proof that they come within a wisely framed definition of "habitual inebriates" is most desirable. The detention ought to be as much as possible for cure, but in many cases would have to be for the public safety, comfort and decency.

5. I am not aware that really feeble-minded or insane delinquents and criminals are not properly attended to. In all probability some improvement of the method of dealing with them may be required. But I have a clear opinion held for a long time that the system of passing repeated short sentences for small offences is a mistake, and that where long sentences are necessary, there should be a change of the law enabling measures of reform to be tried in labour colonies or in similar places. But all must depend on the due organisation of these reformatory places of detention.

24593. (*Mr. Byrne.*) Will you tell us whether you are satisfied with the existing criminal law that you administer in its application to feeble-minded prisoners who are not dealt with before you as insane. Does it work injustice to these prisoners in any way?—I do not say that the law works injustice to them, but I think it might be improved in many cases with a view to their reformation and training.

24594. The Scotch law as regards insane prisoners is much the same as the law in England, that is to say, a person can be found unable to plead?—Yes.

24595. Or he can be found guilty of the act, but insane?—Yes.

24596. Can he be acquitted on the ground of insanity?—That may happen if the jury chooses.

24597. Is the verdict "guilty, but insane," sufficient to absolve all persons whose mental condition is such that they ought to be absolved?—That raises the question of whether a feeble-minded person ought to be convicted or not.

24598. Precisely?—I do not think the conviction of a feeble-minded person can do any harm provided he is properly taken care of afterwards, and I apprehend that that falls within the province of the Prison Commissioners.

24599. You would not recommend any change in the criminal procedure?—I think that the judges sitting in criminal matters in Scotland have perhaps too little information to enable them to pronounce a reasonable sentence in all cases. Where the plea of guilty is tendered they know nothing of the character and antecedents or prospects of reformation of the prisoner except what they gather from the statements put before them by the prosecutor. These statements are in some cases the procurator fiscal's own precognition; in some of the cases before the sheriff merely police information taken down by police officials more or less intelligent, the sergeants or the lieutenants.

24600. I gather from your statement No. 5, that at any rate as regards your power of passing sentences you would like to have some additional power; you say that repeated short sentences for small offences are a mistake?—We have the power to pronounce long sentences so long as they are merely sentences of imprisonment. We do not pronounce sentences of penal servitude. If we think it proper or probable that a sentence of penal servitude should be pronounced, then we have power to remit to the Court of Justiciary.

24601. When you say that there should be a change of the law enabling measures of reform to be tried in labour colonies or in similar places, do you mean that to apply to cases in which at present under your existing powers you can only give repeated short periods of imprisonment?—Yes, but the question remains whether such an inquiry should take place before the sheriff trying the case, or whether he should pronounce a sentence, and the mode of disposing of the prisoner should be determined later on by the Prison Commissioners or some other person.

24602. Have you thought out the machinery for that?—No.

24603. Which do you recommend?—I think that in Scotland, and probably in England also, the ordinary judges have got into a way of hurrying through their business somewhat in courts, and it would require a considerable change in temper and procedure if an inquiry were to be made in court as to what was the best mode of treating the prisoner. Probably it would be more satisfactory to the public if such an inquiry were held in court if time could be found for it.

24604. You know the system of the Inebriates Acts?—A little; we have very little to do with them. As you are aware, they do not work well.

24605. There are very few cases in Scotland?—Yes. The Acts are so restricted in their application that we cannot find inebriates to commit to the asylums.

24606. Do you think that the system might be extended to petty offenders of defective mind other than inebriates?—I have not thought of it, but it seems a reasonable extension.

24607. You are in favour of long reformatory sentences for certain classes of petty offenders?—When they have a certain number of convictions against them it is desirable that a reformatory sentence should be passed.

24608. Are you satisfied that three days or seven days is not a reformatory sentence and cannot be?—That is so.

24609. What do you mean by No. 3, "Any extension of the powers of lay magistrates in committing persons to long terms of detention is not desirable"? Does that mean that the improvement of the law which you have now suggested should be confined to the trained lawyers, the sheriffs and their substitutes, and not given to the bailies?—As I understand, the same haste to which I have already referred exists with the bailies in court. They have other business to attend to, and they are driven to their court in a cab or brougham—they do not call it a cab—and it is of importance to them to get to their ordinary vocations as soon as possible. I believe they like to sit in court and rattle through a great many cases just as some sheriffs do, but I do not think the people are satisfied with that way of doing business, and they would not rely upon their competency to deal with important cases and with long sentences in the same way as they do with a trained sheriff.

24610. If it were feasible to have these long reformatory sentences fixed by the Secretary for Scotland on the advice of the Prison Commissioners or something like that, would you prefer that system? Would you like a man to be confined for an indeterminate time, and have his actual treatment decided by the Prison Commissioners when they had had time to look up his past record and character and so on?—It depends very much on the organisation of the department of the Secretary for Scotland. If it were thoroughly organised and arranged for that purpose it might work well enough, but probably there should be a public enquiry in the first instance when sentence is being pronounced by the judge trying the case, so as to put the prisoner in a certain category, after which he might be dealt with according to circumstances by the permanent officials.

24611. Will you tell us whether in your opinion sufficient protection is given by the criminal law of Scotland to girls and women of feeble mind against sexual offences?—I am not aware that there is any want of proper protection afforded by the risk of criminal prosecution. I do not know whether that is what you refer to.

24612. I was thinking more of cases in which a woman has such a defective mind that she is really unable to give her reasonable consent to what is done to her, and she falls an easy prey to any man who does not mind using some violence. It has been suggested to us that it would be proper in the case of these feeble-minded women to make it the law that any man having connection with such a woman should do it at his own risk, and it should be a criminal offence so long as her feeble-mindedness was proved. Would you approve of that?—I should hesitate to give an opinion about that. There would be certain risks in throwing the burden on the man to prove that the woman was of competent mind. It would be a very hard thing on the prisoner to be obliged to prove that the woman was of sound mind and able to consent: but I do not care to give a very positive answer to that point.

24613. (*Mr. Hobhouse.*) Are you in a position to say whether the state of public opinion in Scotland is such that it would agree to the passing by a judicial authority like yourself of a sentence of indeterminate detention of a feeble-minded person committing a crime?—Well, sir, that is already the case in regard to lunatics—the sheriff practically passes sentence of detention for an indeterminate period. If proper precautions were taken and if there were provisions made for liberation when circumstances demanded it, then I do not see why in the one case more than in the other an indeterminate sentence might not be pronounced.

24614. And you would feel no difficulty and have no hesitation in pronouncing that sentence if the duty were laid on you?—No, not if I were made aware, as in the case of lunatics, that there was no risk of unfair detention being continued when there was no further occasion for it. It all depends on the organisation of the public departments charged with the care of such persons.

24615. (*Mr. Dickinson.*) What do you think of the present organisation that safeguards lunatics in that respect?—I am not quite sure that it is perfect. I understand that lunatics are more likely to be discharged prematurely in Scotland than to be detained too long. They are visited by the Lunacy Commissioners, who ascertain whether a cure has been effected, but in many cases, so far as I can see, the superintendent of the lunatic asylum has the power to dismiss them.

24616. You are speaking of the public lunatic asylums, of course?—Yes.

24617. In the case of private asylums the only organisation would be the Lunacy Board?—I understand the Board of Lunacy have ample powers in that respect.

24618. And you think that power is sufficient to safeguard the public against any abuse in private asylums?—Yes.

24619. (*Dr. Dunlop.*) You were criticising the Inebriates Acts in saying that they failed to catch the inebriates—I think you said that you could not find the inebriates in Glasgow?—They do not get the inebriates unless they commit a crime. I think, if I may be allowed to say so, there should be a power of trying a man on the mere ground that he is an habitual inebriate and he should be confined for a certain period or indeterminately under proper safeguards.

24620. Your remark was *apropos* of the non-police court cases?—Yes.

24621. There is machinery to deal with police court drunkards at present?—Yes, but it is not often put in force.

24622. There have been 130 cases dealt with in Glasgow?—I am not aware of that. I have not myself been sitting in the criminal courts for some years back.

24623. Your opinion is that there is a requirement of some method of catching the habitual drunkard?—Yes, and I think public opinion in Scotland is ripe for some alteration of the law in that direction.

24624. Are you aware of the Bill that the Glasgow Corporation have prepared?—I do not know the details of their Bill.

24625. One of their clauses is for the compulsory detention of non-committed cases. That is in harmony with your general opinion?—Yes.

24626. In talking about the matter of magistrates having judicial authority when mental weakness is a ground for prolonged detention, I think you said that one objection was that they were always in a hurry?—I should not like to say that magistrates are always in a hurry, but one has that impression.

24627. Is it not an objection to the use of magistrates for such a purpose that they have not got the necessary legal and judicial training? They are very important decisions?—I do not think that public opinion would tolerate the giving of power of that kind to lay magistrates.

24628. In England they have very much wider power than they have in Scotland?—I think so, but you have the Chairman of Quarter Sessions, who is a lawyer.

24629. (*Chairman.*) Not necessarily.

24630. (*Dr. Dunlop.*) For instance magistrates can sentence for six months or a year and so on. Public opinion, at all events in Scotland, is not in favour of extending the power of magistrates?—No; on the contrary, there is an outcry in some quarters in Glasgow for the appointment of a stipendiary who is a lawyer and who would take the place of the magistrate in the more important cases.

24631. Another point you mentioned was whether it was advisable to diagnose mental incapacity in a prisoner before sentence or after sentence. I take it from you that you are in favour of the procedure in most cases being after sentence; they have a wider power of observation in prison?—I am not quite sure.

24632. If a doubtful case comes up for petty theft, should the inquiry into that man's mental condition be before sentence, or would it equally well be done after sentence when he is in prison?—After sentence, of course, it is done privately. I do not know whether the public would care to have a man adjudicated upon by a private inquisition. That, and whether it would be conformable to our constitutional principles, are questions that would require to be very seriously considered.

24633. Of course, it only amounts to a lunacy certificate, and that is done in private in Scotland?—It comes before the sheriff in his open court.

24634. Are these certificates signed in the open court or in chambers?—In chambers, but in Glasgow and in other places the chambers are an open court. When a sheriff is sitting in chambers anyone is entitled to go in.

24635. As a matter of fact, no one does go?—That is so in the case of lunacy warrants.

24636. The sheriff has the same control over lunacy certificates in prisons?—I suppose he has.

24637. The reason I was asking that is this: are you aware of the terms of Section 89 of the 1857 Lunacy Act, which provides for the sheriff making an inquiry in prison with the assistance of two medical men, and if he finds the prisoner to be insane he reports to the Secretary for Scotland who orders his detention until such time as he is satisfied that the person is sane?—I have had no experience of the section.

24638. There has only been one case dealt with in Scotland since it was passed, and that was in Shetland. Do you think the principles of that are sound? We have had evidence that the section ought to be extended and brought into use?—I am not quite sure that I follow you.

24639. The difference between a certificate under that section and a certificate under Section 14 or 15, or under Section 6 of the Prisons Act, is that it prevents the prisoner being discharged when the medical officer writes down the word "recovered"; evidence to the satisfaction of the Secretary for Scotland has to be produced?—That is to put some check on the power of the superintendent to discharge?

24640. Yes?—It has occurred to me in reading some of the evidence given before this Commission that some alteration in that direction might well be made.

24641. It is very necessary?—I think so; but what the alteration should be would, of course, require consideration.

24642. It would require full consideration?—Yes, it might be a *quasi* judicial inquiry.

24643. But the sheriff makes the inquiry and reports to the Secretary for Scotland?—Yes, I beg your pardon, I did not remember that.

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24644. That would quite meet your views?—Yes, I think so.

24645. You will be of opinion that the habitual inebriate is to all intents and purposes incapable of managing his affairs?—More or less. It is a question of degree.

24646. But when you get an extreme case?—Yes, then a sentence should be pronounced.

24647. But independent of pronouncing a sentence?—I mean he should be found to be a habitual inebriate.

24648. Would it be possible, in the present condition of the Scottish law, to appoint a *curator bonis* for an habitual inebriate? Would inebriety amount to mental incapacity for that purpose?—I am afraid not. I do not think habitual inebriety is a *nomen juris* in Scottish law, but there might be incapacity induced by inebriety which the court would consider to render him incapable of managing his affairs. That is a matter for the supreme court and it does not come before the sheriff.

24649. Do the sheriff courts not appoint *curator bonis*?—They appoint judicial factors where the estates are of small value.

24650. For mental capacity or physical capacity?—I am not quite sure about that.

24651. If that includes both mental and physical, is habitual inebriety excluded?—I would require to refer to the books in order to answer that question.

24652. (*Chairman.*) You state that you are averse from any extension of the powers of town councils, parish councils, or any small local bodies. What powers do you refer to there? The power of setting up institutions?—Yes. The extravagance of local bodies is becoming a very serious matter, and I should object very strongly to emotional legislation, so to speak, or even to philanthropic legislation on a large scale unless some protection to ratepayers were given against the extravagance of these bodies. Only the other day I went through a large poorhouse where there are a number of imbeciles provided for, at Stobhill near Glasgow, It is admirably managed, but it is simply palatial in its get-up. It has cost about £400,000 and it has about 2,500 beds, I think. You will get the particulars in a little parish almanac published by the parish council of Glasgow. I went also through Woodilee Asylum, which is purely a lunatic asylum and where a number of imbeciles are detained. That also has cost a very large sum. Then I am told they have another asylum at Gartloch which is built and equipped in a still more expensive style. The total expenditure on these matters is shown on this almanac to be something approaching a million sterling in a comparatively short period.

24653. Do you think a central body is likely to be more economical?—It ought to be.

24654. Do you think it would be?—You want a check upon these bodies such as the Treasury is upon the spending departments of the Government, not always effective, but it might be useful to a certain extent. I should like to add in regard to these establishments that the imbeciles and epileptics seem to be admirably cared for, and it might be useful for your Commission or some of your members to visit them because it has been long ago laid down that what one sees with the eyes makes a much deeper impression than what one hears with the ears.

24655. (*Mr. Byrne.*) Would you say that public opinion in Scotland is so much excited by the extravagance of public bodies that they would support the action of the central body if it definitely refused to authorise the building of any such institutions in future?—Certainly not. What I mean is that public opinion would like such institutions to be built and conducted on a reasonable and moderate scale.

24656. That is what I meant; I did not mean that there should be no institutions, but that there should be no institutions of this palatial character. Would public opinion support the Government in insisting upon that?—Yes. But what is public opinion? Public opinion will not form itself on these matters; it allows itself to be led away by people who are rather excited by compassion, good people no doubt, but who want knowledge and who want restraint.

24657. (*Chairman.*) Is there anything you would like to add to your evidence?—I think not.

THOMAS ALEXANDER FYFE, Esq., called; and Examined.

T. A. Fyfe, Esq.

13 J[illegible]

24658. (*Chairman.*) Would you be so kind as to tell us how long you have been a sheriff substitute?—Over ten years. I may say that for twenty years before that I was a practising solicitor in the Sheriff Courts. I had a considerable practice.

24659. You have been so kind as to give us a statement of your evidence; may we put it on the notes?—Certainly.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY THOMAS ALEXANDER FYFE, ESQ., ONE OF THE SHERIFFS-SUBSTITUTE OF LANARKSHIRE.

I am one of the Sheriffs-Substitute of Lanarkshire, resident at Glasgow.

In Scotland, under a great number of statutes (amongst others the Lunacy Acts) "the sheriff" has administrative and judicial functions. But when the sheriff is resident (that is only in Lanarkshire and Midlothian), he is very fully occupied with appellate court and other duties, and when non-resident he is not available to hear applications for immediate disposal. Unless the contrary is expressed, "sheriff" includes "sheriff-substitute," and in practice such applications are always dealt with in Scotland by a sheriff-substitute.

See Lunacy Act, 1862, &c.

As regards lunacy warrants, the function of the sheriff is administrative, not judicial, for the sheriff does not hear any evidence to verify the facts set forth in the application.

The great majority of the applications (of which in the Glasgow Court there are about 900 annually) are for the detention of paupers, in which case the application is at the instance of the inspector of poor, who is the executive officer in Scotland of the parish council—the Poor Law local authority. But there are also a considerable number of applications by private persons. In the case of criminals, the application is made by the Procurator Fiscal of Court, who is in Scotland the executive official of the Crown. Whether the person of unsound mind is a private person, or a pauper, or a criminal, the procedure is exactly the same. The application is made upon a printed form, which first of all sets forth in a schedule the particulars as to age, sex, religion, length of illness, supposed cause, etc. Then follow two certificates by medical men, declaring that the person is of unsound mind, with a short statement of the grounds for this opinion. The sheriff very often knows the medical men who sign the certificates. If not, he first ascertains that they are registered medical practitioners under the Medical Act of 1858. If they are not, the application is not entertained. If the signatory is registered, his certificate is accepted, although the sheriff may not know him.

21 & 22 Vict c. 90.

The sheriff does, in a general way, look at the observations in the certificates, both those of the medical men themselves, and those (not less important) communicated to the medical men by others. If these are not inconsistent, and they *ex facie* support the statement that the person is of unsound mind, the sheriff grants a warrant—or rather an order directing the superintendent of a public asylum to receive the person—as a matter of course, the sheriff has no means of verifying the facts stated, and his examination is *ex facie* only. As a matter of fact, although the order is to receive, in the vast majority of cases the person of unsound mind is already in the asylum, having been received upon an emergency warrant or certificate by one medical man, which is sufficient to authorise detention for three days. Sometimes there are certificates by two medical men other than the granter of the emergency certificate, but in general the granter of the emergency certificate is also one of the granters of the insanity certificates.

1857 Act, Sch. E.

The application is signed by the person making it. In exceptional instances a law agent may appear, but in the general case a parent, or brother or sister, is the applicant in private cases, and the inspector of poor in the case of paupers.

Any person, however, having an interest may apply. I think, for instance, that a landlady might apply in the case of a friendless lodger becoming insane in her house; or an employer in the case of an employée becoming insane in a factory. Such applications, however, are in practice rare, as private persons have almost always some relative willing to take the responsibility, and in the case of paupers the inspector of poor is naturally the applicant.

The sheriff does not himself see the person of unsound mind. It would obviously be inconvenient that he should require to do so, and it could serve no purpose, for the sheriff does not himself find and declare that the person is insane. He only formally authorises detention upon the declaration to that effect made by others.

ct 1871, & 35 V.c. 5. The only case in which the sheriff holds a formal inquiry is in the case of a "dangerous lunatic" who has come into the hands of the police. In that case, after public notice, evidence is heard, and, if satisfied that it is proper to do so, the sheriff orders the detention of the lunatic "until cured, or until caution shall be found for his safe custody." But in practice this formal procedure is very seldom necessary, for the cost of it falls upon the parish where the lunatic is found (with relief if others are liable), and so it is the interest of the inspector of poor to arrange for the care of the lunatic.

With the exception of the criminal dangerous lunatic, the function of the sheriff as a lunacy official ends with the order for committal. The sheriff is not necessarily consulted as to the release of the person. But if the person who applied for his committal, or the superintendent of an asylum, insists upon the detention of a person who is medically certified as fit to be liberated without risk, then the person so detained, or any other person instructing an interest, may apply to the sheriff to order his release. In such a case the sheriff is practically a judge of appeal, and acts in his judicial capacity.

There is one case in which the sheriff has to see a lunatic before making an order in regard to him, but that is not an order for committal to an asylum, but for his removal to England or Ireland under the Pauper Removal Act of 1898. Paupers sought to be removed have to appear personally before the sheriff (who is in Scotland also the administrative official under the Poor Law Acts) and to make a deposition on oath. Of course a person of unsound mind cannot depone on oath, and he is not asked to do so; but, unfortunately, his case is not excepted, and so he must appear personally.

1 & 62 Vict., 21.

The sheriff has also the *quasi* judicial duty, in the case of prisoners who become insane whilst undergoing sentence, of inquiring into the conditions with the aid of two medical men; but the sheriff does not order the removal of the prisoner to an asylum. The Secretary for Scotland does that, upon the sheriff's report.

The sheriff, of course, exercises his judicial function when he tries offenders for offences under the Lunacy Acts. But in so doing he is not acting as a statutory lunacy official, but as a summary criminal judge, and he disposes of such cases just as in any case of contravention of a statute which enacts penalties for contravention.

The order for detention granted by the sheriff is addressed to the superintendent of a public asylum (that is a place where a lunatic cannot, except on special cause shown, be refused admission). But the sheriff may also (although he seldom does) direct detention in a private asylum (that is a place licensed by the Lunacy Board) The Board itself, however, can sanction detention in a private asylum (such as a lunatic ward in a poorhouse). In practice the sheriff's authority is invoked only when the Board desire the removal of a patient from a private to a public asylum.

As regards certification of lunatics, I do not think that any good purpose would be served by broadening the regulations for interposing the authority of a judge or magistrate, for he must necessarily act upon the opinion of others. I think more practical good can be done by widening the scope of the authority of such bodies as the Lunacy Board, school boards, public medical officers of health, parish councils and inspectors of poor, and others who have opportunity of knowing the facts, which a judge or magistrate can never have. I think that there are probably large numbers of people, both children and adults, who are short of the mental capacity to take their place with their fellows in life's battle, and yet are not fatuous in a degree sufficiently marked to warrant their being medically certified as persons of unsound mind. The feeble-minded class, as distinguished from the distinctly insane, is the class the care of whom is a most difficult problem. My opinion upon it is that if real good is to be done drastic legal changes must not be feared, and above all that we must get rid of that sentimental bogey which so often bars the way to reform—that the liberty of the subject must not be interfered with.

I think that, in the interest of the community as a whole, it is necessary that the liberty of the subject must be interfered with drastically, in the case of imbeciles, habitual inebriates, confirmed adult criminals, and the like. In the case especially of young persons of feeble mind, the present state of the law is weak. I am well aware that it is easy to recognise this, and yet difficult to suggest a remedy. All I say about it is that, whilst there are obvious considerations which make it desirable that the actual committal to asylums, reformatories, industrial schools, etc., should be upon the warrant of a magistrate, the selection of cases for treatment must be left to local authorities and their medical officers, and that alteration of the law should be in the direction of increasing their authority, rather than in the direction of requiring more formal (and more costly) strictly judicial procedure.

24660. (*Dr. Dunlop.*) You set out at considerable length the position of the sheriff in signing lunacy certificates. It is one purely of administration rather than of a judicial capacity?—Yes, but it occurred to me that it was information that the Commissioners might wish to get from me.

24661. The sheriff does not take it upon himself in most cases to question the opinion of the medical man. It is no part of your duty to do that?—I do not think so.

24662. There is a distinct difference between Scotland and England in that matter?—Yes. The sheriff himself does not decide that the person is insane.

24663. In England the magistrates decide that?—I understand that is the case.

24664. It is not desirable to make a change here?—I think not.

24665. Even a sheriff has not got full medical knowledge to enable him to decide a matter of lunacy?—No. It seems to me to be a medical question more than a legal question.

24666. A sheriff would not decide whether a case was scarlet fever or not?—No.

24667. But he has judicial power over the removal of fever patients?—Yes, but he himself does not decide the facts. He accepts the facts from others.

24668. From your criminal experience I suppose you know there are a very considerable number of more or less defective persons who find their way into prison?—There is no doubt about that.

24669. It is general knowledge?—I should think so.

24670. And personal experience as well. You must have seen them and known them?—Yes.

24671. At the present moment they are treated in several different ways, and I would like to hear whether you think these should be unified into one system?—Do you mean under the Lunacy Acts?

24672. Yes. For instance, those found unable to plead insane at the time of the offence or at the bar are sent to the lunatic department?—If they are unable to plead they are sent—they are not tried at all.

24673. If they are insane at the time of committing the offence they go to the State asylum and become a charge on the State?—Yes.

24674. If a person is found insane in prison he may be dealt with under two different sections, and in both cases he is sent to a district asylum?—The district of his prison if I recollect aright.

24675. Yes, of his prison; and he is a charge upon the State so long as he is there?—I presume so.

24676. Do you think that is open to some possible abuse? Do you not think it is rather a temptation to the local authorities to leave their weak-minded and doubtful cases alone? They go to prison and then the State takes care of them for a bit?—It is a possible temptation always to public bodies to save expense.

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24677. Would that be safeguarded if the local authorities were made to pay for all their cases when they are dealt with as lunatics under the Lunacy Laws ?—If a safeguard were necessary that would be an effective one. Payment always is.

24678. You must have frequently signed detention certificates under Section 6 of the Dangerous and Criminal Lunatics Act, which is the usual one in use for prison cases ?—That is where the prisoner in prison is found insane ?

24679. Yes ?—And he is sent to an asylum ?

24680. Yes ?—Yes.

24681. Are you aware of the fact that the certificate expires at the date of termination of sentence ?—I think that is so.

24682. Have you had any experience of it ?—No, I have had no experience of inquiring into the sanity of a prisoner in prison. I know the statutory provision that the sheriff is to inquire with the help of two medical men.

24683. You are aware of the fact that a certificate under Section 6 expires at the date of the termination of the sentence ?—Yes.

24684. Are you aware of the fact that a very considerable number of persons certified under that section are discharged at the date of the expiry of their sentence whether recovered or not ?—Yes, I suppose so, unless it were some glaring case in which the Governor would consider that it would be against public interest to discharge the man. A man may be obviously dangerous, I suppose.

24685. Are you aware that no Governor has any power to interfere in the matter ?—That is so at present.

24686. The medical superintendent is absolute master of the situation ?—Yes.

24687. No one can interfere with him, neither the Lunacy Board nor the Secretary for Scotland ?—I do not know the details, but I understand he endorses his recovery, and then the man walks out.

24688. Under Section 89 the power of detention is very much greater ?—Is that the section where the sheriff has to make an inquiry with the aid of two medical men ?

24689. Yes ?—That involves an inquiry.

24690. Do you not think that the terms of that section would serve the purpose more practically than the terms of the one in daily use ?—You mean to apply that to all cases where a person has been committed as insane or is insane in prison ?

24691. When a person is found insane in prison ?—That he should not be discharged without some sort of inquiry ?

24692. Yes ?—I really do not know. There may be many cases in which inquiry is unnecessary, but I think there certainly should be a power to hold an inquiry where necessary. Possibly the Prison Commissioners might order it.

24693. It is left to the discretion of the Secretary for Scotland at the present moment under that section ?—Yes.

24694. He has to be satisfied that the discharge is justifiable ?—Yes, upon a report from the sheriff.

24695. Would you advise that ?—I think it would be a safeguard in the public interest that there should be an inquiry before any lunatic prisoner is discharged.

24696. Do you think it is a fair inference to draw that if we find an insane person in prison, *ipso facto* that person has not got the necessary care before he got there ? If an insane person were cared for he would not find his way to prison ?—That is quite probable, but it is not a necessary inference.

24697. Having proof of neglect, you ought to meet that neglect with stricter care afterwards ?—If it is desirable before, it is obviously desirable afterwards as well, perhaps more desirable after his prison experience.

24698. You are aware that the medical superintendents of asylums and many governing bodies have great objection to keeping what they call the criminal class in the ordinary asylums ?—I can quite understand that.

24699. They would welcome it, and probably the thing would be well done, if there were a central asylum managed by some State Department. Do you think that ?—I think probably that would meet the present difficulties.

24700. Do you not think that the local people should pay for their own cases there ?—I really have not sufficient information to enable me to offer any definite opinion on the subject, but speaking as an ordinary citizen I should be inclined to think so.

24701. You have had considerable experience of inebriates in Glasgow ?—Yes.

24702. We have been told in evidence that the great majority of those unfortunates who are sent to inebriate reformatories under Section 24 are mentally defective. Are you prepared to allow that ?—I have no information to enable me to answer that very specifically. My own opinion is derived from my observation of the people that I have committed to an inebriate reformatory, and it is that a good many of them, if perhaps not the whole of them, were fit subjects for an asylum.

24703. The result of their treatment in Girgenti rather shows that they are mentally deficient, the vast majority of them go wrong when they come out ?—I do not have information about Girgenti.

24704. In Glasgow at the present moment do you think that all the cases that might be dealt with under that Act are being dealt with at present ?—Certainly not. The Act is of very little use.

24705. What are the faults ?—The fault is that a person requires to be charged with the nominate offence of being an habitual drunkard, and requires to be tried for that and sentenced in that capacity. That does not meet the habitual inebriate who is a curse to the community; that only meets the criminal inebriate.

24706. Has the prosecution in cases tried before you had any difficulty in proving habitual inebriety in your own experience ?—The question of habitual inebriety very seldom arises apart from crime, and the proof of inebriety is generally a long record of police convictions of being drunk and incapable; but there are a great many inebriates who are a great danger to the community and and who never get themselves convicted of being drunk and incapable.

24707. Your view is in favour of compulsory detention of the non-committed cases ?—Yes.

24708. Are you aware of the Glasgow Bill ?—Yes, I have read it with interest.

24709. Clause 7 in that Bill refers to this compulsory detention ?—It struck me as being unnecessarily involved, but I think the principle embodied in it is certainly a sound one.

24710. You approve of the principle, although not of the procedure ?—That is so.

24711. In your opinion, as the law stands at present, can a sheriff or judge of the Court of Session appoint a *curator bonis* to take charge of the property of an habitual inebriate ?—Merely on the ground that he is an habitual inebriate ?

24712. Yes ?—I do not think so.

24713. The law as it stands covers all cases of mental incapacity and physical incapacity ?—Yes.

24714. Is this neither the one nor the other ?—At present I do not think it is. An habitual inebriate is on a platform by himself as I understand the law at present.

24715. Would you advise an alteration of the law in that respect ?—You mean that whatever powers there are to appoint a *curator bonis* to an *incapax*, these should apply to an habitual drunkard ?

24716. Yes, to a man who is *incapax*, because he is an habitual drunkard ?—Yes.

24717. Do you not think that would also apply to the poorer cases, to receive an habitual drunkard's wages and take care of them for his wife and so on ?—As a rule an habitual drunkard has very little to take care of, but sometimes it happens that a person in a poor-house is discovered to have some money, and then the Parochial Board make application and the inspector of poor is appointed curator to look after that money.

24718. The Glasgow Corporation have been agitating for a power of after-care of reformatory cases, which amounts to the appointing of a guardian to take care of their wages ?—In the institution ?

24719. No, after they leave, at the expiry of three years. They have no such power at present, but they are suggesting that they should have it ?—The theory of Girgenti is that at the end of three years they leave cured.

24720. Would you approve of the appointing of a curator or guardian for such persons ?—Yes, certainly, if he is incapable when he comes out.

24721. (*Dr. Needham.*) As regards the certification of lunatics, I gather that your only function consists of seeing that the legal requirements of the certificate are carried out ?—Yes.

24722. You do not inquire into the facts as stated in the certificate ?—No, we do not take any evidence at all, except the evidence of the certificates. These, of course, are evidence.

24723. It would be impossible in Scotland for a thing of this kind to occur, that two medical men of eminence have signed certificates alleging facts which they have witnessed themselves, and the magistrate upon that refuses to make an order because he is not himself satisfied from his own personal observation that the person is insane ?—That would be impossible, because the sheriff does not see the insane person at all, nor does he hear any evidence about him. The only thing he has to go upon is the medical evidence as embodied in the two certificates.

24724. The sheriff has the power to see the patient, has he not ?—I have never considered the question. As a matter of fact, he never does see the patient. Possibly he might have power to ask the insane person to be brought before him, but it is never done.

24725. I see you say that you think in the interests of the community it is necessary that the liberty of the subject must be interfered with drastically as respects imbeciles and so on. Have you formulated in your own mind the machinery by which these drastic measures should be enforced or what they should be ?—One of the things I had in my mind was a matter that has been referred to pretty frequently in the evidence. I agree with those who think that feeble-mindedness even short of insanity should be certifiable, in the same way as scarlet fever or any other infectious disease, and then the local authority should have power to deal with the patient in the general interest if the patient is not able to be treated satisfactorily at home.

24726. To establish institutions if they thought it necessary ?—Yes. My observation refers more particularly to a good deal of legislation, such as, for instance, the Inebriates Act, which has been killed in practical usefulness by a too sentimental regard for what is called the liberty of the subject.

24727. Not being made compulsory ?—Not being made compulsory, not giving enough power. If you are to do any good, in large cities especially, and among a certain class of people, you must have full compulsory powers. That is my strong opinion. Mere philanthropic powers are no good.

24728. (*Mr. Byrne.*) I would ask you whether you find that your powers in exercising criminal jurisdiction are or are not as you would wish them to be in the matter of the feeble-minded ? Have you full power to do justice to society and to the feeble-minded under the existing law, or would you suggest changes ?—I am not quite sure that I follow.

24729. In the matter of the trial of a feeble-minded person, have you feeble-minded prisoners that come before you with no proof that they are feeble-minded ?—Yes, often. In the Criminal Court it is quite a common thing to have a prisoner charged with an offence, and one may sit and look at that prisoner and in one's own mind think that he is evidently feeble-minded, but that is not an element that enters into the question of his crime; we have nothing to do with that. If he has committed an offence, then all we have to do with is the administration of the law.

24730. So persons are sent to prison who, if their mental condition were inquired into, would be found to be irresponsible ?—Yes, very often.

24731. In the matter of sentences, are your powers insufficient ? Have you to send people to prison over and over again who commit small offences owing to a mental defect when a single sentence of a long reformatory nature might be better ?—That applies more to the magistrates' Courts. I think in these Courts repeated short sentences are probably the result of feeble-mindedness on the part of the people that commit the offences. It does not apply to us so much because sheriffs have a wider latitude. I might mention a case which came before my own observation the other day, the case of a man who came up to make a declaration, as we call it, and it fell to me to take his declaration. I looked at the complaint against him and I found that he was charged with theft or housebreaking, I forget which, and there were previous convictions. While his declaration was being written out I looked up his previous convictions and added up the sentences. I asked the man his age, and he said seventy. His previous convictions added together amounted to forty-two years. Now it struck me that it was very obvious that that man was a chronic criminal lunatic, if you might so describe him, a man who would be nothing else, and who should have been locked up permanently thirty years ago. Now that is a typical case.

24732. Where you suggest drastic changes ?—Yes.

24733. And is one of those changes a long or indeterminate sentence for people of that sort ?—Yes, that is what I think. In the case of that man I should have taken no declaration from him. I should have locked him up.

24734. Can you say the number of cases in connection with which reformatory sentence are required ?—A case of that sort is exceptional, and it is only an illustration, but there are a great many minor cases in which I am afraid that the system of short sentences is greatly perpetuating crime, perpetuating the individual in a criminal course of behaviour, doing no good and entailing a great deal of expense.

24735. May we take it that the opinions you and Sheriff Guthrie have expressed are held by most of your colleagues ?—I should imagine that you would get very much the same views from all the sheriff substitutes, who are the people who conduct the criminal business in the Sheriff Courts. I cannot say whether they would be shared by the lay magistrates.

24736. But those are the views of the legal officers engaged in administration of the criminal law, that they ought to have some power of giving long sentences to feeble-minded persons ?—Yes. If we could remove them altogether from the criminal administration and deal with them rather as feeble-minded than as criminals, then a good deal of reformatory work would be done and certainly a great deal of expense would be saved.

24737. (*Mr. Dickinson.*) With regard to the function of the sheriff in deciding whether a person is insane or not, Mr. Spence, who gave us the law in Scotland, said that the sheriff merely judged as to whether the facts submitted were reasonable to show that the person for whom the order was sought was insane. In your view that is not quite correct ?—I think that is too broad a statement. I would put it this way, that the sheriff judges whether the facts in the two medical certificates are sufficient to warrant him granting an order to the superintendent of the asylum to receive the patient. The sheriff himself does not know whether the man is insane or not.

24738. If, when you were considering the certificates, anyone was to draw your attention to an allegation that they had been improperly obtained, you would as sheriff immediately set to work to ascertain whether or not this was a proper certificate ?—Yes, whether the certificates were genuine.

24739. And whether they were right ?—There is no machinery that I am aware of for that. I hardly think we have power to do that. Under the Lunacy Acts as they stand, I think the sheriff is bound to grant a warrant. It is the medical men who take the responsibility, and not the Court.

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24740. Even if the sheriff has a suspicion that the patient is not insane?—Yes.

24741. That is an important difference between your view and what Mr. Spence has told us?—Yes. I read Mr. Spence's evidence with great interest, and if I correctly understand that he construes the procedure in the Sheriff Court to mean that the sheriff is satisfied personally himself that the person is insane, and therefore ought to be received into an asylum. I do not think so; I think it goes no further than this, that the sheriff is reasonably satisfied that he is medically certified to be insane, and therefore must be received.

24742. I take it that there are some other circumstances into which the sheriff would think he was bound to inquire?—Yes, you must satisfy yourself about the petitioner.

24743. Do you, in practice, do more than satisfy yourselves?—In the great majority of cases the petitioner is the inspector of poor.

24744. It is in regard to the private cases where the greatest care is required?—Yes.

24745. In your statement (*page* 235, *col.* 1) you say this: "With the exception of the criminal dangerous lunatic, the function of the sheriff as a lunacy official ends with the order for committal. The sheriff is not necessarily consulted as to the release of the person. But if the person who applied for his committal, or the superintendent of an asylum, insists upon the detention of a person who is medically certified as fit to be liberated without risk, then the person so detained, or any other person instructing an interest, may apply to the sheriff to order his release. In such a case the sheriff is practically a judge of appeal, and acts in his judicial capacity." Now, has that ever happened?—Not in my experience. That is only an observation on the terms of the Act.

24746. Do you know of it ever having happened?—No. I am not aware of its having happened.

24747. There must be cases in which there has been some dispute as to whether a person was illegally detained or not. Who settles that?—I do not think it is very likely to happen, because as a matter of fact there are very few people who are detained. Generally, when they are reasonably restored to reason they are discharged.

24748. I suppose in practice the jurisdiction of the Board of Lunacy fulfils all the requirements?—Yes, that is so. There may be cases in which a person is detained and thinks he ought to be out, and he may raise the question with the Lunacy Commissioner or with the medical officer of the asylum. It certainly does not get our length, however.

24749. You know of no case?—No.

24750. I suppose the sheriff would decide over the heads of the Lunacy Commissioners?—I take that to be the meaning of the Act.

24751. And yet that has never to your knowledge happened?—Not in my experience.

24752. If you had a system under which persons were detained who were merely feeble-minded, would you think that the sheriff would be the proper person to decide as to whether that ought to continue or not?—That raises a much wider question, because the question of feeble-mindedness is to my way of thinking far more of a medical question. I would be rather inclined to leave the determination of whether a feeble-minded person has ceased to be feeble-minded to medical officers. But then it would be a provision which would be grateful to the public—the public would look upon it as a great security that there could be an inquiry, an appeal to the sheriff as it were, in the case of a feeble-minded person detained against his will.

24753. Do you think it would be a satisfactory Court of Appeal?—Yes, I think so, it would be quite a satisfactory Court of Appeal, because the Court would have the advantage, of course, of medical testimony as to one side or the other.

24754. (*Chairman.*) Is there anything you would like to add to your evidence?—Nothing occurs to me.

J. F. Sutherland, Esq., M.D., F.R.S.E., F.S.S., called; and Examined.

J. F. Sutherland, Esq., M.D., F.R.S.E., F.S.S.

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24755. (*Chairman.*) How long have you been Deputy Commissioner in Lunacy in Scotland?—For eleven and a half years.

24756. You have been so kind as to give us a statement of your evidence; may we put it in the notes?—Yes.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY J. F. SUTHERLAND, ESQ., M.D., F.R.S.E., F.S.S., DEPUTY COMMISSIONER IN LUNACY FOR SCOTLAND; LATE MEMBER AND SECRETARY OF DEPARTMENTAL COMMITTEE ON HABITUAL OFFENDERS, VAGRANTS, INEBRIATES, AND JUVENILE DELINQUENTS, APPOINTED BY SIR GEORGE O. TREVELYAN, BART.; MEDICAL OFFICER TO H.M. PRISON, GLASGOW; CONSULTING MEDICAL OFFICER TO H.M. PRISON, BARLINNIE; AND DEPUTY MEDICAL OFFICER H.M. TRAINING SHIP "MARS."

In the *précis* of evidence I take leave, *first*, to submit a general statement of my views on the questions receiving the consideration of this Commission, and, *second*, a more detailed one on specific subjects, with which twenty-eight years in the public service have made me more or less familiar.

General Observations.—I am of opinion that the central supervision and control of all feeble-minded persons, in imbecile boarding schools, in poorhouses, labour colonies, in inebriate reformatories, whether State or Certified, and in private dwellings including specially licensed Homes for two, three, and four, should be vested in the General Board of Lunacy, which at present has the control of all certified persons maintained by their relations or out of their own estates, or jointly out of parish rates and Government grants, who are found to be imbecile, insane, of unsound mind, or incapable of managing their affairs.

The central authority is absolutely independent of any local influence, selecting neither the localities, the guardians, nor the patients, in this respect differing from the local authority in the person of those inspectors of poor who board out in their own parishes, and in the person of all medical officers who attend the guardians in their professional capacity as well as the patients, and in consequence do not always feel at liberty to scrutinise as closely in suspicious cases as the officers of the central authority.

The local authority to control and supervise would be the parish council for the feeble-minded requiring aid in their own homes, either in imbecile boarding schools, or certified inebriate reformatories, inebriate retreats, poorhouses, labour colonies, and in private dwellings. Town councils and county councils would have some control and supervision of the feeble-minded sent through them to labour colonies and to certified inebriate reformatories or inebriate retreats, and paid for by them.

School boards, with a preference for *ad hoc* bodies for enlarged areas, should have the entire local supervision of feeble-minded children of school age, and in attendance in the elementary schools, whether in special classes or in special schools. The Education Department as the central authority would have the same supervision as they have always had. Those who cease to benefit educationally in such schools before the age of fourteen is attained—and this should be ascertained by the school medical officer and the head master or mistress long before fourteen, in every school, whether under school boards or governing bodies—will either remain at home under the care of their parents or guardians, or failing such under the care of parish councils, who would arrange for their disposal as they do with orphan and neglected children at present when intervention on their part is called for.

The *dossier*, or Case Record of all such should take origin in the school and follow the child wherever it goes after school life.

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Feeble-minded children in reformatories, industrial schools, and training ships—and in these the percentage would be three or four times greater than in ordinary schools—should be removed from these institutions to the imbecile boarding schools or to the labour colonies after they cease to profit either by education or manual instruction, and when that course is inadvisable the pupil should be handed over to the parish authority for care and protection.

The additional cost would be borne as at present from local and imperial funds, and in much the same proportion as at present. Assuming the number of feeble-minded of any age to be maintained wholly or partially out of public funds were 9,000, the cost would amount to £75,000 or £49,000 if 30 per cent. of imbeciles and insane were boarded out.

Feeble-minded children of five years and under, like imbecile children, would be cared for as they are now by their parents, or as may be arranged by the parish council acting *in loco parentis* as circumstances demanded.

Thus if in any elementary school, industrial school, reformatory, or training ship it is found that children cannot get beyond Standard II., or fail to profit by manual instruction, on reports to that effect fully setting forth the scholar's incapacity to acquire knowledge, the child should be handed over to its parents, the question of financial help in cases calling for it to be determined by the parish council, or otherwise suitably dealt with.

The prospects of the majority of children in special schools and classes are not bright. It is doubtful whether more than 20 per cent. will make much progress, and it is doubtful whether so large a proportion will ever be self-supporting. A majority of those who continue at special schools and classes till fourteen and have benefited to an appreciable extent will have to be provided for in much the same way as those who have left school before fourteen; that is to say, those who have good homes will remain in them, and those who have not will have to be cared for by the parish authority in private dwellings, or in labour colonies.

As to the importance of early determining whether a feeble-minded child should continue in an ordinary school, industrial school, or in an imbecile boarding school, I have in my mind the return sent in to the Commission by Mr. Spence, Secretary to the General Board of Lunacy, and the statement of Dr. Clarkson, the medical officer of Larbert Imbecile Institution, both pointing out the very poor results achieved at enormous cost. In addition I have my own experience in at least 100 cases of children educated for five or six years at a cost of £30 per annum in imbecile institutions, whom I have seen afterwards in private dwellings as pauper lunatics in the course of official visitation. In most of the cases the institution did no more, perhaps less, than capable parents if they were kept at home, or a good Scotch housewife would have done, if they were boarded out, at half the cost. It is not the fault of the two institutions. They were not suitable cases for them. And this leads me to observe that more care and deliberation might be exercised, not only by the two certifying doctors who examine the feeble-minded children as well as imbecile children with a view to their removal and detention in boarding schools, but by the boarding school authorities, with a view to their early removal from such places when, after reasonable trial, it is found that they cannot profit. This observation, so far as the institution is concerned, has no reference to those there till eighteen and requiring hospital treatment.

In any amendment of the Lunacy Laws following upon the Report of this Commission I would recommend that the terms, "lunatic," "idiot," and "pauper lunatic" and "asylums" should not be continued. They give offence, and serve no purpose which "insane," "unsound mind," "imbecile," "chargeable insane," "State and rate supported insane," and "mental hospitals" would not better serve.

There has been a good deal said before this Commission as to the operation of Section 89 of the Lunacy Act of 1857. With some experience of the class of persons to be dealt with under this section, I do not see much reason for changing the law unless it be that before return to prison or to freedom the central authority might have something to say before discharge as between two conflicting sets of medical opinion. Persons proceeded against, to begin with, under Section 15 of the Act of 1862 as dangerous lunatics by the Procurator Fiscal and afterwards handed over to the Inspector of Poor under Section 14 of the same Act, or those proceeded against under Sec. 15 of Act of 1862, and afterwards dealt with under Sec. 19 of Act of 1866 are in my view not any more securely fixed in an asylum, and as between the two the latter require more secure detention, but do not get it.

Where legislation is proposed for the protection of the feeble-minded residing with one or both parents such as finds expression in Sec. 99 of the Lunacy Act of 1857, against wilful maltreatment, abuse, or neglect, provision should likewise be made for the protection of patients against immoral guardians who neither maltreat, abuse, nor neglect their charges, but who, in the case of the certifiable insane, will forego public support rather than part with the offspring. Compulsory separation is necessary in these cases.

Restraint or seclusion of the feeble-minded should, as in the case of the insane in private dwellings, be forbidden.

Owing to the enormous cost of litigation in Scotland in connection with the law of settlement especially in the case of congenital imbeciles, I cannot too strongly recommend that the determination of the settlement of the feeble-minded should be on the lines of ordinary pauperism, congenital mental incapacity having nothing whatever to do with it.

On the assumption that for the care and control of the feeble-minded of all ages, fresh legislation is called for, I would recommend laws, if analogous yet quite distinct from the present lunacy laws, as to certificates, orders, and the law of settlement. In the following respects they would be the same: central and local control, joint maintenance by the State and the locality. Such legislation would lead to an addition of 9,000 to the present "chargeable" insane amounting to 14,000, and the additional cost would not fall short of £75,000 per annum, or in certain contingencies £49,000. The ratio to population of both would be six per 1,000.

Existing institutions, not utilised to their full capacity or anything like it, should be converted into labour colonies, inebriate reformatories, etc.; and a freer and extended use should be made of private dwellings for suitable cases. When all this is done, one or two labour colonies, one or two feeble-minded boarding schools, and one or two inebriate reformatories will be required, none of which should cost more than £100 per bed. The labour of the inmates would be of more value than of the certified insane, and to a large extent present expenditure would be turned into other and better channels, and better and more permanent value got for the outlays.* To all communities, weighted to the breaking point by the burden of local taxation, to a very large extent incurred by the erection of costly and extravagant buildings for the prisoner, the poor, the insane, the imbecile, and the inebriate, any large increase would be fatal to any new scheme.

It should, in my opinion, be a *sine qua non* of any scheme that after consultation between the central and local authorities there should be the utmost freedom and facility on the part of the central authority in sanctioning the transfer of inmates from one institution to another as circumstances determined. This would apply to certified and State inebriate reformatories, labour colonies, industrial schools and reformatories, and imbecile boarding schools and private dwellings. It would not apply to inebriate retreats for those paying for their maintenance, unless there were in any of the other institutions inebriates who came into funds, or whose friends were agreeable to pay for them, and they were suitable cases for transfer.

What is much in evidence in our present methods is lack of co-operation and co-ordination on the part of the different responsible authorities. To remedy this would be to make certain institutions filters of first instance. With an experienced doctor and teacher the filtering of feeble-minded children would take place in the elementary schools, and afterwards by the same persons in the special schools and classes, and in the feeble-minded boarding-schools, when it was duly ascertained that another destiny was the proper one.

* It would mean for the attendants better wages, better conditions of service, and a pension scheme.

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For adult feeble-minded the filtering *bureaux* would be the relief chambers of the parish councils, the police offices, the poor-houses and the prisons, with their medical officers aided by the staffs, and on evidence and reports tendered before two Magistrates, two Justices of the Peace, a Stipendiary or a Sheriff, it would be settled where for a considerable time the defective derelicts were to rest.* Sanction for removal from one to another of the different institutions would rest with the Central Authority, as is the case now with the insane.

Insane Imbeciles, Dements, etc., in Private Dwellings.

In regard to these, 2,770 in number, I desire to submit evidence on the following seven points:—

1. Value of labour and capacity of patients for usefulness. (Table I.)

2. The distribution of patients singly, in licensed houses for two, three and four, with a strong recommendation for an extension of licences for three and four, as being a good arrangement both for patients, and guardians and the local authorities. Three patients mean a profit of £21 10s. per annum to the guardians, and four £30.

3. Percentage of insane boarded-out in Scotland, its thirty-three counties, with note as to 288 parishes doing nothing, and many more doing next to nothing. (Table IV.)

4. The three attitudes of urban and large burghal parishes to boarding-out. (1) Correct; (2) Moderately satisfactory, and (3) Very unsatisfactory and inexcusable. (Table V.)

5. The intimate relationship between a low asylum unrecovered discharge rate, and a low percentage boarded-out, and in consequence an increased burden to local taxation. (Table VI.)

6. The present disposal of chargeable insane in thirty-three villages, and numerous rural colonies showing the sex ratio in each, and the ratio of insane to population. (Table III.)

7. The striking financial benefits accruing from a freer discharge of unrecovered patients from asylums. Necessity for asylum extension averted or checked. Cost of maintenance being little more than one half. The saving to Scotland per annum on a 30 per cent. boarded-out calculation would be £66,000, to England £480,000.†

Illegitimacy and Imbecility.—Before showing *first* by statistics an intimate connection between illegitimacy and certifiable imbecility, and *à fortiori* a more intimate connection with feeble-mindedness, and *second* by personal investigation into this question in every parish and county in Scotland during the past eleven years, I desire to tender one or two observations regarding the illegitimacy statistics of Scotland, England, Ireland, and continental States. At the outset let me say that these returns afford little real evidence of the comparative immorality met with in different countries, or in parts of the same country, socially, racially, religiously, and industrially different.

With regard to Scotland, there is statistically a remarkable improvement within the last thirty years, as may be gleaned from Table VII. for Scotland as a whole, and for its thirty-three counties, except Shetland and Ross-shire. In the former there is a rise of 90 per cent., and in the latter 20 per cent., in both counties, due to altered social conditions brought about by a large influx of strangers from England and the Continent, in consequence of a remarkable development of the fishing industry.

The international statistics for 1896 were as follows:—For Scotland 7·2 per cent., England 4·2, Ireland 2·6, France 8·8, Germany 9·1, Italy 6·4, Norway 7·1, Belgium 8·7, Portugal 12·3, Austria 14·5, and Russia 3·1. The figure for Russia is a low one, especially when it is understood that in Moscow it is 30, and St. Petersburg 23. In Paris it is 26, Munich 43, Vienna 44, Rome 19, and Berlin 15, percentages, or anything like them, which do not obtain in the large cities of the United Kingdom.

No one believes that Ireland is ethically so much better than Scotland or England as these figures would imply, just as no one conversant with these matters believes that Lanarkshire (with Glasgow), and the other nine counties in the great industrial belt of Scotland, is ethically superior to Aberdeen, Wigtown, Banff, Elgin, Caithness, etc., to the extent of 100 per cent.

For these differences there are satisfactory explanations not calling for mention here.

As between *urbs* and *rus* there is statistically strong evidence in Scotland, England and Ireland of the greater prevalence not only of illegitimacy, but of imbecility in rural districts. This is not merely a coincidence. To a large extent it is a clear evidence of cause and effect, and this leads me to express my entire disagreement with evidence tendered already by female witnesses in England who, it is pardonable to say, do not fully or really understand the matter, and the significance of the connection in all its bearings between both which exists. Immorality which should lead to illegitimacy is much more in evidence in industrial centres than in rural districts. In the former it is submerged, in the latter it emerges and is tabulated without explanation. The only possible difference in different rural districts and villages, save the nature of the calling of these offenders, and it is not a large one, is that while in one district there is an adverse public opinion to illegitimacy, in another it is either indifferent or non-existent.

That there is a close connection between the two, I have personally in my sojournings up and down the land had abundant evidence, corroborated by interviews I have had with inspectors of poor who have to contend with both evils, which are costly to parishes, especially to the poorer parishes in which it is most in evidence. Again and again I have seen in the same district, and even under the same roof, three generations of "soft" or "feeble-minded" women with illegitimate broods, some of whom are imbecile or "soft" or "feeble-minded."* No doubt the environmental factor counts here for something, but the real factor is the feeble-minded state of the women, lost to and evidently not possessing any real sense of shame, and regardless of the lifelong burden to themselves and to the parishes. Among these broods of illegitimate children there is in proportion a vastly larger number of imbecile and feeble-minded children met with than among the offspring of normal and healthy wedlock. These remarks have reference to the inveterate, not so much to the accidental, rearers of illegitimate children, and there are generations of the former who are not in the true sense bad or immoral, but are lacking in resistive power, and incapable of forming a proper estimate of the ethical wrong done to society and themselves. One *faux pas* is intelligible, and if all the circumstances were known, perhaps excusable; but repeated breaches of the moral law, and all the hardships it entails on the woman, not to speak of society, is suggestive of feeble-mindedness of the female parent. The feeble-minded male is not an offender in this respect; it is the female taken advantage of by unscrupulous men, and the female who is actively erotic. No promise of marriage is asked, and none is given. Support for the offspring is seldom asked for, and is seldom forthcoming. The parish of the woman bears the large share of the burden. Of course there are male and female feeble-minded persons in towns and rural districts who marry with bad results, but it is more marked in rural districts in which the population is small, and is steadily diminishing in response to inexorable economic conditions, and the sexual selection is there restricted as it is not in industrial centres, in which it is fair to assume *mésalliances* are less frequent. It is here that the hereditary element—the most significant of all factors either in town or country, especially in the latter, cut off from the arteries of communciation which bring about a greater mingling of the people—enters into the question, but I am at a loss to see how legislation can appreciably modify the evil. Much might be done by educating the people to a right understanding of the laws of health in relation to marriage, and the risks of union of the healthy and normal with the feeble-minded.

The eugenic ideal is one to be encouraged, but not to be enforced by enactment.

Next to heredity, and not far short of it in its baneful results, comes the factor of intemperance and vice, producing feeble-minded parents, one or both, and these in their turn producing feeble-minded children.

* Difficult cases might be relegated *en observation* to the mental wards of a hospital such as is to be found in Glasgow and Continental cities.

† This would meet nearly two-thirds of the extra cost of the feeble-minded in England

* For a few out of numerous examples see p. 250.

It is difficult to see how advice and instruction of this kind will help matters in remote islands, and in isolated districts on the west and north-western and northern littorals of Scotland, in which inbreeding has left such abundant, and indelible traces that marriage is a risk. This has been shown by my colleague in the case of North Uist, an island on the west coast; and I have seen imbecility and feeble-mindedness much more strongly in evidence in the lone and more remote islands of Foula, Fair Isle, and St. Kilda, the entire populations of which have come under my notice. Estimated by physique and mental capacity the race is deteriorating. The disadvantage at conception is influenced, in its mental and physical development, in an unfavourable direction by the ante-natal and post-natal environment. It is safe to say insanity in these islands is in proportion to population four times more frequently met with than on the mainland. It proves to a demonstration the great evil of heredity and inbreeding. It could not be otherwise. No fresh blood is introduced, and no male can woo a woman from the mainland to share his lot, and the woman remaining at home does not have even this opportunity. These island populations are rapidly declining. The birth rate, owing to comparative sterility, is a low one, and the healthier products of it, on reaching adult life, leave. In time, not remote, these small populations must disappear unless fresh blood is introduced, and that can only be done by the State helping to set up inducements in the way of fishing, and industries which would tempt settlers to come.

On the whole I am of opinion that the ranks of the imbecile and feeble-minded are for the most part recruited from the variation, difficult to explain, which is frequently in evidence as the result of apparently normal unions, and to a less extent by the progeny of parents who shortly after adolescence manifested mental warp, or became vicious and debauched, and the progeny of parents, one or both, with hereditary defect. In the matter of numbers it could scarcely fail to be otherwise, apparently healthy and normal unions amounting to 90 per cent. of all marriages. Of course in the other 10 per cent. for various reasons ill-assorted unions or no union at all—in spite of the comparative sterility of the less fit and under any circumstances the vastly higher infant mortality incidental to the life of weaklings and intensified by bad or indifferent maternal care, bad environment, etc.—there is in proportion a vastly higher ratio of imbeciles and feeble-minded resulting.

Feeble-Minded Habitual Petty Offenders—"Drunks," Disorderlies, Beggars, Prostitutes, and Petty Thieves.—Probable number, 2,500, females vastly preponderating. They vary the offences mentioned but they are not "criminals" in the right interpretation of that term. Owing to mental incapacity, mental warp, lack of skill and daring they are not permitted to join the ranks of the criminal aristocracy and professionals who live by plunder. Yet they are a costly nuisance, and cause vast trouble to the different authorities through whose hands they frequently pass. Sterility rather than fertility is characteristic of these. Abortion, specific disease, and the debauched rôle are not favourable either to legitimate or illegitimate fertility. To a greater extent their ranks are recruited from the unemployed, and those who have shaped well up to adult life. In regard to further amending legislation applicable to such I favour generally the proposals contained in the draft bill of the Glasgow Corporation issued last month.

Vagrants and Tramps.—The "knight" of the road is not always a lazy man, nor is he lazy in the ordinary sense of that term. In a great many cases there is undoubted mental warp. His energies, which are considerable, are exercised in a wrong direction. They are misplaced. I venture to think that a daily tramp of twenty miles means an expenditure of energy equal to that put forth by any labouring man who over and above has a comfortable home, a good bed, and good and varied food. The vagrant picks up his living in a precarious way from an intimidated and superstitious hospitable public, on the well known lines of march. He sleeps beside a brick-kiln, or in an outhouse, as often without as with a pallet of straw. I take leave to submit my definition of him contributed in an article on "Lunacy" to the *Encyclopædia Medica*: "With truer conceptions of psychology, ethics, social pathology, and more knowledge of him and his ways, there is no reason why in the coming years the incorrigible tramp, whose mode of life is a puzzle to ordinary observers, and to officials in workhouses and "dosser" houses who at times have him under observation, and suggests to the normal man a life of great discomfort and misery, should not find his place in the large army of degeneracy, and thereby of lunacy. But a life of *ennui*, footsoreness, and discomfort no more disturb him than the grime on his skin and the pediculi and acari which thrive on his body unmolested." The *ratio* of females to males is as 1 to 3·6. The children accompanying them are in regard to sex ratio as 1 to 1, and children are to adults in the proportion 1 to 4·4. Sterility is in evidence here, and legal marital attachments are the exception. He is chiefly recruited from the ranks of the unemployed with or without mental warp.

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Habitual Inebriates of the well-to-do class, and of the humbler classes not coming under the notice of the Police.—The number of the former (approximately) is 600; of the latter 2,000. For them legislation is urgently called for.

Many in both categories, especially the women, have always been either feeble-minded, neurotic, neurasthenic, etc., and the rest apparently normal to start with have become feeble-minded, and incapable of managing themselves or their affairs in consequence of their habits. The conduct of both types is insane, and as to unsoundness of mind there is a slight though not sufficient advance legally as well as medically as to the true nature of confirmed inebriety, and its effects as manifested by conduct, which should count for much more than it does when the liberty of the individual requires legal interference. The present legal provision for all such is *first*, voluntary entrance to licensed and unlicensed retreats, not much taken advantage of; *second*, loss of control of affairs by the appointment of *curators* by the Court of Session, or Sheriff Courts. Either step is inadequate. Something more is required, and I would suggest as a *third* step, the introduction into our legal system of the family council (*Conseil de famille* of the French Code), and as a *fourth* step compulsion, as contemplated by Sir Charles Cameron, Bart., in his first Bill, and by the late Lord Chancellor Herschell whose Bill of 1905 passed its second reading. As a member of the London Committee on Inebriates I prepared the memorandum submitted to Lord Herschell, and was one of a committee of three appointed to wait upon him. That Bill followed more or less on the lines of the reports of two Departmental Committees, one presided over by Mr. Herbert Gladstone, M.P., the other by Sir Charles Cameron, Bart. To the provisions of that Bill I adhere with one or two qualifications urged at the time. The effect of the existence of "compulsory" seclusion in our statutes would in my judgment lead to a freer use of the existing *first* and *second* methods of meeting this clamant social evil, and of the suggested *third*, viz., the family council, the constitution and working of which is not properly understood. With so many progressive steps it is difficult to see where there can be a suggestion of harshness, injustice, or undue interference with the liberty of the subject. It is absurd to talk about the liberty of the subject. The kind of men and women to be scheduled for a fair and thorough inquisition before competent judges will recur to every one. They are much worse than is implied in the definition in the Act of 1879. Their habits of inebriety are notorious, leading to profligacy, to all disregard of personal honour, of family and social obligations, and to the wasting of their substance, and the wreckage of their homes.

It is difficult to see where anything in the nature of *chantage*, or the *lettre de cachet* could come in, any more than it could come in now in the case of Chancery, and criminal lunatics found of unsound mind by inquisition. It has been alleged that near relations would have sinister objects to serve in putting the machinery of the contemplated law into operation, and would not scruple to use it oppressively. I believe experience will be in quite an opposite direction, viz., of relations actuated either by kindly and mistaken considerations, or by base ones, concealing the infirmity. If relatives do not come forward, and from mistaken notions of duty shelter the inebriate, then any law which might save him and them, unless he or she commit an offence or crime, will remain a dead letter. To prevent that in notorious cases met with in the affluent and humbler *strata* of society an official analogous to the "imperial proctor" of the French

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law should be called into being, and on the sworn affidavits of medical men, relations, and others, would be entitled to take proceedings. The inebriate should have the right of appeal, of a public or private trial, and could be represented by himself or an agent.

I believe in a public official like the "imperial proctor," whether members of a family move or not in the matter for this reason, that it is often an invidious position for members of a family who suffer much and untold misery at the hands of an inebriate to move, and might result in the inebriate on recovery dispossessing them as far as he can, or otherwise doing them injury.

In regard to inebriates among the two classes of society referred to, I am in agreement with the views of Mr. Richard Brown, C.A., Edinburgh, who has already given evidence as to the existing laws in relation to judicial factors, and to the practice of the Court of Session and Sheriff Courts as to the *incapax*, and in regard to the inebriate *incapax* would like to see a freer use of the powers and privileges of the Court of Session in virtue of its *nobile officium*.

For the affluent, licensed retreats and private dwellings would soon come into existence, and for the humbler classes town and county and parish councils, as well as philanthropic bodies, would come to their aid either in retreats or labour colonies. The Church of Scotland is already doing something. Legislative authority would require to be given to town, county, and parish councils to move in this direction.

To the excessive use of alcoholic stimulants I would add narcotics, and drugs to be specified.

Conclusion.—While it would be a matter of difficulty to allocate the number of insane, imbecile, and feeble-minded arising respectively from hereditary causes, from intemperance and vice, and from variation in the birth product of to all appearances normal unions, eugenic and legislative efforts may do something to lessen considerably the results of the first two causes, but so far as I can see there is no remedy for the third. There must always be with us a feeble-minded folk calling for the care and protection of a nation distinguished for its humanitarian legislation. Further, allow me to add a deep-rooted objection to the multiplicity of extravagantly built and extravagantly equipped institutions for the "chargeable" defectives and derelicts of society. No countenance whatever should be given to such a policy. It is not a pleasing reflection that so much of the national burden of taxation in this country is due to extravagant palatial buildings for the housing of defectives and derelicts, or that so much of the architectural features of our cities and towns about which local authorities seem proud is due to them. Every existing institution should be utilised, and where possible suitable cases, young and old, who by genetic or adolescent warp, or by the induced defects of vicious living, are unable without moral and material help to bear up in the struggle for an existence, should be boarded out. The private dwelling means, for all who can use it and not abuse it, a natural as opposed to a more or less conventional existence, and the greater likelihood of drawing out latent capacity possible under something approaching individual treatment. It means satisfactory care, a comfortable room, a good bed, and that variety and equality of food partaken of by the great majority of the ratepayers taxed for the erection of costly institutions, and a rate aliment of about one half of that required for asylums. The *mot d'ordre* might appropriately run "dispersion not aggregation" of the class whose numbers will, it is believed, as the result of the deliberations of this Commission, be greatly augmented. It has to be borne in mind that the massing of the insane and imbecile in institutions is not a necessity, except that of poverty. If affluence among the people was as general as it is exceptional there would not be one for every ten who inhabit our asylums to-day. More might be done for boarding-out if the aliment to guardians was a little larger, and more commensurate with services rendered. The attitude of guardian to patient is, it has to be remembered, not altogether, or even in great measure, an altruistic one. Services are rendered and sacrifices made for a monetary consideration. That attitude bulks largely in this as it does in every department of life.

Of nearly 1,000 certified patients seen by me for the first time during the past eleven years, it is safe to say 15 per cent. were of the class for the protection of whom this Commission was appointed.

APPENDIX.

TABLE I.—PERCENTAGE (APPROXIMATE) OF DEGREES OF CAPACITY FOR USEFULNESS AMONG 2,770 PATIENTS BOARDED-OUT IN SCOTLAND, AND DAILY VALUE OF LABOUR (APPROXIMATE).

	Males.			Females.		
	Number.	Per cent.	Value of day's work.	Number.	Per cent.	Value of day's work.
			d.			d.
Very good workers - - - -	69	6	10	143	9	5
Good workers - - - - -	161	14	6	271	17	3
Fair workers - - - - -	322	28	3	477	30	1½
Indifferent or *nil* - - - -	600	52	—	707	44	—
	1,152	100		1,598	100	

The value of the labour of the feeble-minded patients who are contemplated in the remit of the Commission would as a rule and on the whole exceed considerably in value that of those certified "imbeciles" or of "unsound mind." And that being so, it should cost less to board them out; perhaps on an average 4s., 5s., to 6s. per week would suffice. Further, I see no reason why feeble-minded persons of the genitous or infantile type should not, if carefully selected, mingle in the same specially licensed homes with the insane, one or two, say, in houses for four, and one in houses for two and three would be a satisfactory arrangement. The certified insane and the certified feeble-minded would be chosen by the same local authority.

TABLE II.—PERCENTAGE OF 513 SPECIALLY LICENSED HOUSES FOR TWO, THREE, AND FOUR, IN WHICH ARE HOUSED 1,152 PATIENTS AND SEX RATIO IN EACH.

	Per cent. of houses.	Total number of patients.	Sex ratio.
For 2	68	634	100 to 134
„ 3	22	324	100 „ 224
„ 4	9·5	194	100 „ 350

[Placed singly, 1,600. Ratio, 100 to 116.]

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As already indicated, I am, and for years have been, strongly in favour of increasing licenses for three and four apart from the difficulty that may, perhaps, arise in this connection if this Royal Commission favours the boarding-out of a section of the feeble-minded hitherto improperly cared for. This difficulty would disappear if licenses for three and four of the "insane" and "feeble-minded" were sanctioned. The benefits are twofold; the first, to guardians who take in three and four and devote themselves wholly or nearly so to their charges is that the annual profits of three and four (£21 10s. and £30) maintains them, and becomes for the most part their means of living; and the second is that to the patients it means better housing and sleeping accommodation, and more comfort in the way of fires in bedrooms. In order that in such houses patients may enjoy to the full, or nearly so, family life, it is not desirable that the families receiving three or four should be large, or that there should be in residence children of tender years, unless the selection is careful, and the patients themselves, as guardians remark, are "canny." To houses licensed for three or four men there should be outlets for work. That should be made a *sine qua non* for such houses for males.

TABLE III.—THE PRESENT DISPOSAL OF THE CHARGEABLE INSANE IN THE VILLAGE AND RURAL COLONIES IN SCOTLAND.

County.	Villages and rural districts.	Population.	Chargeable imbeciles and insane in private dwellings.			Per cent. to population.	Remarks.
			M.	F.	Total.		
Fife	15 Villages	11,637	76	177	253	2·1	Star village, 10 per cent. Craigrothie, 9 per cent. Milton of Balgonie, 5 per cent.
	Rural	8,287	17	55	72	·8	
Perth	5 Villages	3,210	20	94	114	3·5	Gartmore village, 15 per cent.
	Rural	3,830	41	6	47	1·2	Males vastly preponderate.
Lanark	1 Town	6,570	2	16	18	·3	
	3 Villages	2,074	10	52	62	3·0	Kirkfieldbank, 4·7 per cent.
	Rural	8,200	30	14	44	·5	Males vastly preponderate.
Stirling	5 Villages	2,180	5	68	73	3·3	
	Rural	3,394	53	20	73	2·1	Males vastly preponderate.
Ayr	1 Village	600	–	29	29	4·8	Ballantrae village, 4·8 per cent.—entirely females.
	Rural	5,593	16	28	44	·8	
Kinross	3 Villages	1,355	17	18	35	2·6	Kinnesswood, 7·5 per cent.—equality of sexes.
	Rural	524	5	1	6	1·1	
	Total, 1 Town	6,570	2	16	18	·3	
	Total, 32 Villages	18,876	118	438	566	2·7	100 to 370.
	Total, Rural	29,828	162	124	286	·9	100 to 80.
	Grand Total	55,274	282	578	860	1·5	100 to 200.

It will be observed that nearly one-third, or 860, of all the patients boarded out are located with strangers in the specially licensed houses in thirty-three villages and twenty-five rural colonies. Males are to females as 100 to 200. The highest number in any village colony is about fifty, and the lowest six. There are in addition 312 patients in licensed houses here and there all over Scotland. The system fortunately admits of great expansion, first by increasing the licences for two, three and four, which I strongly, in the interests of patients, guardians, and inspectors of poor, recommend; and second, by the opening up of new ground in villages and country districts. And I have little doubt that if 6d. or 1s. more per week were allowed for the more or less unproductive and troublesome cases still more could be done in this direction, and a set-back given to the craze for the erection of more institutions for the derelicts and defectives in our midst which has taken a firm hold on a section of the English official mind.

TABLE IV.—PERCENTAGE OF INSANE BOARDED OUT IN FIVE GROUPS OF SCOTTISH COUNTIES, WITH NOTE *re* 288 PARISHES IN THE 32 COUNTIES.

Counties.	Total Chargeable Insane.	Number Boarded Out.	Percentage of Boarded Out.	Remarks.
11 Highland and Insular	2,824	900	32	Highest counties, 44 per cent., Ross and Inverness; lowest, Perth and Elgin, 20 per cent.
5 Counties	2,814	583	20	Edinburgh, Forfar, Wigtown, Berwick, and Bute.
6 Counties	4,834	761	15·7	Lanark, Stirling, Fife, &c.
5 Counties	2,310	288	12	Aberdeen, Renfrew, Dumbarton, Dumfries, and Roxburgh.
5 Counties	1,180	93	8	Ayr, Haddington, Linlithgow, Kincardine, and Selkirk.

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In ten counties, including Aberdeen, Ayr, Edinburgh, Stirling, Dumfries, etc., there are eighty-six parishes large and small, with 1,645 chargeable insane, of whom only 130, or eight per cent. are boarded out; and in fifteen counties, including Ayr, Aberdeen, Fife, Renfrew, Stirling, Dumbarton, etc., there are 202 parishes with 1,152 insane, not one of whom is provided for outside the institutions.

TABLE V.—ATTITUDE OF THIRTY-FIVE URBAN AND LARGE BURGHAL PARISHES OF SCOTLAND WITH 7,766, OR 53 PER CENT. OF THE TOTAL CHARGEABLE INSANE, TOWARDS BOARDING OUT.

I. Correct Attitude ; II. Moderately Satisfactory ; III. Very Unsatisfactory and Indifferent.

—	I. Correct. 1. Total Insane.	2. Boarded-out.	3. Percentage of Col. 2.	—	II. Moderately Satisfactory. 1. Total Insane.	2. Boarded-out.	3. Percentage of Col. 2.	—	III. Very Unsatisfactory. 1. Total Insane.	2. Boarded-out.	3. Percentage of Col. 2.
1. Glasgow	1,993	366	18	1. Govan	969	136	14	1. Hamilton	85	8	9
2. Edinburgh	1,103	290	26	2. New Monkland	117	19	16	2. Old Monkland	125	7	5
3. Dundee	660	125	20	3. Bothwell	97	12	12	3. Hamilton	85	8	9
4. Inverness	141	60	42	4. Leith	175	23	13	4. Rutherglen	46	1	2
5. Old Kilpatrick	61	26	42	5. Arbroath	84	13	15	5. Dalserf	25	1	4
6. Kirkcaldy	118	24	20	6. Paisley	248	36	15	6. Cambusnethan	69	7	10
7. Perth	103	22	21	7. Dunfermline	130	14	14	7. Dalkeit	37	2	5
8. Forfar	56	14	25	8. Arbroath	84	13	15	8. Montrose	53	5	9
				9. Hawick	56	7	12	9. Port Glasgow	42	4	9
				10. Galashiels	31	5	16	10. Ayr	107	3	2·7
				11. Kilmarnock	104	12	11	11. Stirling	60	4	6
								12. Falkirk	82	4	5
								13. Aberdeen	448	34	7
								14. Peterhead	61	5	8
								15. Fraserburgh	38	3	8
								16. Dumfries	51	4	8
	4,257	934	22		2,095	290	13·8		1,414	100	7

The lack of uniformity in dealing with the unrecovered insane no longer requiring institutional care is strikingly illustrated by the percentages in the three foregoing columns, and these have their counterpart, as might be expected, in the figures given in the subsequent Table, showing for the asylums a range of "unrecovered" discharges equally wide. In order that 30 per cent. of the chargeable insane may be boarded out and that something like uniformity of action on the part of inspectors of poor and asylum superintendents may be secured, some action requires to be taken. It might be initiated by the central authority. Apart from conference and co-operation on the part of the parishes, the asylums, and the central authority, I am of opinion that the figure aimed at, viz., 30 per cent., which would effect an annual saving of £66,000, would be attained most readily and easily by appointing six officials for the groups of counties attached to several district asylums, whose sole duty it would be to find suitable guardians and homes, to supervise them in the village and rural colonies to be founded, and to visit the asylums from time to time, and confer with the asylum authority. In this way there would be as free a discharge from the asylums of the unrecovered as there is now a free return to the asylums of those proving themselves for various reasons no longer fit for private care after short or long trial. These six officials for Scotland would also supervise feeble-minded persons similarly disposed of. The cost would not exceed £2,400 thereby.

This suggestion is not made as applicable to the three urban parishes of Edinburgh, Glasgow, and Dundee, the officials of which are fully alive to the need for a freer discharge in order to prevent extension of buildings, and at the same time to set free the accommodation required for acute cases among the occurring and recurring insanity. The six officials to be called into existence would supplant in this matter inspectors of poor in hundreds of parishes doing nothing or next to nothing, either in the public interest or in the patients' interest, no matter whether these inspectors were officials holding no other appointment, or holding several other offices, as many of them do owing to the smallness of the parish, and of the salary. It might be advisable by legislative action to enlarge the parish area by combining for administrative purposes several parishes. But this means time, and what I have previously suggested indicates the line of least resistance. Energetic action has got to be taken if the indefensible anomalies set forth in the foregoing sets of figures are to cease, and if something like uniformity of action, with its resultant economy, is to be established.

TABLE VI.—DISCHARGE RATE OF UNRECOVERED CHARGEABLE INSANE FOR 18 AND FOR ALL ASYLUMS IN THE DECADE 1892–1901.

[Forty-fifth Report of General Board of Lunacy.]

	Daily Population.	Average number discharged per cent. of average number resident.		
		Unrecovered and removed from Poor Roll.	Unrecovered and boarded out.	Total.
Edinburgh	527	6·1	4·	10·1
Gartloch	450	3·	5·6	8·5
Woodilee	707	4·3	3·	7·3
Perth	336	2·4	1·8	4·2
Fife	479	2·8	1·2	4·
Inverness	522	1·5	2·4	4·
Ayr	448	2·9	1·	3·9
Govan	403	2·5	1·2	3·7
Roxburgh	267	2·4	1·3	3·7
Dumfries	448	2·8	·9	3·7
Dundee	335	2·2	1·1	3·3
Stirling	576	2·2	1·1	3·3
Midlothian	241	1·8	1·1	2·9
Montrose	521	1·4	0·8	2·2
Argyll	414	1·3	1·	2·2
Aberdeen	528	1·3	·5	1·8
Lanark	581	1·4	·2	1·6
Haddington	136	1·2	·4	1·6
Total of all Asylums	9,013	2·6	1·7	4·3

TABLE VII.

SCOTTISH STATISTICS of A. I., Certified Chargeable Insane and Imbeciles; and of C. I. (*a*), (*b*), and (*c*), Certified Private Patients, Certified Curatory and Uncertified Curatory; of A. II., 1 and 2 of Feeble-minded among Police Drunkards, Petty Offenders, Vagrants, etc.; and of C. II., Uncertified Private Patients not under Supervision; C. III., Well-to-do Inebriates; and B., Feeble-minded Children of School Age.

	Males.	Females.	Total.	Ratio per 1,000 of population.
A. I.—Certified chargeable insane and imbeciles in institutions and private dwellings	7,149	7,541	14,690	3·8
II.—Feeble-minded who may become chargeable wholly or partially to rates and grants.				
* 1.—Feeble-minded among police drunkards, petty offenders, prostitutes, and vagrants	—	—	2,500	·67
* 2.—Non-police habitual inebriates	—	—	2,000	·5
* B.—Feeble-minded children of school age requiring supervision and special instruction	—	—	4,500	·9
C. I.:—				
(*a*). Certified private patients in institutions and private dwellings	1,062	1,304	2,366	—
(*b*). Certified curatory patients in institutions and private dwellings	—	—	708	—
(*c*). Uncertified curatory in private dwellings under supervision	—	—	261	—
			3,335	3·5
* II.—Uncertified private patients, mostly imbeciles and feeble-minded, residing with strangers and not under supervision	—	—	475	·5
* III.—Habitual inebriates among the well-to-do classes	—	—	600	·6
Total	—	—	28,000	·6

* Approximate.

NOTE.—The population to which A. and B. apply, 3,720,000 (80 per cent. of entire population); to which C. applies, 930,000 (20 per cent.).

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TABLE VIII.

ROUGH ESTIMATE OF ADDITIONAL COST TO SCOTTISH RATES, AND SUBVENTIONS FOLLOWING ON LEGISLATION FOR THE FEEBLE-MINDED.

A. II. 1. Viz., 2,500 (police drunkards, petty offenders, vagrants, etc., at £15 per annum for board and £5 interest on buildings, (Labour Colonies and Poor-houses)	£40,000
„ Viz., 500 in private dwellings at £15 per annum	7,500
A. II. 2. Viz., 2,000 (non-police inebriates) at £12 per annum	24,000
	£71,500
Deduct £30,000, being cost of A. II., 1. at present for police, prisons and poor-houses	30,000
	£41,500
C. Viz., 4,500 children of school age of whom 900, or 20 per cent., would, it is assumed, by means of special day schools and special classes, become self supporting	*Nil*
850, Training and education in boarding schools. Maintenance £25, interest on buildings £5—total £30	£25,500
1,250 Would not require aid	*Nil*
1,500 Partial aid, say £10 per annum	15,000
4,500	£82,000
Deduct cost of 236 children at £30 per annum in Larbert and Baldovan institutions	£7,000
Total first cost	£75,000

NOTE.—If 30 per cent. of the imbecile and insane were boarded out instead of 18 per cent., £26,000 more would be saved, and the above cost reduced to £49,000.

TABLE IX.—PREVALENCE AND SIGNIFICANCE OF INSANITY AMONG THE AUTHORS OF DIFFERENT CRIMES.

The following Table is both instructive and suggestive in so far as it indicates the liability to certifiable insanity among the authors of different crimes, and by implication mental states more or less allied to the certifiable one.

Indictable Crimes in England for 1903.	Apprehensions.	Percentage of Apprehensions.	Number found Insane before and after trial.	Percentage of Insane.	Ratio of Insanity to Apprehensions.
(*a*) Homicides, Assaults, etc.	1,656	*2·7*	54	*39*	1 in 30
(*b*) Sexual Crimes	1,391	*2·3*	16	*11·5*	1 in 87
(*c*) Arson	213	*·35*	6	*4·3*	1 in 85
and Malicious Injury to Property	216	*·35*	5	*3·5*	
(*d*) Housebreaking, Robbery, etc., with violence	3,734	*6·58*	16 } 58	*11·5* } *41·7*	1 in 233
(*e*) Theft, Fraud, etc., without violence	54,745	*88·3*	42 }	*30·2* }	1 in 1,300
	61,955	*100*	139	*100*	1 in 459

Calculating for crimes *a*, *b*, and *c* on the number and percentage of insanity found respectively in *d* and *e*, viz., fifty-eight persons, or 41·7 per cent., that for homicides and assaults should be 1·5 persons and not 54, and the percentage 1·2 and not 39. Or reversing it, if the insanity ratio in the former applied to the latter, the latter would not merely produce fifty-eight insane, as it does, but 1,780, or thirty times as many. Similarly, if crimes against chastity produced insanity in the same ratio as crimes against property it would amount to 1 per cent. and not 11·5 per cent.; and arson 15 per cent. and not 4·3 per cent. Thus it appears that certifiable insanity is highest and most frequently met with among those who commit crimes in which the elements of malice, passion, revenge, and lust predominate than among those in which acquisitiveness and avarice are the governing mental factors. It has to be observed that there is relatively little insanity among the plundering and thieving class, which presents the ugliest and most persistent phase of recidivism in this country, and yet so much of it among the perpetrators of other crimes with little recidivism resulting. The foregoing observation would not be complete were it not recorded that among the thieving class there are a considerable number of weak-minded and degenerate persons, some of whom are somewhat alcoholised when they pilfer. As matters stand at present, nothing is done to deflect this weak-minded class from the path of drunkenness, dishonesty, and degeneration. Drunkenness, pilfering, and prostitution alone engaging their attention, they revolve between the public house, the police court, the prison, and the poorhouse.

Whether the degeneracy or weak-mindedness be genetic or acquired is immaterial. The noxious product in our midst has to be sequestrated in their own and the public interest and not so much because they reproduce their kind. Fortunately for society, owing to the comparative sterility of both sexes, and especially of the male weak-minded offender, and a high mortality among degenerates themselves, and a still higher one among their offspring, subjected to the most blighting influences, moral and material, their numbers do not increase. Their ranks are recruited to a slight degree by their offspring, and to a larger extent from the large army of unemployed, to whom as a rule there remains a choice of three courses, first, the parasitic life of the slums; second, the life of the tramp; and third, a life of open crime and defiance of the law, and all that that implies. It is not a necessity for the entrant to either category to be of the unemployed. There are those who have no excuse of that kind who recruit the ranks of all three. Among the unemployed one finds roughly three classes, the genuine poor, who cannot get suitable work and who suffer more than any other class; vagrants and paupers who have given up the struggle, or being constitutionally averse or incapable, abandon themselves to a life of dependence and parasitism, and the criminal who has passed through the first class, avoids the second, and enters upon a life of deliberate warfare against society.

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The environmental factor, in my opinion, in importance transcends all others, because, assuming the environment to be correct, a great many, indeed most of the feeble-minded, would keep above water, and not be submerged. The moral and material miasma of the slums is virulent and paralysing.

The recommendations of this Commission for the proper care and control of the feeble-minded would no doubt cut off at a stroke the existing juvenile and adult feeble-minded improperly cared for, whether of the genetic or acquired *genus*. But in time a new crop, not so numerous, is bound to come into existence unless legislative provision is made to suppress slum areas in cities and towns, with their one-roomed houses, in which the decencies of life are impossible of attainment. In any attempt to solve this problem the environmental factor is of the first importance. That part of the defective genetic product of healthy wedlock, as well as that resulting from marriage of doubtful propriety will require to be met as it arises in the case of those whose environment is bad. Unless properly cared for, they will gravitate to the slums, and mingle with the feeble-minded, who have arrived there after years of intemperance and vicious living.

TABLE X.—ILLEGITIMACY AND IMBECILITY.

Counties.	Per cent. of Illegitimacy in 1875.	Per cent. of Illegitimacy 1902–5.	
(*a*) Five Highland and Insular—Fishing and Crofting :—			
Shetland, Orkney, Sutherland, Ross, and Inverness.	4·7	5·2	Increase in Shetland 90 per cent., and Rossshire 20 per cent., Inverness-shire 6 per cent.
(*b*) Four Highland and Insular—Fishing and Agricultural :—			
Caithness, Nairn, Perth, and Argyll - -	9·9	8·7	Fall of 12 per cent.
(*c*) Four North-Eastern—Fishing and Agricultural :			
Elgin, Aberdeen, Banff, and Kincardine - -	18·5	11·1	Fall of 50 per cent.
(*d*) Ten Midland—Industrial mostly :—			
Fife, Forfar, Stirling, Linlithgow, Dumbarton, Edinburgh, Lanark, Renfrew, Ayr, and Haddington.	7·4	5·3	Fall of 30 per cent.
(*e*) Six Border Counties—Pastoral and Agricultural mostly :—			
Roxburgh, Berwick, Dumfries, Wigtown, Kirkcudbright, and Peebles.	14·1	10·2	Fall of 27 per cent.
All Scotland - - - - - - - - -	8·8	6·4	Fall of 25 per cent.

Counties.	Illegitimacy 1902–5. Per cent.	Ratio of chargeable imbecility per 1,000 of population.
Group (*a*) - - - -	5·2	1·02
„ (*b*) - - - -	8·7	1·22
„ (*c*) - - - -	11·1	·67
„ (*d*) - - - -	4·5	·33
„ (*e*) - - - -	9·8	·64

24757. (*Mr. Dickinson.*) I see the very first thing you say is, "I am of opinion that the central supervision and control of all feeble-minded persons in imbecile boarding schools, in poorhouses, labour colonies, in inebriate reformatories, whether State or certified, and in private dwellings, including specially licensed Houses for two, three and four, should be vested in the General Board of Lunacy." What do you mean by "central supervision and control" ? Do you mean administration? —I mean an extension of our present control in regard to asylums, licensed wards of poorhouses, and private dwellings. If feeble-minded persons are to be sent to these other institutions, then the General Board of Lunacy should have the kind of control I speak of.

24758. You do not mean that they should have further powers, but that the powers should extend further ?—Yes, that is the idea.

24759. Would you extend the powers of the Board of Lunacy to inebriate reformatories ?—To inspect them ?

24760. Yes ?—Most certainly.

24761. And labour colonies ?—I suppose the people to be sent to these colonies are people of feeble mind and therefore the central inspecting authority should be the General Board of Lunacy.

24762. That would be sufficient protection to the liberty of the subject ?—Yes.

24763. The administration of all these institutions being left in the hands of the local authorities, that is your idea ?—Yes.

24764. I want to ask you about this figure at the top of the second column (*vide page 239, col. 1*) where you say that assuming the number of feeble-minded of any age to be maintained wholly or partially out of public funds were 9,000, the cost would amount to £75,000. How did you get the 9,000 ?—That is a calculation of my own. It will be found in Table VIII. (*page 246*). The figures of course are approximate.

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24765. I do not see the 9,000; where is it?—A ii. 1 and 2 the feeble-minded who may become chargeable wholly or partially to rates and grants. A. ii., 1 * being 2,500 feeble-minded among police drunkards, petty offenders, prostitutes, and vagrants, and A. ii. 2, the 2,000 non-police inebriate cases who will require financial help in whole or in part. I have discussed the matter with doctors all over the country and with inspectors of poor, and that is the conclusion to which I have come.

24766. Then you have the non-police habitual inebriates?—I do not include in the 2,000 the non-police cases not requiring financial aid.

24767. Then how do you make up the 9,000?—To the foregoing 4,500 there is B *, feeble-minded children of school age requiring supervision and special instruction, 4,500. That is based on an estimate of my own, and if I mistake not, of your own for England.

24768. What is the number of lunatics in Scotland?—14,000.

24769. You put the number of feeble-minded at one half that figure?—Yes, that is those who would become chargeable.

24770. Your £70,000 works out at £8 per head?—In my corrected statement I have made that figure £75,000, or £49,000 if 30 per cent. of imbecile and insane were boarded-out, that is to say if the number boarded-out amounted to 30 per cent. then instead of the extra cost being £75,000 it would be covered by £49,000.

24771. What do you put the boarding-out cost at?—Our boarding-out comes to about £20 a year for imbeciles and dements, but I am assuming in regard to a great many habitual drunkards that that would be partially saved, and I have estimated some of them at £12 per head and others at £15.

24772-24773. I do not quite understand. Where is the calculation that you get this from?—The figure £75,000 is shown at the bottom of Table viii., and if you follow the calculation as it proceeds it will be seen how the £75,000 has been arrived at. I make the cost of A ii., 1, that is the 2,500 feeble minded police drunkards, petty offenders, and vagrants, at £15 per annum for board, and £5 interest on buildings.

24774. That is in the labour colonies?—Yes, to which the majority would require to be sent.

24775. On what information do you base that?—It is an estimate.

24776. It is probably low?—I assume that the value of the labour in a colony would count for something. I only put £5 as interest on buildings because that would be quite adequate for any buildings for such a purpose. That would represent a capital expenditure of probably £130 per head.

24777. Then you have 500 in private dwellings at £15 per annum. Those are boarded-out?—Yes. Our imbeciles cost £20 or £21, but I take it that the value of feeble-minded people would be much greater, and they could be boarded-out at a less figure. For the maintenance of the non-police inebriates of the poorer classes I allow £12 per patient per annum.

24778. Why that?—Because philanthropic and church agencies would be got to assist in the way of keeping these people in retreats. Some money, however, has to be found by town councils, parish councils and county councils, to aid those non-police inebriates, whose relatives are unable to keep them and maintain them.

24779. Of course that proceeds on a good deal of assumption?—Yes, it is a mere calculation, but I do not see how otherwise it is going to be done.

24780. Then you deduct £30,000 being the present cost of those people?—I deduct £30,000 being the cost of the feeble-minded among police drunkards, petty offenders, etc., at present for police, prisons, and poor-houses. That leaves £41,500, to which has got to be added the training and education of children in boarding-schools at £30 for 850, and then I say 1,200 would not require aid at all, and 1,500 would require partial aid, say £10 per annum. Deducting the cost of 236 children at £30 per annum in Baldovan and Larbert Institutions, £7,000, you get to the result that £75,000 is required, or £49,000 if 30 per cent. of the imbecile and demented class are to be boarded out, instead of 18 per cent.

24781. It is contingent on the balance being made good from other sources?—Yes.

24782. You seem to recommend very strongly the boarding-out of these feeble-minded?—Yes, suitable cases.

24783. Do you think there are many suitable cases?—I went to an asylum two days ago on the instructions of my Board, and I had the inspector of poor with me. He has ninety lunatics in this asylum. We picked out 15 persons whom we considered suitable for boarding out, a number which would bring the percentage of that parish up to 30.

24784. You would not consider that the imbeciles and idiots such as those at Larbert were suitable for boarding out?—Some. They are not in the right place where they are. A large number, however, of the inmates of Baldovan and Larbert are not suited for education at all, but they are eminently suited for hospital treatment.

24785. (*Mr. Byrne.*) Do you mean hospital treatment or custodial?—Hospital. They are suffering from tubercular and other physical diseases, such as incontinence of bladder and bowel, and in consequence require careful nursing.

24786. (*Mr. Dickinson.*) But apart from what they are suffering from, they are not the class of persons that you would board out?—Not these.

24787. You would not board out these persons even if they were well enough to board out?—I would not say that none of those met with in Baldovan and Larbert might be boarded out—I have come across 100 in private dwellings who have been there for years who are really healthy individuals and free from physical disease and faulty habits. Some are fairly productive, while others are not. They are suffering from no physical infirmity, and yet they are detained for years and then turned out not one whit or little better. Something should be done to make sure that the right kind of child is sent to these institutions.

24788. You would not board them out?—I have come across 100 such who have been boarded out.

24789. You say that 100 of these are boarded out now. Is their boarding out satisfactory?—Quite. There is no harm likely to occur to the boys, but unless the girls are placed with careful guardians who will watch them closely there is a risk; but we have to take these risks, and the risks have been taken in Scotland now for fifty years. I do not suppose that out of 500 women who were of a child-bearing age, one sexual accident has taken place per annum. Of course the guardian must be a proper woman and selected with great care.

24790. (*Mr. Byrne.*) You evidently think that a very substantial amount of waste occurs now in connection with the education of children up to a certain period, that education being entirely useless afterwards for the lives they will lead?—Yes, of that I have no doubt.

24791. Is the chief factor in the waste the fact that it is the wrong sort of children who are sent to these institutions?—Yes, very largely.

24792. Or is it for want of custodial treatment generally—no matter what the class was, there would always be degeneration after the training was over?—I am not hopeful of feeble-minded children of any class being able to do much good. The costly education in these imbecile institutions is applied to a large number of children absolutely unfit for it.

24793. It should be altered?—Yes.

24794. What, in your opinion, would be the proportion of the defective feeble-minded children of whom you might say that you could not in a well-managed training school educate them to be able to contribute to their support when kept in a colony or boarded out?—I have put the estimate at 20 per cent., and I think that is a pretty high one, probably 10 to 15 per cent. would be nearer the mark.

24795. I want to ask you about the nature of the evil which you think exists at present—if you do regard it as an evil—namely, the congregation of idiots with ordinary inmates of poorhouses. Do you think that is a serious inconvenience, or do you think it does very little harm?—I believe it exists as a matter of fact in England, but I deny that it exists at all in Scotland. I have been in almost every poorhouse in Scotland, in some of them several times, and I hold this, that no respectable sane

pauper in Scotland in any way suffers prejudice at the hands of any feeble senile or mildly demented person with whom he or she may be associated.

24796. There are none of the dirty and objectionable and frightening idiots mixed with the ordinary inmates of poor-houses ?—No, but I understand that it is so in England. I think they ought to do in England as we have done here, namely, remove idiots and epileptics from the ordinary wards and put them into the licensed wards.

24797. There is a question about lunacy; do you know anything about the working of the six months certificate in Scotland ?—I have some experience in so far as they are brought before me—where a six months' patient is in residence in a licensed house as a boarder. Then he is brought before me. I have seen some whose disorder was not marked, and I have seen others with most strongly marked insanity, and they are living in those licensed houses for six months. I do not know them officially unless they are in a licensed house. Unofficially I know of the existence of a few.

24798. Do you approve of the system as you have seen it; do you think it a useful addition to the law ?—I approve of it. In the Departmental Committee of 1895, of which I was a member, Sir John Sibbald approved of it, and also Sheriff Guthrie Smith, the legal Commissioner of the Lunacy Board. He said that in face of the present lunacy laws of Scotland the six months' certificate could run on to twelve months; there is a *hiatus* in the two sections of the Act by which private persons can keep lunatics not merely for six months but for twelve. That was the opinion of Sheriff Guthrie Smith.

24799. Do you have any practical difficulties arising in the matter of the restraint of such persons ?—There is no restraint. The guardian has no power to restrain any such person. If they choose to go away then they cannot be forcibly detained. Sheriff Guthrie Smith held that view, as did also Sir Charles Cameron, the chairman of the Committee. Restraint is forbidden, but I know that sometimes the door of the bedroom at night is tied with a cord to keep a patient from going out and wandering. Of course if the patient were sane he could easily break his bond.

24800. (*Dr. Needham*). You say that you are strongly in favour of increasing licences for three or four. I thought by the Lunacy Law of Scotland that already existed. It says that private persons may be kept in private dwellings either singly or in groups, that may consist of private or pauper patients not exceeding four in number ?—Yes.

24801. What is to prevent an increase ?—We have not the patients to put into them—the superintendents are not keen to part with the useful patients.

24802. You have the power to board them out ?—Yes, but the difficulty is to get hold of the patients. If a superintendent has got fifty patients from one parish and he finds that ten of them are capital workers, then he does not want to let them go.

24803. Then you mean that you already have the power, but it is not exercised because you do not have the patients ?—Yes, we do not have ready access to the material, but the material exists.

24804. If the superintendents' strong feeling exists, as you have mentioned, does not that rather tend to cast some doubt as to whether the boarding-out is after all the very cheap expedient that it is thought to be ? If you take out the workers from the asylum, then you increase the cost of the management of the asylum ?—That is their contention, but my contention is this, that if they let out any men or women who were good workers, then they could train others to take their places. If a superintendent has fifty capital workers he will not be so ready to trouble himself to train other fifty to take their place. Now, in justice to patients and parishes I think there should be a regular cycle going on. The result is that a parish having a number of good workers in an asylum who could be boarded out is mulcted in cost in order that another parish which has few or none of these may be proportionately benefited.

24805. I thought it was part of the administrative machinery of an asylum, and it was automatic, that every one who could work was given some sort of employment and was induced to work ?—Yes, but you cannot employ them all because you do not have the employment. Many of the jobs are jobs for which they do not care. Those who are in the cook-house, laundry, and workshop like it because they get things to encourage them to work. My own idea is this, that if they let go these productive patients they would soon get others to take their place.

24806. You have no power ?—We have the persuasive power. As I said, I arranged for fifteen being boarded out a few days ago.

24807. I suppose it rests altogether with the committee what patients are boarded out and what patients are to be kept in the asylum ?—Which committee ?

24808. The committee of the asylum ?—No, they have nothing to do with that. That is the unfortunate thing in Scotland, one body, the district lunacy board, builds the asylums and equips them, while another, the parish council, finds the patients and provides the maintenance. The interests of both should be, but are not, the same. Whether representatives of parish councils on district lunacy boards would alter matters I do not know.

24809. Who has power to say which is proper to be boarded out and which is not ?—The committee of the parish council by minute. In England the asylum committee have powers.

24810. But you think the parish council can do it. If there are more people who could be boarded out then it is to the interest of the parish council in the way of economy to insist that all people who are capable of being boarded out should be boarded out ?—Yes, but there are hundreds of inspectors of poor who see their patients once, convey them to the asylum, shake hands with them, and never see them again. Nothing in many cases is done until the General Board of Lunacy sends a Commissioner to make inquiry when an asylum gets overcrowded and to see if there are any patients fit to be boarded out.

24811. And then what is the process ?—The process is that in the presence of the inspector of poor a list is made out. The inspector has got this list and he is now going to set about and find guardians in suitable parts of the country. Of course it means a great deal of trouble to him and some of the inspectors are most unwilling to take that trouble. That is specially so in the case of those inspectors whose sole duties are not confined to the parish work, but who have many other things to do and to whom this kind of work becomes a secondary consideration.

24812. (*Dr. Dunlop.*) How many are boarded out at present ?—2,770.

24813. How many were there ten years ago ?—Much about the same.

24814. Is it not the fact that there were fewer ?—Not many, but I can give the numbers if necessary.

24815. Has not the number of the boarded out been an increasing quantity ?—That depends on the point of view from which you look at it.

24816. There is only one answer. Is it increasing or diminishing ?—The actual numbers of patients boarded out are higher to-day than they have ever been, but the percentage of boarded out to the total insane has fallen from 21 to 18. There is thus an increase and a decrease.

24817. I do not think that indicates very much. What are the numbers of the boarded out in relation to the total number of insane ?—I have given that. The actual numbers have increased, but the percentage of the insane boarded out in proportion to the total insane has decreased from eighteen to twenty-one.

24818. Would you explain to us briefly your views regarding the relationship of imbecility and illegitimacy ? Is the imbecile woman sufficiently protected in Scotland or not ?—The imbecile woman who is certified is perfectly well protected, but a great many feeble-minded women who are not certified are not protected.

24819. Is it a crying evil in the country ?—In view of this Commission coming to Scotland I put myself in communication with inspectors of poor of several large parishes, and I have to submit the most harrowing details of one or two women in each parish bearing six or seven illegitimate children.

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24820. That is one or two in certain large parishes?—Yes. It is a great source of expense and it is not creditable to the morals of the community.

24821. How many cases will there be in Glasgow parish?—I would not like to make any estimate there.

24822. Or in Edinburgh?—Nor even in Edinburgh. I went to the parishes I know of best with populations of from 10,000 to 20,000. Large parts of these parishes are rural and the inspectors of poor know these women. I have eight or nine returns here of the most harrowing description in regard to the history of these women.

24823. How many of these harrowing cases do you have altogether? Have you got twenty there?—Yes.

24824. Have you got thirty?—No. I have just got twenty. I only sent my circulars out to a dozen inspectors. If I were to send them to all the inspectors one would find out the number of that type of woman who is incapable of looking after herself, and is taken advantage of by unscrupulous people.

24825. (*Chairman.*) Could you put that return in for us?—Yes (*vide infra*). I know a good deal about Scotland as I travel all over it. I would not have believed that such and so many cases as have been recorded here existed in the parishes referred to.

Return handed in by witness.

CASE FIRST OF FEMALE W. J.

Parish of————————.

This woman, who has never been married, has had six children and confesses to the fact that her own brother J. F. is the father of the whole family of six. They are both living and residing in the same house.

The following are the family with their respective histories:—

Son J., unmarried, living in co-habitation with a woman, F. B.

R., single, has had five illegitimate children all feeble-minded and living.

J., married and family to James Harvey who works in shoe factory, Maybole.

M., single, has had four illegitimate children all living. She is presently in desertion and the children who are not strong mentally live with the grandmother at the above address. M. was admitted to the asylum on 6th July, 1896, when she was twenty-one years of age and discharged on 13th April, 1897.

G. was removed to asylum on 2nd November, 1896, when he was twenty-six years of age and died there on 14th February, 1902.

R., who was also feeble-minded, was chargeable on the outdoor roll at 2s. 6d. weekly from 14th July, 1904, to 28th February, 1906, on which date he died.

The father of this family is now an old man over seventy years of age and in receipt of outdoor relief from the parish at the rate of 3s. 6d. weekly.

They have cost the parish about £470 since chargeability first began.

CASE SECOND OF FEMALE E. W.

This woman has had a family of six illegitimate children (two of whom are dead) to different fathers. Four of the children have been brought up by the parish of Maybole, viz.:—

J. W. was boarded with a guardian at 7s. 6d. weekly. This aliment being paid on account of his being weak-minded. He absconded from his guardian on 6th October, 1902, and has ceased to be chargeable.

W. W. was sent to Larbert Imbecile Institute when seven years of age on 22nd January, 1895, and remained there till 13th May, 1905.

A. W. when three years of age was sent to board, on 6th January, 1896, at 3s. 6d. weekly, and is still chargeable.

G. W. when three years of age was sent to board, on 2nd October, 1899, at 3s. 6d. weekly, and is still chargeable.

This woman was a pauper belonging to the Parish of G., and was chargeable to that parish up till 29th August, 1892, in the Combination Poorhouse. On leaving the poorhouse she got married to a man, D. M., who had been an inmate of the poorhouse and belonged to M. parish. After that date the chargeabilities continued to be in M. and have been more or less continuous since. The children Annie and George are legitimate.

This case has also cost the M. parish a considerable outlay. The lad W. W. alone has incurred an expenditure of over £350, and it is even doubtful whether in the future he will ever be able to maintain himself.

Parish of————————

Women with illegitimate children receiving relief, five; dependants, eleven; of whom three mothers are "soft" or feeble-minded. These three have eight dependants. Four of the women have had children to putative fathers. One of the women was illegitimate herself. One of the children, perhaps two, are "soft."

Parish of————————

1. M. R.—Thirty-four, "soft," has two children to different fathers.

2. J. K.—About thirty, nearly imbecile, has had one illegitimate boy who had to be sent to Baldovan Imbecile Institution.

3. L. B.—Illegitimate, thirty, has one illegitimate child to a man at least fifteen years her senior and who is "soft."

4. J. S.—Had two illegitimate children to different fathers—one imbecile.

5. M. M.—Illegitimate, about fifty, suffers from lupus of face; illegitimate daughter Jessie—weak minded, has had two children to different fathers.

6. J. K.—Sixty, has had four illegitimate children, four daughters and one son; son married, has large family. One daughter has had a number of illegitimate children. Another daughter has had three illegitimate children. Another daughter, partially blind, has had one illegitimate child.

7. A. S.—In asylum—has one illegitimate boy, considered queer at times.

8. A. T.—Fifty, has had three illegitimate children, one daughter and two boys. Daughter has had two illegitimate children.

Parish of————————

One woman, chargeable now, had five children all to different men. Mother "soft," child "soft." This woman was herself illegitimate.

WOMEN NOT IN RECEIPT OF RELIEF.

1. M. P.—A charwoman, has had five or six illegitimate children, the last three to the same man, with whom she is living.

2. M. G.—Laundry maid, is the mother of four illegitimate children, all to different putative fathers.

3. J. C.—Farm servant, herself illegitimate, has had four illegitimate children to different men.

Parish of————————

Two women receiving relief on account of three illegitimate children to different fathers, one of whom was "soft." One of the children is "soft."

24826. (*Dr. Dunlop.*) When you were prison surgeon, and on the Habitual Offenders Committee, you would hear a great deal, and know a great deal, about habitual offenders?—Yes.

24827. A large number of them are weak-minded?—Yes, 2,500. I made this estimate years ago.

24828. Do you abide by that estimate?—Yes. I think we are not over the mark in saying that 2,500 are feeble-minded and this figure tallies with the English one made by the best authorities, viz., ·5 per 1,000 of population.

24829. That is as big as our present prison population?—Yes.

24830. On what do you base that estimate? This figure represents those who are not only habitual criminals, but weak-minded or insane habitual criminals?—I am not dealing with criminals at all. I distinguish these from offenders, they are a very different class. Offenders as a rule do not commit crimes, and criminals do not as a rule commit petty offences, except by accident. The offenders to whom I refer are feeble-minded.

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24831. Are they demented, or imbecile, or what?—They are feeble-minded either morally or intellectually.

24832. Some of them are not mentally feeble-minded?—The 2,500 include the tramp class, the drunkard and the prostitute. They all have mental warp and their care is being considered by this Commission, as I understand.

24833. Is that estimate of 2,500 based on the ordinary opinion of medical men that these are all cases of mental defect, or is it based on the opinion of Lombroso and company as being of the criminal type?—These figures have nothing to do with the Lombroso theory at all. They are mainly based on this consideration, that if you get a man or a woman who has been hundreds and scores of times in prison for drunkenness, petty thefts, prostitution, or tramping the roads, and you closely inquire into their mental make-up, their heredity, history, habits, and environment, then the investigator need be in little doubt that that individual *ipso facto* has got mental warp.

24834. There are not 2,500 in Scotland who have had hundreds of convictions?—No, I do not say that. A person may have twenty convictions in the year, or hundreds in a lifetime.

24835. There are not very many?—I should think there are 300 who have got over 100 convictions.

24836. There were 150 recorded last year?—Do you mean men or women?

24837. Both?—That return was given to the Departmental Committee.

24838. It was made up from cases coming before the Committee?—Yes; I cannot be sure of the number.

24839. Where did you get the number from?—From the prisons.

24840. This is out of the Habitual Offenders Committee's Report?—Yes.

24841. It is an enormous number to deal with?—Do you mean of vagrants, drunkards, and prostitutes? Because if so I do not think so. It is only ·6 per 1,000 of the population, and corresponds with an English estimate, made later than mine.

24842. You told us they were all weak-minded people?—I think one may safely come to the conclusion that any man or woman who has been thirty times in jail has got mental warp.

24843. Is this 2,500 based upon such an estimate, or is it based on an examination of the persons themselves?—On an examination of the largest criminal population in Scotland during the fifteen years I had medical charge of that population. Probably three-fourths, certainly one half, of the habituals are to be found in that population and taking that population and the rest of Scotland I contend that I am within the mark when I put the figure at 2,500.

24844. You would include three-fourths of our prison population?—In what?

24845. You said that three-fourths of the prison population belonged to this class?—I said that three-fourths were to be found among the prison population with whom I had intimate relations in Glasgow and Barlinnie, and the west of Scotland.

24846. In your statement (*page* 246) you give some statistics referring to England?—Yes.

24847. You have never worked them up for Scotland in the same way?—You know the value of statistics applying to small figures. It was owing to the smallness of the numbers that I did nothing.

24848. (*Chairman.*) Is there anything you would like to add to your evidence?—The only thing is about the family council of the Code Napoléon. I am anxious that the drunkard should not fall into the hands of the police.

24849. You mean the better class of drunkard?—Yes. I agree with the views of Mr. Richard Brown in regard to the powers which the Court of Session possesses in dealing with an *incapax* of any kind. In my official capacity of visiting curatory patients, I came across certificates which simply say that so-and-so, is incapable of managing his own affairs. I came across one in Glasgow the other day who was receiving £2 a week from a *curator*, and yet she was living in the most disreputable surroundings; and the question now is whether she should not be sent to an asylum.

24850. (*Mr. Byrne.*) Was that under an order of the Court of Session?—Yes. We visited her because she is under a curatory. I think the family council might with advantage be introduced into the laws of this country. I say that not merely from my own point of view and from personal knowledge of the matter, but because in the House of Lords in June, 1905, Lord Halsbury, on the second reading debate of Lord Herchell's Inebriate Bill, said that he would like to see something like the French family council set up in this country. I wrote to Sir Thomas Barclay, *Juris-consult*, Paris, and the following is his reply—

131, Old Square
June 9th, 1906.

My Dear Sir,—Owing to some confusion I thought my staff in Paris had supplied you with the information you wished to have about *Conseils de famille.* I find it is not so, and that you wish my *views* about the possibility or desirability of adopting this institution in this country.

I think this institution has a great many more inconveniences than advantages. The French idea is that the family is a unit, and that as the family has certain duties to the individual, it has certain rights over him. There would be no male qualification in England, and though *légitime* is recognised in Scotland, it has none of the stringency of the system in France.

As regards the power of the family council to appoint a guardian to infants, I think our own system safer for the interests of the infants.

Altogether, I do not think the family can be counted upon to protect its members; but rather the contrary.

I am sorry to send you such a hastily written opinion; but it sums up my views after a prolonged experience.—Believe me,

Yours very truly,
Thomas Barclay.

J. F. Sutherland, Esq., M.D.,
Edinburgh.

I agree with Dr. Dunlop in this that the family council as part of the process of interdiction in France is a cumbersome process, but it exists without the law of interdiction. The appointment of a family council is at present applied in France to minors until they are emancipated by age or marriage. It would be applying it to inebriates as it is applied to minors at present without any costly process. I would like to add that within the last eleven years I have seen 1,000 patients, imbeciles and dements, who have been boarded out. Fifteen per cent. of these were persons who really were such as you are considering now; their feeble-minded state was such that it was very difficult to say that they were insane; but yet by a stretch of the law and by the action of the local authorities they were there.

And before withdrawing I would specially like to say that the system should end of allowing imbecile and feeble-minded children of eleven and twelve years of age to sit at the same bench in a public school with children of five and six years of age. It is bad for young children. Such feeble-minded children should be in special classes or special schools. They could not pass Standard I., and yet they remain in it for years with children of tender years, for whom they are not fit associates.

DAVID CROMBIE, Esq., called; and Examined.

D. Crombie, Esq.

13 June 1906.

24851. (*Chairman.*) Would you kindly tell us how long you have been secretary to the Prison Commission for Scotland?—For seven years. I have been twenty-five years in the Prison Department.

24852. You have been so kind as to give us a statement of your evidence: may we put it on the notes?—Yes, certainly.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY DAVID CROMBIE, ESQ., SECRETARY AND INSPECTOR, PRISON COMMISSION FOR SCOTLAND.

A statement has already been submitted by the Prison Commissioners for Scotland to the Commission showing the various classes of mentally defective persons received into Scottish prisons, the authority under which they are detained, the funds out of which their maintenance is paid, and how they are discharged out of custody.

Mentally defective persons are dealt with by the Prison Commissioners in five different ways:

I. By removal to the criminal lunatic department.

II. By removal to a local asylum by warrant of the Sheriff granted under Section 6 of the Act 34 & 35 Vict. c. 55.

III. By detention in prison during sentence, and on expiration of sentence by being handed over to the inspector of poor.

IV. By detention in prison under Section 15 of the Act 25 & 26 Vict. c. 54.

V. By removal to a local asylum by warrant of the Secretary for Scotland under Section 89 of the Lunacy (Scotland) Act 1857, 20 & 21 Vict., c. 71.

I. The cases received into and dealt with in the criminal lunatic department are King's pleasure lunatics, insane convicts, and some ordinary prisoners. The maintenance of all these persons is paid for by the Prison Commissioners out of the Vote for Prisons, Scotland.

Discharge.—King's pleasure lunatics may be discharged from the criminal lunatic department by order of the Secretary for Scotland under the provisions of the Criminal and Dangerous Lunatics (Scotland) Amendment Act, 1871. The discharge may be.

(*a*) A conditional discharge "on such terms and conditions as shall be specified in the Order";

(*b*) A transfer to an asylum; or,

(*c*) An absolute discharge out of custody. (There have been only six of such cases.)

In the case of a person found insane in bar of trial, he may, on becoming sane, be brought up for trial, and may be sentenced by the Court, discharged, or found to have been insane at the time of committing the offence and returned to the criminal lunatic department. During the last twenty-six years there have been thirteen cases so dealt with.

When a King's pleasure lunatic is now transferred to an ordinary asylum, it is ordered by the Secretary for Scotland that if at any time the managers or other administrators shall consider the lunatic fit for liberation, they shall intimate their opinion to the Secretary for Scotland, in order that he may consider the advisability of issuing any order conveying the lunatic back to Perth under Section 5 of the 1871 Act.

The number of King's pleasure lunatics and insane convicts and prisoners received into and discharged from the criminal lunatic department during the last five years is as follows:—

KING'S PLEASURE LUNATICS.

Year.	In custody at beginning of year.	Received.				Discharged or died.	In custody at end of year.
		From Prisons.	Direct from Court.	On re-committal.	Total.		
1901	40	3	—	1	4	2	42
1902	42	10	—	—	10	6	46
1903	46	6	1	1	8	8	46
1904	46	2	—	2	4	7	43
1905	43	3	1	1	5	4	44

CONVICTS AND PRISONERS FOUND TO BE INSANE WHILE SERVING THEIR SENTENCES.

Year.	In custody at beginning of year.	Received.	Discharged or died.	In custody at end of year.
1901	6	2	4	4
1902	4	4	3	5
1903	5	5	3	7
1904	7	5	5	7
1905	7	4	4	7

Insane convicts and ordinary prisoners in the criminal lunatic department are removed therefrom on expiration of sentence to prison of committal and handed over to the inspector of poor to be cared for.

25 & 26 Vict. c. 54. Under Section 19 of the Lunacy (Scotland) Act, 1862, the Secretary for Scotland has power to detain in the criminal lunatic department after expiration of sentence a prisoner whose "insanity is of a kind which renders it advisable that he should be detained in the lunatic department rather than in a lunatic asylum." This power has been exercised in only one case.

The class of criminal lunatics to be detained in the criminal lunatic department was defined in the Statutory Rules for Prisons in 1874 to be those "who from the dangerous character of their lunacy or other conditions cannot be appropriately treated in an ordinary asylum, consistently with the public safety or the proper treatment of other classes of lunatic patients."

The Commissioners do not think that this definition has always been kept in view, and many persons have been committed to the criminal lunatic department who do not come under the classification of the rule.

Some with a slight mental defect, charged with some petty offence, have been found at trial to be insane and ordered to be detained in the criminal lunatic department during His Majesty's pleasure. The proper place for such persons is an ordinary lunatic asylum, and had these persons been properly looked after, they would not have become a burden on the State. This abuse of a State criminal lunatic asylum is exemplified in the case of—

J. McC., an old Irishman, about sixty-five years of age. His criminal career extends over a period of twenty-five years, during which he has been convicted twenty-five times for theft, and has received sentences amounting to fifteen years. When out of prison he resided in model lodging houses or in poorhouses. The offence with which he was charged and for which he was committed to the criminal lunatic department was picking up two bags from one of the quays in Glasgow. During the five months prior to committing this offence he was four times in and out of a poorhouse, spending 116 days therein and thirty-seven at liberty. He is a harmless senile dement whose recovery is hopeless.

The case of M. B. is another example. This woman is thirty-one years of age; married, and has had three children, of whom one survives. Her marriage was an unhappy one and after four years the home was broken up. She then began drinking and frequently got into trouble with the police. There are thirteen convictions recorded against her, chiefly for theft, with sentences varying from seven days to nine months. When in prison in July, 1902, she was certified insane and removed to an asylum, but she was afterwards discharged. In November following she was charged with stealing a watch from a drunken man, found to be insane, and placed at His Majesty's pleasure.

II. Mentally defective prisoners—either untried or tried—may be removed to an asylum by warrant of the Sheriff under Section 6 of the Criminal and Dangerous Lunatic Act, 1871, 34 and 35 Vict. c. 55, or to the criminal lunatic department by warrant of the Prison Commissioners. Removal to the criminal lunatic department is optional, and is determined by the Commissioners.

Warrants granted by the Sheriff in terms of Section 6 of the 1871 Act cease to be operative for the detention of insane prisoners in asylums when, as regards untried prisoners, criminal proceedings are dropped or the cases are otherwise disposed of. As regards a convicted prisoner, the Sheriff's warrant ceases to be operative whenever the prisoner's sentence comes to an end. In the event of the prisoner recovering before the end of his sentence he is re-transferred to prison to serve the remainder of his sentence. A copy of the form of petition to the Sheriff is attached. (*Vide enclosure No.* 1, *page* 254.)

Here there is room for improper use. The State pays for the maintenance of these persons so long as they are prisoners, and it is a fact that prisoners are discharged from asylums when liability for their maintenance falls on the rates, and soon find their way back to prison.

The Commissioners have drawn the attention of the Lunacy Commissioners to the matter, in order that they might, if they saw fit, make local inquiry, but have been informed that the Lunacy Commissioners do not attach importance to these facts. I think it would be a safeguard against such persons returning soon to prison if they were not discharged from an asylum until they were seen by a Commissioner in Lunacy.

RETURN showing number of prisoners transferred to the Criminal Lunatic Department, excluding King's pleasure lunatics, and to Asylums under Sec. 6 of the Criminal and Dangerous Lunatics (Scotland) Amendment Act, 1871.

Year.	To Criminal Lunatic Department.			To Asylums under Sec. 6.		
	Untried.	Tried.	Total.	Untried.	Tried.	Total.
1901 - - -	—	2	2	22	14	36
1902 - - -	—	4	4	22	17	39
1903 - -	—	5	5	15	19	34
1904 - - -	—	5	5	18	31	49
1905 - - -	1	3	4	26	10	36
Total - -	1	19	20	103	91	194

III. *Weak-minded Delinquents.*—The question of dealing with weak-minded delinquents sent to prison to undergo imprisonment, who are not certifiable as insane in prison, has received the attention and consideration of the Prison Commissioners for a considerable time. The matter was very carefully inquired into in 1901 by the then acting medical adviser to the Commissioners. His report, a copy of which is appended to these notes, was published as an appendix to the Commissioners' Annual Report for 1901. (*Vide enclosure No.* 2, *page* 256.)

Dr. Dunlop states that when he wrote this report he was under the impression that Section 89 of the 1857 Act was superseded by Section 6 of the 1871 Act.

The procedure at present followed in dealing with such persons was designed for the requirements of mild cases which are not certifiable for asylum treatment so long as they are under care in the prison. When such a prisoner is discharged from prison, the inspector of poor is informed that he is insane and unable to take care of himself when at liberty, and requested to take care of him on liberation. A copy of the intimation made to the inspector of poor is attached. (*Vide enclosure No.* 3, *page* 260.)

How these weak-minded prisoners are dealt with after discharge and what becomes of them is not reported to the Commissioners, but from inquiries made it has been ascertained that the cases so dealt with during the last three years have been disposed of as follows:—

Year.	Total.	Action taken by Parish Authority.		
		Certified and admitted to Asylums.	Not certified.	Not known by Prison Commissioners.
1903 - - -	58	37	21	—
1904 - - -	39	25	3	11
1905 - - -	21	13	7	1

D. Crombie, Esq.

13 June 1906.

The case of C. K., age forty-one, is a striking example of a presumably insane person being repeatedly sent to prison.

This woman was born in Ireland; is a widow and has had five children. About 1884 she began to have fits and gave way to drink, and was twice sent to an asylum by the parish authorities. During the last twelve years she has been:

> Seventy times in prison, chiefly for drunkenness; eight times in poorhouse; twice sent to asylum by inspector of poor; six times during 1902–6 certified insane in prison and sent to asylum by prison authorities.

A great portion of her time is spent in prison, *e.g.*, in 1902 she was convicted nine times and received sentences amounting to 301 days, and in 1903 six times, the periods of the sentences totalling 176 days. She was last sent to prison on March 23rd, 1906, and three days later certified insane and removed to an asylum.

T. O'H. is a typical case of an imbecile who, for lack of proper treatment, is frequently sent to prison. He is twenty-three years of age and suffers from dementia. He was reported three times in one year to the inspector of poor as insane and requiring asylum treatment on liberation from prison, but the parochial medical officers refused to certify him insane. On one occasion only three days elapsed between his liberation from and re-committal to prison. He was last sent to prison in May, 1906, for breach of the peace.

Other cases could be cited in addition to the above, and those quoted by Dr. John Macpherson in his evidence before the Commission (pp. 2421–2), to illustrate the present difficulties of dealing satisfactorily with mentally defective offenders, and the necessity for providing some means for the compulsory detention of such persons.

IV. Persons found in a state threatening danger to the lieges or in a state offensive to public decency, may be and are occasionally committed as dangerous lunatics to a prison as a place of safe custody under Section 15 of the Lunacy (Scotland) Act, 1862, pending inquiry into their case. They are committed by the sheriff at the instance of the procurator fiscal or inspector of poor or other person. The sheriff, through the procurator fiscal, orders their discharge from prison, and they may be removed by order of the court direct to an asylum, or handed over to the inspector of poor on the latter making arrangements for safe custody, or to any other person finding caution for safe custody.

The procedure of committing such persons to prison is followed in very few towns. During 1905 there were seven persons so dealt with and they were all committed to one prison.

V. Under Section 89 of the 1857 Act untried or tried prisoners mentally defective, may be removed from prison by warrants of the Secretary for Scotland to an asylum, and detained therein until certified sane to the Secretary for Scotland, who then issues an order as to the prisoners' disposal.

It is not clear whether it was intended that this Section of the 1857 Act was to be repealed and superseded by Section 6 of the 1871 Act. There is also a doubt as to what authority is liable for payment of maintenance in the asylum, the question never having been settled, and consequently Section 89 has practically fallen into desuetude. Indeed the records show that only one case has been dealt with under Section 89, viz. that of:—

T.G. in 1903.—This man was much addicted to drink, and was repeatedly sent to prison for drunkenness, and was a pest to society and the criminal authorities. He had epileptic fits and appeared stupid and confused. In February, 1903, he was certified insane by the prison medical officer, but the parochial medical officer refused to certify. Prisoner was handed over to the inspector of poor and on refusing to go to the poorhouse was set at liberty. He was soon back to prison. He was again committed to prison in October, 1903, when it was reported to the sheriff that he could not be dealt with under Section 14 because the parish medical officer declined to certify him. The sheriff and two medical persons then inquired in terms of Section 89 as to his mental condition and certified him as insane to the Secretary for Scotland, who thereupon issued a warrant for his discharge from prison and his removal to an asylum. He was detained in the asylum until August, 1905, when he was certified to be of sound mind and the Secretary for Scotland in due course ordered his discharge.

The question of establishing a separate department at Peterhead Prison for the treatment of weak-minded convicts has been discussed by the Commissioners for some considerable time. They number about seven. The warders being fully instructed as to the defects of these men, the Commissioners find that these borderland cases can be managed along with the other convicts and have determined not to move in this matter at present. The alternative of sending them to the Criminal Lunatic Department would not provide for the treatment they require, and a small group in such a department at Peterhead with special privileges and comforts would, they think, not work well.

The Commissioners think that Section 89 of the 1857 Act should be put into regular use as better fitted to secure the proper care of cases from prisons than Section 6, the certificate of which lapses at the end of the prisoners' sentence. But the cost of maintenance of such persons when they are no longer prisoners should be a burden on the rates and not on the State.

May 31st, 1906. D. CROMBIE.

(ENCLOSURE No. 1.)

34 & 35 Victoria, Cap. 55, Sec. 6.

PETITION to the SHERIFF to grant order for the reception of——————
A Prisoner in——————Prison——————into the Asylum at——————

UNTO the HONOURABLE the SHERIFF of the County of——————
and his Substitutes.

The PETITION of——————
Governor of——————Prison——————as representing The Prison Commissioners for Scotland, incorporated under the Prisons (Scotland) Act, 1877, administrators of said Prison.

Humbly Sheweth,

34 & 35 Vict., cap. 55, Sec. 6. That by Section 6 of the Criminal and Dangerous Lunatics (Scotland) Amendment Act, 1871, it is provided that "When in relation to any person confined in a local prison in terms of the 'Prisons (Scotland) Administration "Act, 1860,' it is certified, on soul and conscience, by two medical persons that they have visited and examined "such prisoner, and that in their opinion he is insane, it shall be lawful for the Sheriff, on summary application "at the instance of the administrators of such Prison, by a warrant under his hand, to order such prisoner to be "removed to a lunatic asylum," and that it appears from the appended Medical Certificates by two Medical Persons that——————presently confined in ——————Prison——————is insane.

May it therefore please your Lordship by a Warrant under your hand to order the said——————
——————to be removed from——————Prison——————
to the Lunatic Asylum at——————
and to sanction his admission into the said Asylum.

——————
Governor——————Prison——————

Dated this——————day of——————Nineteen Hundred and——————

D. Crombie, Esq.

13 June 1906.

STATEMENT OF PARTICULARS REGARDING PRISONER.

(If any of the particulars are not known, the fact to be so stated.)

1. Prisoner's Reg. No., Name, and Age, - - - -
2. Whether Married, Single, or Widowed, - - -
3. Date when first received into Prison, - - - -
4. By what Court committed (if untried), - - -
5. Date of sentence, and by what Court (if convicted), -
6. Offence, - - - - - - - - - -
7. Length of sentence, - - - - - - - -
8. Date of expiration of sentence*- - - - -
9. Condition of life, and previous occupation, - - -
10. Previous place of abode, - - - - - -
11. Length of time insane, - - - - - - -
12. Whether first attack, - - - - - -
13. Age (if known) on first attack, - - - - - -
14. If Prisoner has been previously in an Asylum, state fact and date of latest admission, with name of Asylum, - - - - - - - - - -
15. Duration of existing attack, - - - - -
16. Supposed cause, - - - - - - -
17. Whether subject to epilepsy, - - - - -
18. Whether suicidal, - - - - - - - -
19. Whether dangerous to others, - - - - - -
20. Name and residence of nearest known relative, and degree of relationship, - - - - - -
21. Is any member of the family known to be, or have been, insane, - - - - - - - - -
22. Special circumstances (if any) preventing the insertion of any of the above particulars - - -

I certify that, to the best of my knowledge, the above particulars are correctly stated.

———————————————*Governor.*

Prison of———————————————

* NOTE.—The authority for detention given under this Warrant ceases on expiration of sentence.

MEDICAL CERTIFICATE, No. 1.

I, the undersigned,———————————————
being a[1] ———————————————
and being in actual practice as a[2] ———————————————
do hereby certify, on soul and conscience, that I have this day, at H.M. Prison———————————————
———————————————in the County of ———————————————
separately from any other Medical Practitioner, visited and personally examined[3] ———————————————
———————————————
and that the said———————————————is a[4] ———————————————
———————————————and a proper person to be detained under care and treatment, and that I have formed this opinion upon the following grounds, viz. :—

1. Facts indicating Insanity observed by myself : ———————————————
———————————————
———————————————
———————————————
———————————————

2. Other facts (if any) indicating Insanity communicated to me by others : [6]———————————————
———————————————
———————————————
———————————————
———————————————

Name and Medical Designation, ———————————————

Place of Abode,———————————————

Dated this———————————day of ———————————————One Thousand Nine Hundred and———————————————

[1] Set forth the qualification entitling the person certifying to grant the Certificate, *e.g.*, Member of the Royal College of Physicians in Edinburgh.

[2] Physician or Surgeon, or otherwise, as the case may be.

[3] Insert designation.

[4] Lunatic, *or* an insane person, *or* an idiot, *or* a person of unsound mind.

[5] State the facts.

[6] State the information, and from whom derived.

D. Crombie, Esq.

13 June 1906.

MEDICAL CERTIFICATE, No. 2.

I, the undersigned,——————————————————————————————
being a[1] ——————————————————————————————
and being in actual practice as a[2] ——————————————————————————————
do hereby certify, on soul and conscience, that I have this day, at H.M. Prison——————————————————————————————
——————————————————————————————in the County of——————————————————————————————
separately from any other Medical Practitioner, visited and personally examined[3] ——————————————————————————————
——————————————————————————————
and that the said ——————————————————————————————is a[4] ——————————————————————————————
——————————————————————————————and a proper person to be detained under care and treatment, and that I have formed this opinion upon the following grounds, viz. :—

1. Facts indicating Insanity observed by myself : [5]——————————————————————————————
——————————————————————————————
——————————————————————————————
——————————————————————————————

2. Other facts (if any) indicating Insanity communicated to me by others : [6]——————————————————————————————
——————————————————————————————
——————————————————————————————
——————————————————————————————

Name and Medical Designation,——————————————————————————————

Place of Abode,——————————————————————————————

Dated this ——————————————————————————————day of ——————————————————————————————One Thousand Nine Hundred and——————————————————————————————

(*Place*)——————————————————————————————
(*Date*)——————————————————————————————190

THE Sheriff having considered the foregoing Petition, with relative Medical Certificates affixed, hereby grants Warrant for the removal of——————————————————————————————from the Prison of——————————————————————————————to——————————————————————————————Asylum.

(*Signature*)——————————————————————————————

[1] Set forth the qualification entitling the person certifying to grant the Certificate, *e.g.*, Member of the Royal College of Physicians in Edinburgh.

[2] Physician or Surgeon, or otherwise, as the case may be.

[3] Insert designation.

[4] Lunatic, *or* an insane person, *or* an idiot, *or* a person of unsound mind.

[5] State the facts.

[6] State the information, and from whom derived.

(ENCLOSURE No. 2.)

Report on Weak-minded Delinquents and their Treatment, by James Craufurd Dunlop, M.D., F.R.C.P. Edinburgh, formerly Acting Medical Adviser to the Prison Commissioners.

During my term of office as acting medical adviser, my attention was often directed to the presence in prison of weak-minded individuals, and to the question as to how they could best be dealt with. The difficulties in securing adequate treatment for them were so great that I determined by collecting cases to draw the attention of the Prison Commissioners to the matter.

The existence of this class of delinquent is no new observation. Their presence in prison is known to all connected with the Prison Service, and on them there has been bestowed much thought. The present time, however, may be a not altogether inappropriate one in which to reopen the question of their treatment, as within recent years the trend of public and scientific opinion is to lay more stress on the mental state (the responsibility) of the criminal and its suitable treatment, rather than on the punishment of the crime itself. It may safely be stated that there exists a class of delinquent for which the treatment by imprisonment is wholesome and right, for to them prison is sufficiently deterrent to prevent their repeating their delinquencies, but that there also exist classes of delinquents who are not efficiently treated by punishment pure and simple. Among these latter classes that of the young offender is now fully acknowledged and legislated for, that of the habitual inebriate is being provided for, but that of the weak-minded, the insane offender, appears to still require special legislation.

It was in April last (1901) that I approached the Commissioners in the matter, and asked from them permission to collect the necessary detail for this report. As a result they issued to all the prisons a letter requesting the governors, chaplains, and medical officers to record particulars regarding all cases of this class which might come under their notice during a period of six months, from May 15th to November 15th. The outcome of this circular letter was the receipt of records of the more essential facts regarding eighty-five cases. It is not in all cases desirable that these records should be published *in extenso*, and I consequently give a selection only. In preparing the cases included in that selection I have been careful to obliterate any trace of the individual, or of the place of his residence, or even of the prison in which he was confined.

The class of prisoners referred to in the circular letter, and in this report, was defined as including "those persons who, as a direct result of being unable to take ordinary care of themselves, repeatedly commit crimes or offences, and are as a consequence not unfrequently in prison. These persons are often not sufficiently insane to be certifiable, or, if certifiable, would probably be not long retained in a pauper asylum." This definition is of necessity somewhat vague. It was framed to include cases of minor insanity, who by reason of that insanity are unable to care for themselves, and who by reason of want of supervision repeatedly commit delinquencies, cases where, in fact, mental weakness is the primary cause of the delinquencies, and want of supervision a secondary one. The class of case does not include that of lunatics, who when suffering from acute or chronic insanity commit serious crime and who are at present dealt with by prolonged detention in a criminal lunatic asylum. It is with the existence of the borderland cases, and cases which are a nuisance to the community in virtue of the repetition of their offences, or sometimes even a danger, that this report is concerned.

The class of the weak-minded delinquent is capable of sub-division ; it includes a large variety of individuals, but that is a matter I do not propose here to discuss, my object being by recording some cases to establish the fact of their existence and to indicate what is required for their proper treatment, and not to write a psychological thesis. In recording the cases I have endeavoured to classify to some extent by grouping those which illustrate certain mental states, such as congenital weak-mindedness (imbecility) and acquired weak-mindedness (dementia) and others, to illustrate how the nature of the offence may also be used as a means of classification.

Before suggesting a reform in the treatment of the weak-minded prisoner it is only right that I should state the powers already possessed by the Commissioners for that purpose, and by recording the result of treatment in the cases under review point out in what respects those powers are insufficient. As a matter of fact, only a small proportion of this class of prisoner is at present dealt with as insane. Experience has demonstrated that only in the more aggravated cases is there any reasonable hope of securing that these persons will be efficiently treated,

ll are dealt ith now. .C., 31.v.06.

and the prison medical officers take no action in the majority of the cases. Of the eighty-five cases reported only twenty-seven were treated as insane, while the remaining fifty-eight were not dealt with.

The methods at present available are three in number. A person found to be insane in prison may (1) be transferred to the Criminal Lunatic Department in terms of Section 22 of the Lunacy Act, 1862, or (2) he may be transferred to a district or other asylum in terms of Section 6 of the Criminal and Dangerous Lunatics (Scotland) Amendment Act, 1871, or (3) if his case be not urgent he may be handed over to the local authority at the expiry of his sentence to be treated as an ordinary pauper lunatic. Of the eighty-five cases at present under consideration, none were dealt with by removal to the Criminal Lunatic Department, thirteen were removed to ordinary asylums, and fourteen were handed over to the local authorities on the expiry of their sentences.

Removal to and treatment in the Criminal Lunatic Department of Perth General Prison is not often adopted for the class of prisoner now under consideration, because of the short duration of the sentence. Power exists under certain circumstances for the detention beyond the expiry of the sentence, but that is a power which has within recent years rarely if ever been used. That power is given by Section 19 of the Lunacy (Scotland) Act, 1862; it applies only to cases where "the insanity is of a kind which renders it advisable that he should be detained in the lunatic department of the said General Prison at Perth rather than in a lunatic asylum." This clause is a very exclusive one, and does not apply to the ordinary weak-minded prisoner, because the ordinary weak-minded prisoner can be treated as well if not better in an ordinary asylum as in the Criminal Lunatic Department. Consequently the treatment of the weak-minded ordinary prisoner, dealt with by removal to the Criminal Lunatic Department within a short period when his sentence ends, passes on to the parochial authority.

The removal of the insane prisoner to an ordinary asylum in terms of Section 6 of the Criminal and Dangerous Lunatics (Scotland) Act, 1871, is a method of treatment frequently adopted. Of the eighty-five cases at present under consideration, thirteen were so treated. But this, like the first method, has one great objection; it does not secure a treatment which is sufficiently lengthy to be beneficial. The sheriff's warrant for removal under Section 6 to an asylum secures the detention of the insane person to the date of the expiry of his sentence but no longer, and when that date arrives the case falls to be dealt with by the local authorities in much the same way as if the insane prisoner were handed over to them in the ordinary way. At the expiry of the prisoner's sentence the original medical certificates obtained by the prison authority are held to be invalid, and re-certification is considered necessary. The records of the thirteen cases here mentioned show that seven were released at the expiration of their sentence or detained for a short time only after the sentence ended; only six were detained for lengthened care and treatment. The fact that three out of the seven discharged cases reappeared in prison within a few weeks may be taken as a proof that proper care is not given to the weak-minded prisoner certified in terms of Section 6 and transferred to local asylums.

Treatment by the third method—that of handing the weak-minded person over to the care of the local authorities at expiry of the sentence—is also frequently adopted. It was done in fourteen out of the eighty-five cases. The subsequent history of these cases shows that of the fourteen only five were given asylum treatment, while to nine it was refused. Of the five put into asylums four were detained for a brief period, and only one for a longer period. Of the four thus discharged from asylums two shortly afterwards reappeared in prison. Of the nine who were not sent to asylums four have reappeared in prison.

From the above description of modes of treating insane prisoners it is evident that whichever method may have been adopted at the commencement, the ultimate responsibility for their proper care lies with the local authorities, for whether the prisoner is put into the criminal lunatic department, or removed to an asylum under Section 6, or handed over to the inspector of poor at the expiry of sentence, his supervision sooner or later is left to the entire discretion of the local authority. The outcome of that discretionary power is shown by the figures given above. Eighty-five cases of insanity of a more or less pronounced nature were found in prison. Of them twenty-seven were by one or other method handed over to the local authorities for treatment. Of the twenty-seven, eighteen received asylum treatment, but of those eighteen only eight received that treatment for more than a very limited time, while out of the twenty-seven cases nine are known to have within a short while returned to prison.

D. Crombie, Esq.

13 June 1906.

The evident reasons for these cases not receiving the care which the helplessness of their condition deserves, appear to be (1) the question of expense, (2) the present overcrowded state of pauper asylums, and (3) the power given by law to each medical superintendent to discharge any case when he considers him fit. When an asylum is full, and receptions of acute cases are expected, it is only reasonable to suppose that some of these unfortunate persons are discharged before they would be under more favourable circumstances.

The remedy of the present unsatisfactory state of affairs appears to be in the segregation of these unfortunate helpless creatures in some institution where they will be detained until they are either sufficiently strengthened to care for themselves or until some responsible guardians can be found to be responsible for them, and, as it may be assumed that in many instances neither the one nor the other alternative will occur, the confinement may be very prolonged.

The founding of a special institution for weak-minded offenders would be somewhat expensive, but the expense would be well compensated; it would on the one hand secure the safe keeping of many helpless individuals, and on the other free society from their presence, which is a great nuisance, if not an actual danger. The class must, as affairs now are, tax the community heavily; the damage they do, the thefts they commit, the necessary police watching, the expenses of repeated trials and imprisonments must amount to a large sum annually.

On whom the expense of the better treatment of the weak-minded prisoners should fall—whether on the State or on the local authority—is a matter outside the purpose of my report, for my task is restricted to establishing the fact of the existence of the class and to suggesting what the treatment should be. My personal opinion is that their care would be best ensured by treatment in a special criminal lunatic asylum. Under that system the present discretionary power of the medical superintendents of the pauper asylums and of the local authorities would be abolished, and the responsibility would rest entirely on the State officials. A slight modification of Section 19 of the Lunacy (Scotland) Act, 1862, would give the necessary power, for if the words "rather than in a lunatic asylum" were omitted and other verbal alteration made, the clause would read—

"If at any time within sixty days of the expiration of the sentence of any convict or ordinary prisoner confined in a prison, it is certified on soul and conscience by two or more medical persons, that they have personally visited and carefully examined the prisoner within the said sixty days, and that he is in their opinion insane, and that his insanity is of a kind which renders it advisable that he should be detained in a criminal lunatic department [words here omitted], it shall be lawful for His Majesty's Secretary for Scotland, by a writing under his hand, to authorise such prisoner to be detained in a criminal lunatic department after the expiration of his sentence, and such prisoner may thereupon be detained accordingly, provided that it shall at any time thereafter be lawful for His Majesty to give such order for the safe custody of such prisoner during His Majesty's pleasure in such place and in such manner as His Majesty shall see fit." Power as given by the section so modified should be ample to secure the proper treatment and care of the weak-minded prisoner.

I give below extracts from the records of weak-minded prisoners received in prison between 15th April 1901 and 15th November 1901.

I must acknowledge the co-operation of the officers of the prisons, it being to them that I am indebted for the details of the cases. The governors and the chaplains all assisted in the work, but the more responsible part, the giving the technical opinion as to insanity, devolved on the medical officers, and consequently it is to them that I owe the greatest thanks for assistance.

D. Crombie, Esq.

13 June 1906.

EPITOME.

Number of weak-minded prisoners reported, April to November 1901	85
Of whom :—	
Not dealt with as insane	58
Sent to Criminal Lunatic Department	0
Sent to lunatic asylums direct	13
Handed over to local authorities	14
(Of these 14, 5 were admitted to asylums, 9 were refused asylum treatment.)	
In asylums on 1st March 1902	8
Number who, *after being sent to asylum or handed over to local authorities*, have returned to prison before 1st March 1902	9

ILLUSTRATIVE CASES.

Congenital Weak-Mindedness.

Case 1.—Female. Age 23. This young woman is the daughter of an epileptic father, and of a mother who, though not insane in the ordinary acceptation of the term, may fairly be described as silly. She was brought up in great poverty, her father being often unable for work and the family frequently depending for support on the proceeds of a small cooked meat and vegetable shop in the slums. She has two brothers and two sisters. One sister is an habitual drunkard and prostitute, the other is an imbecile who, though about twenty years old, is unable to dress or care for herself. The woman herself is illiterate, she was never able to learn at school, she has a very defective power of speech, her parents state they can understand what she says, but the prison officials cannot do so. She is clean in her habits and a good worker. The account of her home life states that until about a year previous to her present conviction her conduct was good, but since then, by being led on by her vicious sister and that sister's friends, she has become a drunken prostitute, and has been six times committed to prison for breaches of the peace. At the expiry of her sentence this girl was examined by two medical men, certified insane, and removed to an asylum; but as so often happens with cases of this nature, she was not long detained there, and within four months was back in prison, committed for the same offence and in the same mental condition; she was again certified and sent to an asylum. This case illustrates how a case of congenital weak-mindedness may, if not cared for, become an habitual in prison, and how the necessary prolonged asylum treatment is at present not given.

Case 2.—Male. Age 21. His occupation is that of a tinker. He can read and write. He is described as "a congenital imbecile with a weak, ill-balanced brain. No delusions, but is highly emotional, excitable, and changeable in his moods. He weeps and laughs. He is aggressive when in drink. He is microcephalic, his head is narrow, defective posteriorly, and to some extent asymmetrical. Marked indistinctness of utterance. Choreic movement of limbs and head." There is no history of epilepsy. This lad some time ago was convicted of malicious mischief, and on that occasion was certified insane and sent to an asylum. He again came to prison sentenced for breach of the peace, and was again certified and removed to an asylum, but only detained there two and a half months, being "discharged on a minute of his parish council."

Acquired Weak-mindedness.

Case 3.—Woman. Age 56. Of some education. She is unmarried and not in touch with any relative. At times has lived by tramping and begging, at other times by "backet-ranging." She is quite unfit to take ordinary care of herself. Has been in a lunatic asylum, in Salvation Army Homes, and poorhouses. She has within two years undergone twenty-two sentences of imprisonment, ranging from three to twenty-one days. Her condition is described by the prison medical officer thus:—"A confirmed alcoholic, broken down mentally and physically by chronic alcoholism. No delusions." This case well illustrates the utter uselessness of short imprisonments as a means of curing or reforming the alcoholic dement, for this is a case who has undergone twenty such courses of treatment in two years without the least signs of improvement.

Case 4.—Man. Age 30. Received a fair elementary education, can read and write. Has been subject to epileptic fits since the age of 14. His present mental condition is described as "simple, emotional, and impulsive." His conduct is stated to be peculiar for some time after having a fit. He has no one to take care of him at home; neither he nor the local police know whether his parents are dead or alive. He is a known character in the town where he lives, going under the nickname of "Daft Daniel." He is addicted to drink. When provoked by boys he readily loses his temper and assaults them, and has recently been twice imprisoned for doing so. He is an epileptic dement. In his case the uselessness of prison treatment is obvious, for he is quite insusceptible to its deterrent influence.

Cases of Assault.

Case 5.—Man. Age 35. Can neither read nor write. He is strong and muscular, but with some signs of degeneracy; he has an external strabismus, a low and receding forehead, and a coarse, gaunt expression. He lives with a sister and three brothers. His parents are both dead. His education is faulty; this may be partly due to his being excused from school to help his mother. His mental state is described as weak-minded, excitable, and lacking self-control. He has what appears to be a mania for assaulting people, and has been known to do that in some cases without any provocation. During the last two years he has been ten times imprisoned for assault and five times for other offences, these imprisonments amounting to 466 days. He has on several occasions assaulted prison warders. He has during the last ten years been five times certified as a lunatic and received into asylums. He has, however, never been detained there long; on four of those occasions his detention was less than seven weeks, on the remaining occasion it was four months. He was certified during a recent sentence and removed to an asylum, but only remained there till the expiry of that sentence, a matter of a few weeks.

Case 6.—Man. Age 40. An old soldier who is making a fair living as a lodging-house keeper. He has been drinking heavily for some years past. His mental condition is much deteriorated; he has fixed delusions, these delusions being those of suspicion against his wife's conduct. During the last six months he has been twice convicted of assault. When undergoing his second sentence he was certified as insane and removed to an asylum; he was discharged from there at the expiry of his sentence as "recovered," but within a few days he committed the offence of recklessly discharging firearms, and was again sent to prison. The danger to the community of allowing this and the previous case to be at large is very evident.

Cases of Theft.

Case 7.—Man. Age 32. He is able to sign his name, but is otherwise quite illiterate, he does not read. Neither he nor anyone else knows who his parents were, nor even where he was born. He says he was never at school. He has never done any honest labour. When in his teens he was a patient in an asylum; he absconded from there when eighteen years old. It is probable that he has been in other asylums since, but of this there has been no confirmation. During the last eight years he has been convicted six times for theft, four of these times being theft by house-breaking; his imprisonments during that period have amounted to three years and four months. His mental state is described as being weak and of a low type. He is cunning and emotional; he is subject to fits of moodiness and bad temper, and when these are on him he refuses food. He is a case of congenital imbecility.

Case 8.—A lad, aged 20. Illiterate, can neither read nor write. Has made a living as a newspaper boy. Recently he has sometimes lived with his parents, some times in a common lodging-house, and at other times anywhere he could. He is of low intellect, with a dull, expressionless face, and either cannot or will not answer questions properly. He is suspicious, and although apparently dull and stupid, he exhibits a good deal of cunning. He persistently understates his age. He has repeatedly been committed for theft and being a known thief for intent to steal. Two years ago he was treated in an asylum for about ten weeks.

Case 9.—Woman. Age 47. An habitual drunkard, who has been known to the prison officials for years. She describes herself as a housewife, but that is not correct, as she has no fixed place of residence; she spends

a part of her time when out of prison in a sister's house, a part in a male acquaintance's house, and a part is not accounted for; she sometimes works as a charwoman. Her convictions are many; during the last two years she has been five times in prison, with sentences ranging from seven days to five months. Her offences have been disorderly conduct, drunkenness, and theft. After one imprisonment she was handed over to the parochial authority for treatment as a lunatic, but this cannot have been long continued, as only some weeks elapsed before she was back in prison. Her mental condition is described as an imperfectly developed dementia; she has, however, at times been quite demented after drinking bouts. She is subject to fits. She has been frequently in a poorhouse.

Cases of Sexual Offences.

Case 10. Man. Age 40. He has been three times convicted during the previous two years, once being for assault, and twice for assault with intent to ravish, one of the victims of the latter being a young girl. His employment is that of a fisherman. He resides with a brother and two sisters; the latter are described as being as peculiar as himself, and live a secluded life, not associating with any of the neighbours. No record can be found of any member of the family receiving asylum treatment. He is a strong, muscular man. In his native village he is considered not right in the head, and owing to his eccentricities the villagers are afraid of him. He speaks to himself and laughs to himself; he is of a dour disposition, and seldom or never speaks to any person unless he is first spoken to. During the last few years he has been in the habit of trying to get hold of women, and this unfortunate habit has gone so far that the women are afraid to move about the outskirts of the village after dark unless several are together. There is no history of epilepsy or excessive drinking. The prison medical officer describes his mental state as weak-minded with some delusions.

Case 11.—Woman. Aged 25. Has been a prostitute for several years. She has been nineteen times in prison during the last two years, her offences being importuning, drunkenness, and disorderly conduct. She has an ordinary education. Her father died about thirteen years ago, her mother ten years ago. She is described as being when in prison usually quiet and well-behaved, but inclined to stubbornness. She has recently developed delusions of suspicion. She has been at least three times in asylums, but has never been detained long there.

Case 12.—Woman. Aged 37. Quite illiterate. Parents died years ago. Father was a steady man, the mother an inebriate. Her brothers and sisters live respectably. At the age of eighteen she became a prostitute and has been one since. During the nineteen years that have elapsed since she became a prostitute she has been convicted over sixty times, she has been in poorhouses thirty-nine times, and has given birth to no fewer than eight illegitimate children. The police describe her as "a common prostitute . . . whom no amount of persuasion or kindness on the part of charitable friends can induce to deviate from her usual practices." The police might have added that imprisonment has also failed to correct her misconduct. Her mental state when in prison is thus described—"a woman of unstable intellect. Sometimes she works fairly well, at other times she is morose and taciturn and declines to work. During these attacks she is unfit for prison discipline."

Cases of Disorderly Conduct.

Case 13.—Woman. Aged 28. This case was admitted into prison (*i.e.*, some time after arrest) "in a state of maniacal excitement, she tore her clothing and bedding, she shouted herself hoarse using filthy, obscene, and most abominable language, she attempted to assault anyone who came within reach of her; some days after admission she was certified insane and removed to an asylum. The maniacal excitement continued the whole time she was in prison." The history of this woman shows that for the last six years she had no regular occupation, no fixed home, and no friends. She has done an occasional day's work as a charwoman. She has for years past had bouts such as the one described. She has been at least three times previously in asylums, but only detained there for short periods. On the present occasion her detention in the asylum was a very short one.

Case 14.—Man. Age 50. Born in Ireland, but brought to Scotland in childhood. His mother died when he was ten years old, his father died four years ago. This man fell into unsettled habits in his youth and has never followed any regular occupation. For years past he has subsisted by begging or selling bootlaces. He has been addicted to drink. He suffers from chronic mania. He has the delusion that there is an instrument, for which he has invented the name of an "amphonee," and which has been put into his ears to speak to him and annoy him; he states that he has found that the means of keeping this "amphonee" quiet are to shout out or to put paper into his mouth. The former is the course he habitually adopts, and, as can readily be understood, he frequently causes disturbances and gets arrested and punished for breaches of the peace. He has been in asylums, but never long detained there.

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Case of Vagrancy, Begging, and Sleeping Out.

Case 15.—Man. Age 60. Has been an habitual in prison for twenty years. He has been silly all his days. He is known in his native town by the nickname of "Cow-heel." His mother and father are dead. He has several brothers and sisters; they appear to take no care of him. He has no regular employment, but occasionally gets a well-remunerated job as a cattle drover. He is much teased by street children. He has been frequently in prison for assault, breach of the peace, and drunkenness. During the last two years he has been convicted twelve times, seven of those being for begging. Physically he shows signs of senile degeneration. His present mental condition is thus described:—"Is an old garrulous man very easily affected with alcohol, approaches and speaks to many people on the road whom he may know slightly or not at all. He appears to be of a type very common in villages and country districts, where he would be a butt for the children, but be sufficiently cared for by the community, all the members of which know him and prevent him getting into the hands of the police except perhaps occasionally, but in a large town is sure to be hardly dealt with."

Case 16.—Man, age 40. Father is a plumber and now resides in England and is reported to be an inebriate. Mother is dead. Brother has failed to induce him to remain at home. He is illiterate, he was at school for several years, but learned nothing. He has no regular employment; he occasionally does some work at putting coal into cellars. He pays for a bed when he can, but when he cannot, he sleeps in a stackyard or such like place. During the last four months he has been convicted three times for trespass, or trespass and sleeping out. He is reported to be weak-minded from his infancy. His present mental condition is described as "decidedly weak-minded and intellectually feeble." Physically he is small and thin and weak, but with a large head; his height is 4 ft. 10 inches, his weight only 6 st. 13 lbs.

Case 17.—Man who states his age to be 20, but looks more like 30 or 35. His parentage and place of birth are not known. In his youth he was boarded out in a town to be "out of the way." He has a fair education, having passed the fifth standard. He does not drink. He never knew his father or mother. He works as a labourer. He has no home. He is in the habit of sleeping at a pit-head, and it is for doing so that he is sent to prison, the charge being trespass and sleeping out. His mental state is described as simple, of feeble intelligence, his answers to questions are sometimes incoherent and unintelligible. He has no delusions. Physically he is thin and weak. He has a vacant expression, a low receding forehead. His speech is thick. He states that he has had epileptic fits, but of this there is no corroboration.

Cases of Drunken Offences.

Case 18.—Man, age 56. His parentage and home life are not recorded. As a young man he was in a fairly good position, being employed as a druggist's assistant, and subsequently as a travelling agent for a firm of furniture manufacturers. For some years past he has had no regular employment, but has subsisted on the proceeds of odd jobs as a street porter. He has no home, but is generally able to pay for a bed in a lodging-house. During the last two years he has been twenty-four times convicted of being drunk and incapable, his imprisonments during that period of two years amounting to no less than three hundred and sixty-nine days. He now shows well-marked signs of senile degeneration, he is

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epileptic, and his mental condition is described as partial dementia with memory much impaired.

Case 19.—Woman, age 64. A native of Ireland. Her early home life is not known. She works occasionally as a needlewoman. For years past she has been an habitual drunkard and known to be weak-minded. She has a long list of convictions. During the last eighteen months she has been nine times in prison, her sentences during that period amounting to one hundred and forty-nine days. Her offences have been all of a drunken nature. Her education is imperfect. She is now decidedly weak-minded, crotchety, eccentric, and changeable in her moods, occasionally cross and irritable, at other times humorous. Her mental condition is always worse after drinking, and improves when in prison. This woman two years ago had delusions, she was then certified insane and sent to an asylum, but was not long detained there.

Case 20.—Woman, age 47. The only evidence of her having received any education is that she can read a little. She is married, and has one son. She has been living apart from her husband for years, and has now no fixed abode. Until about five years ago her occupation was that of a charwoman; since then she has subsisted by hawking and "midden-raking." During the last two years she has been convicted 26 times for drunkenness and breach of the peace. Her mental condition now is insane with delusions of identity. When her sentence expired she was handed over to the parochial authorities for treatment as a lunatic, but her detention cannot have been long, as she very soon after returned to prison.

Case 21.—Woman, age 39. Is wholly ignorant. She is married and has a family. She has been sixteen times convicted of petty assaults, disorderly conduct, and other drunken offences. She has an uncontrollable desire for drink. When drunk she is very outrageous and attacks every person she meets. When sober she is decidedly weak-minded. She takes no interest in household affairs; she is easily led astray, and is reported to have cohabited with several men other than her husband. In the opinion of the Prison Medical Officer she is a dement and certifiable. She was twice within the six months prior to her present conviction examined by a parish doctor with a view to certification, but refused a certificate. At the expiry of her sentence she was handed over to the parochial authorities to be dealt with as insane, but could not have been long detained, as she was back in prison before four months had elapsed.

Case 22.—Man, age 45. He is fairly well educated. He is a short, muscular man with a shifty, cunning expression. He is very loquacious, his remarks sometimes are shrewd, but often he talks absolute nonsense. He is very excitable, and when he begins to jabber there is no stopping him. His parents are dead. He is unmarried, when at liberty usually lives with a female friend or in a model lodging-house. His means of support are a legacy left by his mother and a little money made by dealing in sheepskins and fat, buying them from ships' cooks. He has during the last twenty months been nineteen times convicted for drunken offences, his sentences ranging from 3 to 30 days. There is no history of epilepsy. His weak-mindedness is probably congenital.

Case of Malicious Mischief.

Case 23. A lad, eighteen years old, of poor physique, and illiterate. His intellect is very feeble, he is very emotional; his countenance is never at rest. His only occupation has been selling newspapers. His father and mother are alive, he has three brothers and one sister. The whole family live in one room, the case sleeping on the floor. He has been poorly fed at home. His habitual home life is to get some breakfast, after which his mother flings him out and dares him to return before night." He is a known character in his native town and goes under the nickname of "Silly Willy." His criminal record shows that within a year he has been twice convicted of theft. His present conviction is for malicious mischief. A police official, writing of his present offence, says—"has a mania for going to wash-houses and boiling white and coloured clothes together. It was for an offence of this nature he was sent to prison." This case exemplifies the result of a combination of weak-mindedness with home neglect.

JAMES C. DUNLOP.

March, 1902.

(ENCLOSURE No. 3.)

Insane prisoner to be handed over to Inspector of Poor on liberation.

To the Inspector of Poor,

Parish.

SIR,—I beg to inform you that the prisoner, particulars of whose case are given below, is, in the opinion of the Medical officer of this prison, insane and requiring asylum treatment, and that he is due for liberation on———— I shall be glad if you will arrange for an officer to take charge of him on liberation, and to hear at what time you desire the discharged prisoner to be handed over to that officer.

I subjoin a report by the medical officer of this prison as to the mental state of the prisoner, and also a note of his previous history so far as it is known to me. Should you desire your parish medical officers to examine the prisoner before liberation, every facility will be given them to do so.

H. M. Prison, ————————————, Governor.
Date, ————————

Prisoner's name,————————————————
Place of residence previous to conviction ————————
Date of conviction and court————————————
Offence————————————————————
Sentence ———— ———— ————————————
Name and place of abode of nearest known relative and degree of relationship————————————

NOTE.—It is desirable that the inspector of poor should have as long notice as possible. Copies of this letter shall be sent to the Prison Commissioners and the Secretary, General Board of Lunacy.

MEDICAL OFFICER'S REPORT.

Name ————————————Age————————
Form of insanity————————————————
Duration of insanity ————————————————
Facts indicating that the person is insane———————
Medical officers' signature————————————
Date————————————

NOTES ON PREVIOUS HISTORY.

How often in prison————————————————
Date of first conviction————————————————
Nature of offence————————————————
Occupation when not in prison————————————
Has he previously been in an asylum ? If so, where and when ? ————————————
Governor's signature————————————
Date————————————

24853. (*Mr. Byrne.*) You have a very considerable knowledge of the prison population of Scotland ?—Yes.

24854. Do you consider that the existing law provides a satisfactory or an unsatisfactory method of dealing with that class of prisoners who are mentally defective ?—There is one phase which I think could be remedied and that is in regard to prisoners removed to asylums. We find that many of them are discharged on the expiry of their sentence, and we think it is rather peculiar and interesting that in some cases their recovery synchronises with the expiration of the sentence when the burden of the expense begins to fall on the rates. Formerly the maintenance was paid by the Commissioners.

24855. The diagnosis would not be so rapid if the incidence of the expense were otherwise ? Have you personal knowledge of cases of prisoners in whom you have seen evil effects resulting from this early discharge of recovered patients, people coming into prison almost

immediately again ?—There are repeated cases. I have mentioned several in my statement, and I could give you many more.

24856. There are many more ?—Yes.

24857. Would you please look at the Table in your statement, where you give the figures for 1903, 1904 and 1905 (*page* 253). In the fourth column of that under "Action taken by Parish Authority" there are so many not certified ?—Yes, 31 altogether.

24858. None of those will be boarded out as lunatics ?—No. These are cases where the governor and medical officer of the prison send a report (in the form printed above marked Enclosure No. 3) to the inspector of poor that these people require asylum treatment. They are handed over to the inspector of poor, and are examined by the medical officers of the parish. If they are not of the same opinion as the medical officer of the prison then these cases are discharged.

24859. I want an expression of your opinion as to whether that is satisfactory. Obviously from the fact that these people have been in your hands they must be of a disorderly tendency, and here you have this substantial number, even in defiance of you, left free ?—Yes, I think it unsatisfactory that such a state of things should be allowed to exist.

24860. Out of the twenty-one not certified in 1903 probably a number go back to you in 1904 ?—Yes, they do recur; some several times in the course of a year.

24861. Would you go so far as to recommend that there should be a formal inquiry as to what should be done with a criminal lunatic or a feeble-minded criminal when the sentence is about to expire ?—Yes, an inquiry of some sort.

24862. You think the circumstances call for that ?—Yes. We are quite satisfied when they are sent to the asylum because we think that is the proper place for them.

24863. Speaking departmentally, do you consider you ought to have a say in the matter when you have a man in prison and you find him to be a lunatic, and you send him to an asylum; and that such a man ought not to be let free without your department having something to say to it ?—Yes, because there is a great deal of unnecessary trouble through recommittal to prison. These men continually going in and out are a great source of trouble and expense.

24864. What practical conclusion do you draw as to dealing with these cases, supposing you were suggesting a change in the law ?—We say that if there were an institution established for these people then the Prison Commissioners would send them there. I should be inclined to recommend that they should be detained there for a period.

24865. Even for a period after the expiry of their sentences ?—Yes, until they had regained their will or inhibitory power.

24866. Do you agree with the judicial authorities when giving evidence that an indeterminate period of reformatory treatment is required for these persons ?—Yes, and I would almost fix a period, say three or five years, for some of these persons before letting them out.

24867. Leaving to you or to the authorities which manage the institution entire power to discharge either on licence or probation, or at all events as you saw fit ?—Yes.

24868. Or keep till the end of the period if you thought they were not fit ?—Yes.

24869. That is the opinion of your department in view of all these circumstances ?—Yes, generally.

24870. (*Mr. Dickinson.*) Did you have anything to do with this report of Dr. Dunlop's ?—I think we issued circulars and assisted him to a certain extent in getting these facts together.

24871. Are the eighty-five cases which are mentioned there all the cases in Scotland that have come under this category ?—No, but we have found that the numbers have been considerably reduced since action was taken on Dr. Dunlop's report. They have gone down from fifty-eight to twenty-one during the last three years. I am speaking of the weak-minded who have been reported to the inspector of poor as requiring treatment.

24872. Are those twenty-one people who have come under the cognisance of the Prison Commissioners in the course of the year ?—Yes, in the prisons.

24873. They are not necessarily all the persons who come under this category in Scotland at the present moment ?—No, only those who come to prison.

24874. But we are talking now of the people who come to prison for short terms by reason of their feeble-mindedness. I want to get a rough idea of what number there are in Scotland ?—The average total number of weak-minded that come to prison is ninety per annum.

24875. Where ?—In the whole of Scotland so far as the Scottish prisons are concerned.

24876. It is ninety ?—Yes.

24877. If there were an institution for this purpose and it were capable of holding ninety, then it would be quite sufficient for Scotland ?

24878. (*Dr. Dunlop.*) Perhaps I may be allowed to interpose. The witness refers to ninety ascertained in a year. The total population would be much more than ninety.

24879. (*Mr. Dickinson.*) Suppose we had an institution, a sort of penal colony, in which those persons could be detained, would you have had ninety coming last year ?—Yes, the annual average is 90.

24880. That would very largely exhaust the supply, because they are people who come backwards and forwards ?—Yes.

24881. Can you give any idea of what the place would require to hold ?—Not without going into actual figures. I could not give any definite idea.

24882. Can you not give a rough idea from your experience ?—No, a few of these men have been committed as often as three or four times a year. Perhaps about six of them may have been twice or four times in prison during a year.

24883. Most of that class will come once a year ?—Yes, most of them.

24884. Therefore, you would almost exhaust the supply if you put in a year's takings ?—I would not go so far as that, because these people are always cropping up. We have 13,000 new prisoners every year, and there are always some among that 13,000, so you would always have a few coming every year. If you took away the ninety the first year, then you would drain most of the source.

24885. So it would not be of much account ?—Perhaps not.

24886. You cannot give us any idea of the care and control exercised over these ninety, what it is costing the State ?—The average cost of an ordinary prisoner is £20 16s. 11d.; convicts cost £43 18s. per head; lunatics and inebriates at Perth who are classed together for the purpose of finance, cost £53 per head.

24887. That is the King's pleasure lunatic ?—Yes.

24888. Each of these classes would include some of those feeble-minded ?—Yes.

24889. I suppose they could be permanently detained at the cost of £20 which you have for the ordinary prisoners ?—The rate charged the Commissioners for maintenance of prisoners sent to asylums varies from £25 to £33 per annum; that is the cost of maintenance when we send them to asylums for detention until the expiration of their sentence.

24890. That does not include railway charges ?—No.

24891. It is for maintenance and salaries of officials ?—Yes.

24892. (*Dr. Dunlop.*) One point you mentioned was that the Prison Commissioners were in favour of a reformatory sentence for these mentally defective persons ?—Yes.

24893. That will not cure mental defect. Why make it a sentence at all ? It is only an order for detention ?—I have thought of that, but I understand that a good many mental defects are the result of inebriety, so far as the prisoner is concerned.

24894. If one is dealing with mental defect, which is a diseased condition of the brain, why use the term

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"sentence" at all?—I was basing it on our experience so far as King's pleasure lunatics were concerned. I have known of dipsomaniacs after being five years or so at Perth doing well when licensed out under suitable guardianship, and therefore I would put a number of these men into an Institution for a period—say five years—and then let them out under guardianship, but always holding over them the intention to bring them back if they misbehaved.

24895. Your views would be more fully met by having them as King's pleasure lunatics, putting them under control for the rest of their lives, or something of that kind?—Yes, something of that nature.

24896. We have heard a great deal about Section 89; the witnesses have been fairly unanimous in approving of it. You can tell us its working from a practical point of view?—We have had only one case, a case in 1903 of a man who was a pest to society in a small burgh in the north. The parochial medical officer refused to certify him as insane on discharge from prison. The next time he was in the hands of the police the procurator fiscal reported to the sheriff that the parish medical officer declined to certify him, and the sheriff then, under Section 89, ordered an inquiry into the prisoner's mental condition. He was certified insane to the Secretary for Scotland and was ordered to be transferred to an asylum. After being detained there for two and a half years, he was reported to be sane. On the matter being referred to the Secretary for Scotland, he ordered the man's discharge.

24897. In that case the parish medical officer had refused several times to certify him, although he was known to have such attacks of acute mania as required two or three attendants for days on end?—Yes.

24898. Some power to deal with such cases would be a valuable thing?—Yes.

24899. The existence of a small number of convicts who are very distinctly weak-minded is known to the Commissioners?—Yes.

24900. And they have adopted the policy that, considering their small number, they can quite efficiently deal with them in the convict prison as they are just now, without making a new department for them?—Yes.

24901. But if there were a large State reformatory for taking these cases, would the convict cases be taken there?—At present I do not know that there is any inconvenience in the convict prison, because of the small number at Peterhead. Those who are certified insane are removed to Perth, but the other weak-minded convicts are studied and treated individually. The discipline in their cases is milder, and for breaches of discipline they are not dealt with so severely as the ordinary convict.

24902. The Prison Commissioners are not desirous of making any change in regard to their treatment?—The matter has been before them for a long time. The idea was that this Commission might do something, and therefore they were not in any great hurry to come to any definite decision in the matter.

24903. The question of what to do with these people at the end of their sentence is a consideration?—Certainly it is.

24904. (*Mr. Byrne.*) To clear up that point about the existing power to deal with prisoners who are found insane after sentence or while waiting trial; you say, "The Commissioners think that Section 89 of the 1857 Act should be put into regular use as better fitted to secure the proper care of cases from prison than Section 6, the certificate of which lapses at the end of the prisoner's sentence." If they have that why do not they use it?—It is a matter for the Crown Office authorities as regards prisoners waiting trial.

24905. Surely the Prison Commissioners and the Crown authorities are identical?—No. The Crown Office authorities have charge of the criminal prosecutions in Scotland, and they deal with all these matters without consulting the Prison Commissioners.

24906. You are referring to people who are found insane in prison?—Yes.

24907. While awaiting trial or after they are sentenced?—While awaiting trial.

24908. If you have a prisoner in your prison you can get him certified, but you have to call in the sheriff?—Yes, but we have always dealt with him under Section 6 of the 1871 Act.

24909. What we do not understand is this, what do you want this Commission to do? Why do you not yourselves carry out the object that you wish to-morrow?—I suppose it is really use and wont. Section 89 was not put into use until 1903.

24910. (*Dr. Dunlop.*) Section 89 was for a long time in disuse?—Yes.

24911. The idea being that it was repealed by the Act of 1871?—Yes, until this case came up in 1903.

24912. Is it not the case that Section 89 is imperfect at the present moment because it does not state who is to pay?—That is one of the reasons why it has not been acted on. There is a doubt as to who is liable for the payment of the maintenance of the insane prisoner.

24913. (*Mr. Byrne.*) So something like Section 89 should be re-enacted with the sheriff left out and provision made for payment?—Yes, liability should be made quite clear.

24914. Instead of bringing in the sheriff you would like to do it yourselves?—I do not know. Hitherto we have experienced no inconvenience in going to the sheriff for a warrant.

24915. But if you had statutory power, is that what you would like?—That would meet the case, but I am not sure that the local authorities would agree to our sending such persons to an asylum without someone else having a say in the matter. Probably the Lunacy Commissioners would be the better people to deal with them after their sentences had expired. They would then be out with the control of the Prison Commissioners.

24916. You would be satisfied if we recommended that a revision of the law should be made assimilating the condition with the English law, which is to the effect that without asking anyone else, the Prison Commissioners can certify any prisoner either awaiting trial or under sentence and send him to the county asylum where he would be paid for by the State and paid for by the locality as soon as he was discharged?—Yes.

24917. (*Dr. Dunlop.*) That does not secure detention after the expiry of the sentence at all. Mr. Byrne did not draw your attention to that difference?—The only difference I understand is that you still keep the provision in Scotland that the man must be certified sane and his discharge ordered by the Secretary for Scotland.

24918. The other clause is that the feeble-minded must be paid for out of local funds and not out of the State funds?—Yes.

24919. (*Mr. Byrne.*) Would it be possible to set down in a few lines what you wish?—Yes, I think so.*

24920. (*Chairman.*) Is there anything you would like to add?—No.

24921. (*Mr. Byrne.*) Do you use that power under Section 19 of 25 & 26 Vic., c. 54, where the Secretary for Scotland has power to keep a person in the lunatic department as long as he likes?—There is only one case that I know of; a man who was sentenced to 18 months' imprisonment, and was detained in the Criminal Lunatic department for 24 years.

24922. Are you going to use that in future?—We incline to the view that after the man's sentence has expired, his maintenance should not be a burden on the State. I do not see why we should relieve the local rates.

24923. So that the locality must either pay for him or have the pleasure of his company at home if they do not pay for him at an institution?—Yes.

[*The witness was subsequently written to, but did not desire to make any statement.]

Miss LILY MONTEAGLE, called; and Examined.

24924. (*Chairman.*) You have been so kind as to give us a statement of your evidence; may we put it on the notes?—Yes.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY MISS LILY MONTEAGLE, HEAD TEACHER OF BRIDGETON SPECIAL SCHOOL, GLASGOW, FOR PHYSICALLY AND MENTALLY DEFECTIVE CHILDREN.

Miss L. Monteagle.

13 June 1906.

In my statement, I beg to put forward my experience of the educational work which is being done amongst the mentally defective children in Glasgow. My experience in this work dates from January, 1901, when I was sent to London, by the Glasgow School Board, along with another teacher, to study, under Mrs. Burgwin, Superintendent of Special Schools, under the London County Council, the methods employed there in dealing with mentally defective children.

On our return to Glasgow, at the end of April, 1901, two new classes for feeble-minded children were opened under our supervision. Previous to this, a class had been in operation for four years.

The Special Classes.—There are now six schools where mentally defective children are taught under the Glasgow School Board. In all of these schools, with the exception of the Bridgeton Centre, the special classes are taught in class-rooms belonging to ordinary day-schools, and the defective children, although their hours are different, necessarily occasionally come in contact with the normal children. The Bridgeton Special School is set apart for mentally and physically defective children only. There are about 240 mentally defective children on the united rolls of these classes.

Kinds of Children Dealt with in the Special Classes.—Children are admitted to these classes direct from the ordinary schools, on the recommendation of ordinary class teachers. These children are then medically examined and classified by the doctor as, Class I.—hopeful; Class II.—less hopeful; or Class III.—not hopeful. Those in Class I. seem to me to make great progress in the special classes, and are often able, after one or two years' training, to rejoin an ordinary class. Those in Class II. also make marked progress, but will most likely require to remain all their school lives in a special class. Those in Class III. make little or no progress in ordinary school work, but benefit largely by the school discipline, teacher's influence, and in the centres where dinners are provided, by the wholesome food which they receive. They become more like rational beings, and more fit to associate with society in general.

Occasionally children who have never been to school are brought to the special classes by their parents. These children may have been discovered by the attendance officer of the district, and sent up by him. They are admitted, medically examined, and classified Class I., II., or III. as the case may be. In the case of a child being certified imbecile, he is returned to his home, and the parents are advised to send him to an institution for imbecile children, such as Larbert.

There must still be many mentally defective children in our Glasgow schools who would benefit largely by attending the special classes. Probably the medical examination which is now in progress may help in bringing those children forward. I should say that at the very smallest estimate, accommodation should be provided for 500 mentally defective children under the Glasgow School Board. This is calculating that only ·5 per cent. of the children of school age in Glasgow are mentally defective.

Many parents do not like the idea of their children attending the special classes at first, but they soon become reconciled to this when they see the progress made. I am of opinion that, for the good of the children, it should be made compulsory to send all children, certified to be mentally defective, to special classes.

Age.—In doubtful cases the children might attend ordinary infants' departments until they reach the age of seven years, but if the cases are plainly mentally defective, then the sooner they are sent to the special classes, after attaining the age of five years, the better it will be for the children. I believe that most of those children require longer at school than normal children. In the majority of cases, the children are removed from school by their parents, immediately on reaching the age of fourteen years. Instead of this, I think that if the children could have other two years' training in an industrial school or colony, many of them could make their own way in the world. Those who would never be able to do so, and whose parents could not be trusted to look after them properly, would be better detained there for life. They might there become partially self-supporting, and it would help to keep down the numbers in our prisons and workhouses. Those who could be trusted to leave the school or colony after the age of sixteen or eighteen years might do so, and I believe, with proper training, many might so be trusted.

Hours and Curriculum in Special Classes.—The school hours are necessarily short. These children are easily fatigued, and the strain on the teacher is also great. The work begins at 9.15 a.m., dinner and recreation from 11.45 to 1.15. The afternoon hours are from 1.15 to 3. The forenoon is spent in teaching the three Rs., with singing as a relaxation; the afternoon in teaching manual occupations, with drill as a relaxation. Speaking for my own school, in teaching reading, we adopt the Phonic method, because I find it of great use in correcting speech defects, which are numerous; and in some cases, in teaching the children to speak. Slovenly, indistinct, and slurring speech often occurs, and stammering is common. Notes are taken of children's articulation errors, and systematic efforts are made to correct these by making the children copy the movements of the teacher's lips, tongue, etc. I have occasionally come across children who could not speak at all on being admitted, and after some months' training they could make all the consonant and vowel sounds, and could name many things correctly. In connection with speech-training, much attention is also given to the teaching of recitation, or for the most backward, the repetition of nursery rhymes. Fairy tales are also told by the teacher, and the children are encouraged to retell them in their own words. This is a good exercise in the teaching of English, and the training of the intelligence and imagination, and it is one which is much enjoyed by the children.

In our special schools, cleanliness, personal neatness, and obedience are also taught, together with character training in general. These attributes are often sadly lacking, but tend, on being awakened and brought out, to self-respect, self-reliance, and self-control, which are most valuable properties to our mentally defective children. Manual occupations also receive special attention. The children are taught these occupations with various ends in view, of which the most important is so to train the hand, eye, and brain as to lead them to intelligent observation. From five to six hours weekly are devoted to the teaching of manual occupations.

The teaching of drill and games is also very important in the training of mentally defective children. For drill, I find that, in addition to plenty of breathing exercises, marching, running, skipping, and dancing should be largely taught, as they lead most rapidly to improvement in gait and carriage, which are generally, if not always, awkward in mentally defective persons. (I heard a doctor say not long ago, and was much struck by the remark, that any person who had had experience in dealing with the feeble-minded, could always tell one of these persons by his walk alone.) These exercises also promote rapidity of circulation, which is bound to have a good effect, and which is often sluggish in mentally defective children.

In my own school, separate records are kept by the teachers, which give an account of the school attainments, manual dexterity, health, and character of each child, every six months.

I find that rewards are of great service in dealing with mentally defective children. They need not be costly—a medal for the most tidy, a seat in front of the class for the most diligent, or good conduct marks appeal to them in all cases. Absence of bodily or mental vigour is often marked by extreme timidity. These children can, therefore, in most cases, be easily governed by gentle but firm treatment.

Difficulties of Classification.—One of the many difficulties in teaching mentally defective children is classification. Individual teaching is the ideal method in dealing with them, but the numbers must be provided for in some way. At present, one teacher is allowed for every twenty

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children. These we sub-divide into smaller groups of three, nine, or even one as the cases demand. For certain lessons, such as singing, drill, oral composition, object lessons, etc., the twenty may be taken together. In the case of the most backward children, I am of opinion that a teacher should not have more than from twelve to fifteen under her charge.

Special Teachers.—The teachers of mentally defective classes in Glasgow are all certificated, and experienced in ordinary class-teaching. Each new teacher for the work must teach at least three months in a centre where there is already an experienced teacher. The new teacher is then considered fit to take charge of a class by herself. Teachers of mentally defective classes have their salaries raised by £10, after the preliminary three months' training. Teachers of special classes should be bright, sympathetic, patient, and fond of children. They should also be able to play the piano and sing.

Feeding.—In two of our Glasgow centres, for mentally defective children, a good dinner is supplied at a cost of 1½d. per day for each child. (Speaking for my own centre this charge has been found sufficient to cover the cost of the food provided.) Most of the children attending these centres take advantage of this, which I think is a most important factor in the improvement of the children, both physically and mentally. Many of the children do not get sufficient food at home, and many others are improperly fed, which is almost as bad. I have taught in centres where no dinner was supplied, and I now teach in one where it *is* supplied, and I have been much struck by the great difference it seems to make in the children. Apart from the great improvement in their physical appearance, the improvement in their table manners is very marked. They also acquire a taste for wholesome and proper food. The majority of the children in Bridgeton special school simply refused to take all manner of milk-puddings at first. On questioning them, as to their likes and dislikes, I gathered that their favourite dishes were sausages, ham, kippers, and tinned salmon. After much persuasion, and not a little gentle but firm pressure, all the children now take the milk foods with relish, and some have three helpings each day. Some of them had never seen rice, and one girl informed me one day, while I was trying to persuade her to swallow rice pudding, that she did not like "breed" (bread) in her milk. One or two cases of mentally defective children suffering from rickets have improved much in their walking since the dinners were started, and one very bad case has discarded his crutches altogether. I see a distinct improvement in the health of each child, and it seems to me that if *one* good meal a day can do so much, then *three* good meals a day for all *physically* defective children might cure in a year or two all defects, such as rickets, general debility, anæmia, etc. I am of opinion that all the mentally defective centres should be provided with facilities for cooking a mid-day meal.

Baths.—Cleanliness should be another important item in the education of mentally defective children. All special schools should be provided with a bath, and a woman should be employed to bath the little one once a week. Very few of the children in our East-end schools have facilities at home for bathing, and in single-apartment houses it is not to be wondered at that the children and parents never have baths. I think that in all our large cities free baths should be opened for the very poor. They might be of more benefit to them than free libraries, which, of course, are not to be despised; but "Cleanliness is next to Godliness," and I should say, educate the children to appreciate it, and they will not afterwards be able to do without it.

Cost of Work.—The cost of teaching mentally defective children is great. Besides the small classes and extra accommodation required, a very great deal of material is used in teaching manual occupations, and though the finished work is sometimes sold, the cost is always greater than the profit. A large grant should, therefore, be given by Government for these children, and this might also help to defray expenses which might be incurred in bringing the children long distances to a special class. Many defective children in Glasgow, at the present time cannot attend a special class because they live too far away. This may be partly remedied by and bye, when more centres are opened, but there will always be some children who will require either guidance or conveyance to and from their homes.

Boarding Schools.—I believe, if thorough success is to attend this work, it will be found necessary to have boarding schools near some of our large cities, where children from rural districts might be sent, and where some of the city children, who have exceptionally bad homes, might also be boarded. Epileptics might also be educated here. I have, at present, in Bridgeton School, a few cases who would be better in a boarding school. One case is that of a girl (an epileptic) who is so bad-tempered as to be almost dangerous. Her mental powers are very weak and her speech is very bad. She has learned, however, to sew beautifully, and she is very fond of this useful occupation, and will work at it for an hour at a time without raising her eyes. She is only seven years of age, so she may yet do wonders with her hands.

Another case which would be much better in a boarding school is that of a girl of thirteen. Her mother is dead, and her father is very intemperate. She is neglected at home in every way, and has no proper chance in life in her present home surroundings.

Education is as much a right of the educable feeble-minded as it is of the normal child., and if the normal child benefits thereby, in some measure also does the feeble-minded. It is in school that the mentally defective child's interest is first aroused. The normal child by his desire and originality learns as much out of school as in school; not so the mentally defective. When he comes to school his will power is weak, he has little or no self-control, self-reliance, or originality. Although fond of games, he cannot even play of his own accord, hence it will be seen how utterly helpless and dependent these children are, and how much they require that an effort be made in their behalf.

24925. (*Mrs. Pinsent.*) I see you divide the kind of children that you deal with into three classes, roughly?—Yes.

24926. Class I. are hopeful. Have you made any estimate as to how many of the children in that hopeful class are able to earn part of their living afterwards?—No. I do not think we have been started long enough to know that yet, but a great many in Class I. can be transferred into an ordinary school, which shows that they would be able to pretty well earn their own living.

24927. May some of the others go out and earn small wages?—Yes.

24928. Those who are not transferred?—Yes, I think they might earn a small wage and be partially self-supporting.

24929. Can you tell the proportion of children in Class I.?—We generally have about forty mentally defective children and I do not think that so many as one-half would be in Class I. About one-third or even less than that would be in Class I. I think it depends on the district.

24930. Class I. receives material benefit from the instruction?—Yes.

24931. And also Class II.?—I think they all benefit, but Class I. most educationally.

24932. I see you dwell on the fact that although you are not able to teach Class III. very much you still improve their condition very substantially?—Yes.

24933. What will be the fate of those that leave the special class unable to earn their own living?—They must always be looked after afterwards if they are to do any good at all. Perhaps with care they might be able to learn a little if there were people to take an interest in them.

24934. Suppose some of them were placed in a residential colony or Home, would they be able to do anything?—I think they might be able to do a little work with supervision.

24935. In that case the training you give to Class III. even would be a great benefit to the institution that received them?—I do not think Class III. would be able for much work, but still they are able to mix more with their fellow beings.

24936. The mere fact that you have taught them cleanliness and to obey orders is a great benefit to the institution that has to take care of them afterwards?—Yes.

24937. And therefore you consider the work of the special classes to be of a satisfactory nature ?—Yes.

24938. When you get an extreme case you recommend the parents to apply to Larbert ?—Yes.

24939. Is that done ?—Sometimes they are unwilling to part with the children. Very often if they have good homes they are unwilling to part with them, but then they are all right if they have good homes. When the parents die then the child is better to be sent away simply because no one will look after it like its parents.

24940. When application is made to Larbert is it often refused on account of "no vacancy" ?—I do not think it is often refused.

24941. (*Mr. Dickinson.*) I see you suggest that for the complete system there ought to be boarding schools ?—Yes.

24942. Have you any idea what amount of boarding school accommodation would be required for a place like Glasgow ?—No.

24943. You cannot give even a rough idea of what you would like to have yourself ?—I think only the very worst cases should be sent there.

24944. Quite so. Can you give us no idea whether it would be 20, or 50, or 100 ?—I do not think it would be less than 100 for a city of the size of Glasgow.

24945. A boarding school for defective children sufficient to hold 100 would meet the needs of Glasgow ?—Yes, then there are the districts round about.

24946. What is the school population of Glasgow ?—100,000.

24947. (*Mr. Byrne.*) You say that at present the parents take away their children at the age of fourteen ?—Yes.

24948. That is because you cannot prevent them ?—Yes.

24949. Presently you will be able to stop that if you get the Act passed ?—Yes. *Miss L. Monteagle.* 13 June 1906.

24950. You suggest that a great improvement would be made in the last two years if the children could have other two years' training in an industrial school or colony. Do you think that for the custodial cases the training should be more of an industrial character ?—Yes, and less of an educational character.

24951. Would it be an advantage that for those two years or perhaps for a longer time they should be removed from the schools and put into more working places ?—Yes, perhaps an industrial school.

24952. When you mention industrial schools you mean what is technically an industrial school ?—Yes.

24953. Something run on that system ?—Yes.

24954. A place for manual training ?—Yes, where they would work.

24955. Would it be practicable in Scotland from what you know to utilise either a new specially established industrial school or to have the children sent to industrial schools ? Would it be practicable to carry that out ?—Yes, they could be sent to industrial classes.

24956. In such schools ?—Yes, but of course they would be better by themselves.

24957. It would be better to have a special industrial school for the purpose ?—Yes.

24958. What do you think would have to be the Government grant for them ? A new industrial school would only get 4s. 6d., and that would not be enough ?—No, because they would need more teachers.

24959. Even for the industrial training ?—Yes.

24960. It would have to be more like 8s. or 9s. ?—Yes.

24961. (*Chairman.*) Is there anything you would like to add to your evidence ?—No, I do not think so.

John McNaughtan, Esq., M.D., called; and Examined.

24962. (*Chairman.*) Will you tell us how long you have been medical superintendent of the Criminal Lunatic Asylum at Perth ?—Twenty-five years.

24963. You have been so kind as to give us a statement of your evidence; may we put it on our notes ?—Certainly.

Statement of the Evidence Proposed to be Given by John McNaughtan, Esq., M.D., Medical Superintendent, Criminal Lunatic Asylum, Superintendent State Inebriate Reformatory, and Medical Officer, H.M. Prison, Perth.

Irrespective of the inmates of the criminal lunatic department, the feeble-minded prisoners whom I meet with in Perth prison may, according to the present procedure as to the certification of the insane, be divided for practical purposes into two classes, viz:—

(*a*) The certifiable,
and (*b*) The uncertifiable.

With the first class there is no difficulty, They are, as a rule, either untried prisoners committed as dangerous lunatics, or prisoners under sentence, becoming insane. They are certified insane, and if untried, are removed to their parish asylum. If under sentence they are transferred to the criminal lunatic department, where they remain until their sentences expire, and are then handed over to the parochial authorities.

During the past three years the numbers dealt with in this manner are as follows:—

Certified insane, and removed to parish asylums.

1903.		1904.		1905.	
M.	F.	M.	F.	M.	F.
1	1	3	4	8	1

Certified insane, and transferred to lunatic department.

1903.		1904.		1905.	
M.	F.	M.	F.	M.	F.
1	–	4	–	—	

I regret to state that some of those cases re-appear in prison again after comparatively short intervals.

The second class, or as I call them the uncertifiables, is a comparatively large class. It contains, almost without exception, all the habitual offenders, the prison ins-and-outs. The individual who has thirty or forty previous convictions may, and very possibly does, get into trouble through drink, but in almost every case, if carefully investigated, the mental condition is found to be at fault. During the past three years there have been under observation, for mental reasons, in all fifty-nine prisoners; namely, fifty-one males, and eight females, 4 per cent. of the daily average number of prisoners. *J. McNaughtan, Esq., M.D.* 13 June 1906.

The class of uncertifiables may be conveniently subdivided into—

(*a*) The congenital imbecile and mild dement.
and (*b*) the moral lunatic.

The cases coming under sub-division A are well known in prison and easily recognised. They are weak, facile individuals, generally apathetic and stupid, who wander aimlessly about the country, drink when they have the opportunity, and seem quite incapable of applying themselves to steady employment. They do fairly well in prison, give no trouble except by their untidiness and stupidity, but when the discipline of the prison is withdrawn, they are quite unable to guide themselves, to resist temptation, or to earn an honest livelihood.

The second sub-division, or moral lunatics, I would define as individuals, apparently intellectually sane, but whose moral sense is weakened, or, in some instances, apparently entirely absent.

They are as a rule, fairly intelligent, shrewd, self-assertive, and endowed with an amount of low cunning. They are quite capable of sustaining an intelligent conversation, hold no mental delusions, and exhibit none of the orthodox symptoms of insanity. Viciousness, lying, and dishonesty are all attributes of this class, and the emotional element is strongly marked. They are well described as "explosives," lacking in self-control and liable to uncontrollable outbursts of causeless rage. Many are capable workers, but they cannot apply themselves to steady employment. They become weary of

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doing well and soon break away. The habitually troublesome prisoner, the man who is always under report, and many of the so-called inebriates are of this class.

Reformation of this class is almost impossible. They have no self-control, they fly to drink at the first opportunity, and their want of moral sense leads them, one might say naturally, into criminal courses. To illustrate this point I beg to submit statistics of the inebriate reformatory, which show the difficulty in dealing with individuals, who are morally, if not also intellectually insane. Admitted since opening of reformatory.

	Sane.		Feeble-minded		Total.	
	M.	F.	M.	F.	M.	F.
Admissions - - - -	3	25	6	19	9	44
Of these—						
Sentences expired - -	–	10	3	11	3	21
Removed to asylum - -	–	–	–	1	–	1
Liberated by S. for S. - -	–	1	–	–	–	1
Died - - - - - -	1	–	1	–	2	–
On licence - - - -	–	2	–	–	–	2
Remaining in reformatory -	2	12	2	7	4	19

Of those whose sentences have expired two of the sane members have done well for at least two years after discharge, and others are promising well, but, I regret to say that all the feeble-minded had returned to a criminal career within a very short time after liberation. The length of time in confinement seemed to have no effect upon ultimate results. They relapsed as quickly after a three years' sentence as after six months.

I might here give one or two illustrative cases.

P. B.—A pedlar or fisher from one of the islands, thirty-five years of age on admission, three years sentence, fifty-eight previous convictions. Passionate and perverse to a degree. Unable to apply himself to steady employment. Probably congenitally of weak mind. Drank since he was eighteen. Very shortly after liberation began drinking, got into the hands of the police, and was as bad, if not worse, than before.

F. S. A.—A traveller, one year's imprisonment and two years in S. I. R. for indecent assault on his children. Thirty-six years on admission. His maternal grandfather alcoholic, and father and brother both died insane. Has been himself three times under treatment in asylums. Weak, facile, and emotional, subject to "brooding fits." Behaved well in reformatory, and when under licence for nearly a year; but whenever the special supervision was withdrawn, he began drinking, and soon got into the hands of the police.

E. M'L.—A general servant, eighteen months for contravention Section 24. Thirty-three years on admission. Ninety previous convictions. A violent "explosive." Fairly intelligent, but lacking in self-control Improved in reformatory. Was able to restrain her passionate nature, and worked well, but as soon as the care and treatment of the reformatory were withdrawn she lapsed into her old courses.

RECOMMENDATIONS.

It is universally acknowledged that the present treatment of habitual offenders is ineffective and, I believe the main cause of failure is that, as a class, their criminal proclivities are mainly dependent on a weak mental conformation.

They drift between the prison, the poorhouse, and sometimes the asylum, and are the pests of the streets and police court. In my opinion the only way to mitigate the evil is to segregate the worst cases in a special establishment set apart for the purpose. I would recommend that the case of every prisoner showing distinct mental peculiarities, even although his conduct in prison may cause no trouble nor anxiety, but who, judging from his previous history and his present mental capacity, appears to be unfitted to guide himself when at large, or to apply himself to useful labour, in every such case, a special physical and psychological examination should be made shortly before the expiry of sentence, and, if judged right, a certificate be granted to the effect that he is a person of unsound mind requiring care and treatment. The sheriff should on this certificate grant warrant for his detention in a place of safe custody, which place might properly be called a State asylum or reformatory. Facts on which this certificate is founded could be given without much difficulty in the cases of prisoners where there has been ample opportunity for observation. In my experience close and prolonged day by day observation never fails to disclose the mental weakness should such exist, so that, with prison cases, I do not anticipate any difficulty in certifying, provided a suitable institution be established for their reception. At present it would be useless to send many of our moral lunatics to ordinary asylums, as, owing to want of accommodation and other causes, they would not be detained. I might now take the liberty of offering a few suggestions as to the construction and administration of this proposed State asylum. In the first place there must be ample provision for classification.

The quiet and industrious inmate must be rigidly separated from the disorderly and rebellious. The ordinary discipline of an asylum would not, at first at least, be sufficient for the type of moral lunatic met with in prison. They are not sufficiently insane to prevent combination, and, unless firmly dealt with, would be sure to give trouble. Probably a modified form of penal discipline might be required for such cases, although, it is possible, the power of secluding the noisy and turbulent would be sufficient for all practical disciplinary purposes. There should, however, be at least two dietary scales, for workers and for non-workers, and also a mark system granting certain indulgences to the well behaved and industrious. Field and garden work must be provided, with workshops and sheds for employment during inclement weather.

I would propose that at least every three years all the cases be specially examined and reported upon, by the Lunacy Commissioners. Cases showing improvement in their mental condition, and powers of self-control, might be conditionally liberated under guardians in the same way as "King's pleasure" lunatics are dealt with at present.

With the foregoing provisions, modified to suit the circumstances of each individual case, I do not anticipate there would be much difficulty in administering such an establishment as a State asylum for the feeble-minded.

JOHN MCNAUGHTAN.

His Majesty's Prison,
Perth, *May 29th*, 1906.

24964. (*Dr. Dunlop.*) You divide your subject into certifiable and uncertifiable?—Yes, but I would like to modify the section term and to say "not certified" instead of "uncertifiable."

24965. You would alter both, the one into certified and the other into uncertified?—Yes.

24966. It is a more or less essential alteration, is it not? The second class are not distinctly uncertifiable, but they are not certified at present?—That is what I mean. I meant that they were not certified by the people called upon to certify them.

24967. It is because they will not certify rather than because they cannot certify?—Quite so.

24968. The two classes are not sharply marked off the one from the other. Some of the weak-minded prisoners are to all intents and purposes insane persons?—Yes.

24969. And there is nothing that prevents their certification?—I think not.

24970. Have you ever had a lunacy certificate questioned or returned in Scotland?—Never.

24971. Is it a thing that is practically unknown?—Yes, so far as I am concerned.

24972. We have had a considerable amount of evidence and almost a universal opinion on the part of Scotch witnesses as to the requirement of a large State asylum or working colony where these weak-minded prisoners could be detained indefinitely or until they could be cured. Are you in favour of that?—Most certainly.

24973. Should that be run by the State or by the local authorities?—I think it ought to be run by the State.

24974. Will you kindly give us your reasons for that?—I think we are more likely to get the proper people into it if run by the State; there would be no question of the local authorities failing to send the people.

24975. It would probably net more desirable cases?—Yes, I think so.

24976. If it were run by the State might there not be abuse on the part of local authorities neglecting their duties and letting the people go to the prison and thus come on the State?—I think that might be prevented by causing local authorities to pay for their own members.

24977. Managed by the Central Board and paid for by the local rates?—Yes.

24978. The same rates as would pay for the persons had they been cared for in the first instance and not neglected in the first instance?—Yes.

24979. Are the criminal lunatics in the lunatic department paid for by the State?—Yes.

24980. Is that not open to a little abuse?—I have thought so.

24981. I think you can tell us of some cases of what one might call ordinary lunatics being discharged from asylums and sent to the State asylum?—Yes, but I could only suspect the motive.

24982. Never mind the motive. Was there not a case of petty theft?—Yes, we have got cases of petty theft sent on King's pleasure, cases quite unsuited for such a sentence.

24983. And tried for petty theft very shortly after having been discharged from an ordinary asylum?—Yes, I remember more than one such case.

24984. Another bit of evidence where your opinion would be valuable is as to the application of Section 89 of the 1857 Act to all prison cases. You are aware that that section has fallen into disuse? Have you any opinions to offer about the provisions contained in that section?—I think the provision is a very valuable one.

24985. Are you aware that the difficulty at the present moment is the uncertainty about payment in such cases?—I was not aware of that.

24986. You have had no such cases through your hands?—No.

24987. But you think that such a power would be extremely valuable?—Yes.

24988. Any power which would secure the proper care and treatment of those unfortunates would be very valuable?—Yes.

22989. It is more or less erroneous to mention that the majority of these cases are what one might call very thin cases; most of them are perfectly evident and there is very little difficulty in collecting facts sufficient to warrant their detention?—I would have no difficulty at all.

24990. We are not dealing with very fine cases, making hair-splitting differences between sanity and insanity?—No.

24991. They are gross cases?—Yes. I have one at the present moment.

24992. You might tell us about it?—D.K., aged thirty-six. Mild dementia with persecution delusions. Under treatment in Lunacy Department from April to October, 1903. Recovered so far as not to be certifiable by parochial medical officers, *i.e.*, delusions disappeared and he was discharged in ordinary course. Arrested shortly after discharge, and sentenced to six months. Old persecution delusions returned and he was again certified and removed to Lunacy Department, 30th April, 1904. On expiry of sentence was removed to asylum. Six months ago he again appeared in prison still insane. He works quietly and well in the penal department. Will be again handed over to parochial authorities on expiry of sentence.

24993. He has an insane delusion extending over a number of years?—Yes, very many years.

24994. He has been spending most of his existence in prison?—Yes. We have had him once or twice in the lunatic department, and we sent him to asylums and he got discharged and he has got into trouble again.

24995. You have a case where a man has served fourteen years out of seventeen for stealing horsehair?—Yes.

24996. That man acting the whole time under an insane delusion?—Yes.

24997. These are typical of a class?—Yes.

24998. (*Mr. Byrne.*) I notice that in your statement where you make an interesting and important recommendation about prisoners with mental defects, you say: "In every such case, a special physical and psychological examination should be made shortly before the expiry of sentence, and, if judged right, a certificate should be granted to the effect that he is a person of unsound mind requiring care and treatment. The sheriff should on this certificate grant warrant for his detention in a place of safe custody, which place might properly be called a State asylum or reformatory." Why do you suggest that the sheriff should come in? Why not the Central Government, the Secretary for Scotland, or the Prison Commissioners? What was your object in that?—To put it in line with the ordinary certificate for lunatics.

24999. For the purpose of making it more satisfactory to the public?—No, to bring it into line with the ordinary certificate at the present moment.

25000. May we take it that your recommendation in this paragraph, which is similar to recommendations that we have had from others, is the opinion not only of yourself personally, but it is your official opinion?—Yes, I think so. Is that with regard to the sheriff?

25001. No, with regard to the holding of an examination into a man who is in and out, and getting a certificate that he is a person of unsound mind requiring care and treatment, although not certifiable in the ordinary sense. Generally the effect is to enable people to be detained who are not detained at the present time?—Yes.

25002. And who are not in the ordinary sense certifiable?—Yes.

25003. That recommendation is one which is so important to my mind that I ask you whether that is merely a personal opinion of your own, or is it an official opinion of all the departments concerned?—I could not speak for other departments. I can only speak of my own personal opinion, and that is my own distinct and decided opinion gained from my official experience.

25004. Would you recommend that the same system should be extended to persons of unsound mind, not usually called certifiable and not prisoners, by the superintendent of a district asylum—say a man who had been in and out of his asylum and in prison at other times, and who was brought in on certificate—would you like this same method to be applied to that man, that before discharging him the superintendent should have power to call in the sheriff and get him certified?—In any asylum?

25005. Yes, would you approve of that?—Would that be necessary? Could the superintendent not simply detain him?

25006. We have been told so much about the impossibility of superintendents detaining people who were so rational and free from delusions that they were bound by law to discharge them. How can we relieve superintendents from that responsibility? Would this procedure do?—Yes, I think so.

25007. (*Mr. Dickinson.*) I notice that in your statement you are dealing with the feeble-minded prisoners whom you have met with in Perth prison?—Yes.

25008. And you divide them into two classes, and you say that that the uncertifiables are a comparatively large class, compared with what? What is the meaning of the word "comparatively" there?—Compared with the other class.

25009. That is to say, it is very much larger than the certifiable class?—Yes.

25010. You go on to say that it contains almost without exception all the habitual offenders, the prison ins-and-outs?—Yes.

25011. That is your experience?—Yes.

25012. All the habitual offenders?—I mean all those who are thirty or forty times in prison. If you search for weak-mindedness you will be almost sure to find it in these cases.

J. McNaughton, Esq., M.D.

13 June 1906.

25013. How many years' experience have you had?—Thirty years.

25014. And that experience leads you to that conclusion?—Yes.

25015. I suppose from what you say that you would propose that whatever institutions were established for this class of person there should be institutions in which they might be permanently detained?—Yes.

25016. Really for life?—Yes, if necessary.

25017. In many cases they would be detained for life?—A great proportion would be, the proportion to which I refer here, because they are incurable.

25018. Have you formed any idea about the amount of accommodation necessary for Scotland if it were decided to provide places for this class of person?—I think an asylum containing 500 or so ought to be ample.

25019. To contain them all?—Yes.

25020. The last witness would not put it so high?—I think you would require that at all events.

25021. (*Mr. Byrne.*) Do you think that to deal with this class of people of whom you are speaking it would be any advantage to have power to order their detention in the poorhouses? Supposing these people, when they get into a poorhouse were kept there, would that meet the difficulty to any large extent?—It would relieve the central institution and prevent it being overcrowded.

25022. You would recommend that power should be given to detain feeble-minded paupers in the poorhouses?—Yes, it would relieve the central institution.

25023. It would be better to keep them there than to send them to a prison colony?—Yes.

25024. What proportion of the cases could be dealt with in that way do you think?—I think I might roughly say one-third.

25025. If so it would be a substantial supplementary means of meeting your wishes?—Yes.

25026. (*Dr. Dunlop.*) There are two further points on which you might advise us; the one is regarding the mental condition of the inebriates sent to the State reformatory. What is your general impression as to that?—Over 50 per cent. are feeble-minded.

25027. They are distinctly feeble-minded?—Yes.

25028. And quite unfit for freedom?—Yes.

25029. They are persons of unsound mind requiring care and treatment?—Yes, more than 50 per cent.

25030. The other point that cropped up was this: a previous witness told us that there were 2,500 mentally defective offenders in Scotland. Do you think that is a fair estimate, or an over-estimate?—It is distinctly an over-estimate.

25031. Suppose there were a central asylum in Scotland to take in all those cases from the prisons, large enough to meet the wants of the country, roughly what size of institution would be required?—I have just said large enough to hold 500, with the power to remove the minor cases to the poorhouse.

25032. You mean to certified wards in poorhouses?—Yes.

25033. You would not shut up the insane along with the ordinary paupers?—No.

25034. You think that an institution to hold 500 would meet all Scottish wants?—Yes.

25035. (*Chairman.*) Is there anything you would like to add to your evidence?—I do not think so.

ROBERT S. ALLAN, Esq., called; and Examined.

R. S. Allan, Esq.

13 June 1906.

25036. (*Chairman.*) You have been so kind as to give us a statement of your evidence; may we put it on our notes?—Certainly.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY ROBERT S. ALLAN, ESQ., CHAIRMAN OF THE SCHOOL BOARD OF GLASGOW.

Chairman of the School Board of Glasgow since 1903. Member of the School Board since 1894. Member of the Glasgow Juvenile Delinquency Board. Director of the Glasgow Society for the Prevention of Cruelty to Children. Member of the Executive Committee of the Glasgow Association for the After Care of Defective and Feeble-minded Children.

The attention of the School Board of Glasgow was first called to the question of feeble-minded children at the beginning of 1896. At that time they invited a return from their headmasters as to children who might be regarded as physically or mentally defective. The definition quoted for the guidance of headmasters was the following:—

"The expression 'defective' means a child who, after a trial in an ordinary public elementary school, has been found, owing to mental or physical disability, to be capable of receiving instruction in only a proportion of elementary education."

In response to their inquiry, the Board were informed of 184 cases, of whom thirty-seven were stated to be physically defective. The medical officer visited all the cases, as well as a number of cases of imbeciles known to the attendance officers. As a result, forty-seven children were recommended as suitable for such an institution as Larbert, and the various parish councils were furnished with lists of imbecile children of poor parents residing within their areas—these numbering sixty-seven in all. Steps were taken to have as many of these children as possible admitted to suitable institutions, where the parents would consent to part with the children. The parish councils took up the matter and rendered valuable assistance. In reference to the children attending the ordinary schools, the medical officer reported seventy-nine as mentally defective, forty-one as both mentally and physically defective, and forty as simply physically defective. The Board issued an instruction to headmasters asking them as far as possible to place children "who were either mentally dull or in a slight degree physically or mentally defective in classes and under teachers who would be in sympathy with their deficiencies." They also asked headmasters to intimate to the Board any cases of defective scholars of mature years who had had a fair trial at school and whom, through becoming a hindrance or an offence to other scholars, it might be desirable to remove from school. In 1898 the Board took a step further by appointing a teacher who had come to them from London, where she had some experience with mentally defective children, to the school which seemed to have the most of these children, and asking the headmaster to put them under her charge. The class was simply tentative and was carried on by the Board without any extra grant. The next step was taken at the beginning of 1901, when the Board sent two specially selected teachers to London to spend some time in special schools there and to study the methods used in dealing with mentally defective children. On their return two additional classes were opened in different districts of the city, and other selected teachers were placed under these ladies to be trained for similar work. As the teachers in training became competent to take charge, additional classes were opened, and at the present moment the Board have in existence seven centres with 286 children under sixteen teachers.

The Board asked the Scotch Education Department to make definite provision for such children, and in 1902 a section was added to the Scotch Code allowing special classes limited to twenty pupils reserved for defective or epileptic children to rank for grant "as for an average attendance of fifty or any less number that the Department, having regard to the circumstances of the case, may determine." It was a condition of the grant that all children should be medically certified to be suitable for such classes.

Recently a further return was invited from the headmasters at the request of Dr. Chalmers, medical officer for the city, for the purposes of this Commission. This return showed that there were in the schools 407 children reported to be mentally defective, twenty-two reported to be epileptic, and ninety-one returned as doubtful.

With reference to the special centres, the Board have, so far, not erected special buildings, but have carried on the classes in rooms in ordinary schools. In one case the premises of a discontinued school were adapted as a special school for mentally and physically defective children, who, however, are kept quite separate both in school and in playground. At present an addition is being built to a school, which contains class rooms and other accommodation intended solely for defective children. As these classes are carried on as part of an ordinary school, it is not possible to give exact figures of their cost, but, taking a typical centre with an average attendance of 31 for last year, and estimating certain items of expenditure, I find the cost to the rates to be nearly £1 12s. per scholar in average attendance as compared with £1 6s. 9d. for ordinary scholars. The expenditure on teachers, salaries is £210 (two teachers), on other items, including a proportional sum for cleaning, heating, and lighting, £20, while the Government grant received amounts to £181. It is somewhat early to form very definite conclusions as to the success of these classes, but there have been several cases where children have been able to return to the ordinary school, after a period in the special class. These were probably cases of arrested development in regard to some subject of instruction. In most cases the discipline of school tells, and, at any rate, apart from the benefit to the defective children through the individual attention they receive in special classes, it is a great relief to the ordinary schools to have these children dealt with separately.

In regard to the future, the Board would suggest that somewhat wider powers should be given for the care of such children. In many cases it is not desirable that they should go and come from school in the middle of the day, and it would be better, as in the case of physically defective children, that they should be provided with a meal in school.

There ought to be granted to school boards permissive powers to contribute to institutions suited for such children.

I may add that I have taken an interest since the beginning in the work of the Glasgow Association for the After Care of Defective and Feeble-minded Children. The idea of this association has been to provide Homes to which mentally defective children who have passed through the classes under the Board might be transferred so as to be kept under proper supervision. This association have recently purchased a Home which will accommodate twenty girls.

In connection with the school board work, we are frequently coming across cases of parents who have what is called a want, and a number of the children most difficult to deal with are the children of such parents.

25037. (*Mr. Dickinson.*) I see you have had two investigations into the number of feeble-minded children in the schools in Glasgow, one in 1896 and the other in 1905 ?—Yes.

25038. In the first case the number came out at 184, while in the other it came out at 407 ?—I think the reason of the discrepancy is that the head-masters have been taking more interest in the matter lately, and they understand better what was wanted, I believe that in the earlier investigation there were probably a large number who were really defective and were not included.

25039. They were really not returning some imbeciles ?—I think they were failing to return many that they should have returned.

25040. I do not quite understand your figures when you state that forty-seven out of these 184, were children that were suitable for Larbert. What do you mean by "Children suitable for Larbert ?" do you mean children who were imbecile, uneducable ?—They were uneducable in our schools.

25041. They were clearly imbecile ?—Yes.

25042. Can you tell us at all what happened with those children ? Do you follow them up ? I understand you communicated with all the parishes to see if anything could be done ?—I am afraid that those whom we sent to institutions have not been followed up by the School Board.

25043. Were they sent to institutions ?—I believe after the earlier investigation they were. It is a long time ago, and I cannot say anything as to the actual after-history of those cases.

25044. You go on to say: "In reference to the children attending the ordinary schools, the medical officer reported seventy-nine as mentally defective, forty-one as both mentally and physically defective, and forty as simply physically defective." What is the difference between those and the figures above—to what exactly does the seventy-nine refer ?—I understand it is a portion of the children who were included in that 184, and were in our schools at that date.

25045. The whole of the 184 were not in your schools ?—They were in our schools, but thirty-seven were not profitably receiving education, and forty-seven were so bad that they were really suitable for an institution. The forty-seven were children who might have been educated in our schools if there had been provision made for them. I have not actually added up the figures, but I think these were in the 184.

25046. I see, in your last paragraph but one, you state that you have established a Home for the girls. That is quite apart from the School Board ?—Yes.

25047. It is really for girls who have grown beyond the school age ?—The idea is to take in girls who have passed beyond the school age or are passing beyond it and reaching the limit.

25048. Does the School Board pay anything for them ?—We are unable to do so.

25049. How are they maintained ?—By public subscription. It is purely a benevolent thing.

25050. They are cases that you think a school board ought to maintain ?—We think that powers ought to be given to the School Board to deal with such cases. We have on various occasions asked that powers should be given.

25051. You do not have the powers that we have in England ?—No. I put in two statements issued by the association which has just been formed for the care of the defective and feeble-minded children.

ASSOCIATION FOR THE CARE OF DEFECTIVE AND FEEBLE-MINDED CHILDREN.

Honorary President.—Sir J. Ure Primrose, Bart., Lord Provost of the City of Glasgow.

President.—D. Yellowlees, M.D., LL.D., Hon. Consulting Physician, Glasgow Royal Asylum, Gartnavel.

Vice-President.—R. S. Allan, Chairman of the School Board of Glasgow.

Hon. Treasurer.—J. D. Roberton, 1, Park Terrace East, Glasgow.

Hon. Secretary.—A. H. Charteris, LL.B., Writer, 79, West Regent Street, Glasgow.

Directors.—Wm. Kennedy, Provost of Partick, R. Scott, Chairman of the Parish Council of Govan; Rev. J. Smith, D.D., Chairman of the School Board of Govan; J. Carfrae Alston; R. Barclay Ness, M.B.; Patrick A. Smith, M.D.; A. A. Mitchell, LL.B.; Miss E. J. Aikman, of the Parish Council of Glasgow; Miss M. Burnett, of the Parish Council of Govan; Miss Grace Paterson, of the School Board of Glasgow; Miss M. G. May, of the School Board of Govan; Alice M'Laren, M.D.; Mrs. Greenlees; Mrs. Kennedy; Mrs. G. B. Main; Miss K. V. Bannatyne; Miss A. B. Brown, and the Office-bearers above named.

DEAR SIR OR MADAM,—The care of defective and feeble-minded children has received increasing attention during the past few years, and is now recognised as a matter of national importance. It has been estimated by a committee, appointed in 1897 by the English Education Department, that of the total number of children attending the elementary schools of England and Wales at least 40,000 are mentally defective, that is, are children who, not being really imbecile, are yet by reason of mental or physical defect incapable of receiving proper benefit from the instruction of the ordinary public elementary schools. This percentage, which is equivalent to 1 per cent. of the total number in attendance, is thought

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to be under-estimated, it is certainly much exceeded in some areas. In Scotland the proportion can hardly be less than in England.

The education of such children can be, and in many large towns—including Glasgow and Govan—is, undertaken by the school boards by providing special classes and teachers, and children whose intelligence is not much below the normal, may be fitted by these means to support themselves in suitable ways in after life. But for those children whose mental deficiency is more marked the authorities recognise that education, in itself a matter of extreme difficulty, is even less important than a system of supervision by which such children may be cared for when they have passed school age, since it is then and afterwards that feeble-mindedness works the greatest harm to its victims and to society.

This supervision or "after-care" must be *permanent* to be effective, and ought, therefore, to be undertaken by the public authorities, who have not yet received from Parliament the powers necessary for that object. A petition signed by many influential people, and in particular by those familiar with the work and its needs has recently been presented to Parliament urging the appointment of a Royal Commission to investigate and report on this very important subject. Meanwhile, it is to private benevolence and private effort that one must look for even a partial provision of this "after-care."

In England the educational boards enjoy special powers to provide for the education and maintenance of defective children up to the age of sixteen, and it is earnestly hoped that the new Education Act for Scotland may contain similar provisions. A number of Homes, both for boys and girls, which the school boards aided alike in providing and maintaining, already exist in England. Moreover, two voluntary associations with which the school boards co-operate, *viz.*:—The National Society for Promoting the Welfare of the Feeble-minded, and the Lancashire and Cheshire Society for the Permanent Care of the Feeble-minded have existed for some time, and do good work not only by supporting Homes for children and adults, but also by distributing information, holding conferences and arousing interest in Parliament and elsewhere in the cause of the feeble-minded.

The interest of Glasgow in the cause of these defectives was greatly quickened by an address delivered by Miss Dendy, the hon. secretary of the last-named association, to the Association of Women Workers on 10th December, 1901. A committee was appointed by that association to inquire into the local conditions and needs of the feeble-minded children. Out of that committee this association has sprung, and most of its directors were members of the Committee. The association has been formed with the object of keeping before the public the necessity for the further care and supervision of the feeble-minded, of educating public opinion thereon, and of endeavouring to influence Government to give increased legal control of these defectives. Further, the association proposes, in co-operation with the School Board authorities in Glasgow, to visit such children in their homes, particularly during the last year of their attendance at school, and by friendly counsel to induce their parents and guardians, in the interest alike of the children and of the community, to avoid the danger of sending them to any employment which may offer on their leaving school, but to endeavour to have them placed in situations where they will be suitably supervised and cared for. The association hopes to exercise in this way a supervision which, if indirect, may yet have good results. This supervision can at best be but palliative, and the need is keenly felt of a Home in which permanent supervision can be undertaken. The association hopes soon to be able to make a beginning with a small Home for girls over school age, and for this purpose funds are urgently required.

The association desires to have as members all persons who are in sympathy with its aims and are willing to give it their support, and ventures to hope that you may see your way to join it. Any subscription which you may be disposed to give should be sent to the honorary treasurer. Yours faithfully,

D. YELLOWLEES, *President.*
R. S. ALLAN, *Vice-President.*
A. H. CHARTERIS, *Hon. Secy.*

ASSOCIATION FOR THE CARE OF DEFECTIVE AND FEEBLE-MINDED CHILDREN.

Honorary President.—The Honourable the Lord Provost of Glasgow.

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Vice-President.—R. S. Allan, Chairman of the School Board of Glasgow.

Hon. Treasurer.—A. A. Mitchell, LL.B., 79, West Regent Street, Glasgow.

Hon. Secretary.—A. H. Charteris, LL.B., 79, West Regent Street, Glasgow.

Committee.—Rev. J. Smith, D.D., Chairman of the School Board of Govan, J. Carfrae Alston, R. Barclay Ness, M.B., Patrick A. Smith, M.D., Miss E. J. Aikman, of the Parish Council of Glasgow, Miss M. Burnett, of the Parish Council of Govan, Miss Grace Paterson, of the School Board of Glasgow, Miss M. G. May, of the School Board of Govan, Alice M'Laren, M.D., Mrs. Greenlees, Mrs. G. B. Main, Miss K. V. Bannatyne, Miss A. B. Brown, Miss Marion Rutherfurd. And the office-bearers above-named.

Association for the Care of Defective and Feeble-minded Children.

79, West Regent Street,
Glasgow, *January*, 1906.

DEAR SIR OR MADAM,—In September, 1903, a circular was issued by this association drawing attention to private efforts made in England to provide for the after-care of defective and feeble-minded children and to the need of similar provisions for such children in Glasgow.

It is estimated by competent authorities that the number of defective and feeble-minded children in Glasgow is not less than one thousand, and though the special classes established by the school boards of Glasgow and Govan do much for their instruction during school age, no provision, whatever, is made in this town for their after-care. Numbers of such children leave these classes annually; there is naturally great difficulty in finding suitable employment for them, and without proper supervision they fall only too readily into evil courses, to the danger of the community. It has been shown, however, in England, that with suitable after-care and supervision, they may be saved from unworthy lives, and by work suited to their capacity, may render themselves in some measure self-supporting.

As a first attempt to meet this need—which is widely recognised to be urgent in Glasgow—this association now appeals for funds to start a small Home for girls over school age. A most suitable house has been found, a few miles from Glasgow, which is capable of accommodating from fifteen to twenty girls, and the Association proposes, as soon as this appeal has borne fruit, to take it on lease.

It is intended that the girls shall pursue industrial occupations in the Home, and where possible small payments towards their maintenance shall be made by parents or by friends interested in any boarder.

The Home when started will be the first of its kind in Scotland.

A sum of £400 is required for initial outlay, which will cover furnishing, but the committee desires before opening the Home to be assured of an income sufficient to meet the first year's expenditure, which, on the basis of experience in England, is estimated at £350 or £400, and would include rent, taxes, household expenses, clothing, and all other charges. In addition to the first-mentioned sum the committee is therefore anxious to obtain subscriptions towards the annual expenditure.

As the need for the Home is undoubtedly urgent, the Association commends this appeal to your friendly consideration, and will be grateful to you for any donation which you may be disposed to give and for the promise of an annual subscription. Yours faithfully,

D. YELLOWLEES, *President.*
R. S. ALLAN, *Vice-President.*
A. H. CHARTERIS, *Hon. Secretary.*

The following are among the subscriptions already received:—

R. S. Allan	£50
J. Carfrae Alston	50
M. Greenlees	50
W. Ker	50
David McCowan	50
Dr. J. D. McLaren	10
J. S. Napier	25
J. S. Templeton	50
James Templeton	50
Messrs. Wordie	50
Dr. Yellowlees	20

25052. Does this association follow up the children after they leave school in Glasgow?—They will do so. We feel it necessary that the children should be followed up.

25053. (*Mr. Byrne.*) On the subject of after-care, do you contemplate that with the slight assistance of the after-care association any considerable number of these children would be able to fend for themselves and get on in freedom?—I am afraid not. We only look on this as a beginning. Both the Association and the Board feel strongly that it requires to be tackled seriously, and it can only be tackled seriously if we have large financial help.

25054. Do you consider after-care to be of any use really which must be almost daily in some cases?—It depends on the conditions of the family. In certain milder cases we believe that a good deal could be done in the way of advice to parents as to the kind of institution into which they should get the children, more particularly the girls. I am afraid that my evidence does not quite agree with some evidence you have got as to the actual danger. The girls are exposed to the very greatest danger, and a great deal of care is necessary to prevent their going wrong.

25055. You think that advice and care are necessary?—Yes. I think that is undoubtedly the fact in all the cases that have gone through our special classes, they require to be looked after.

25056. You have not enough experience to know what proportion are unfit for training after gaining freedom?—I cannot say definitely, but there are a great many of them that require institutional care.

25057. You are awaiting anxiously the time when you will be allowed to keep them till at least sixteen or eighteen?—Yes, that should be the minimum.

25058. At present you have not even got that?—No. We have asked that this power should be given optionally. We feel in Scotland, where you have children of this kind in a village school, that proper care might be taken of them without harm, without their having to go into an institution. In large cities it is different. In some villages it would be a hardship if the education authority were obliged to board the children, because in some cases they are as well taken care of in the village school as they would be in an institution.

25059. Have you in Glasgow tried boarding out children in the neighbourhood of your special classes?—We have no power to do so.

25060. I thought you might have tried it?—No.

25061. Do you think you might be able to get any assistance from the industrial school system in dealingwith these?—I am afraid they would not take any children of that sort. We have had a child or two in our day industrial schools in Glasgow, but they have only been taken in as a favour, and it really does not help them.

25062. They interfere with the discipline?—Yes. I do not think that it is a proper place for a mentally defective case.

25063. You would like to see special industrial schools for them?—Yes, I think that would be a great thing. *R. S. Allan, Esq.* 13 June 1906.

25064. You like the system of the industrial schools as applied to this class?—Yes.

25065. That is to say central regulations and inspections and a central government subscription, and freedom to these authorities to work themselves or to join with other authorities, or to avail themselves of philanthropic agencies?—That would be a move in the right direction. We have cases that are not suitable for the ordinary industrial schools, and where the removal of the child is very desirable both in the interest of the child and in the interest of the community.

25066. So you would like to see such schools established for the feeble-minded children?—Yes.

25067. You expect that when your system is well established some of your children will make themselves liable to committal to industrial schools, and some of them will be living in disorderly houses or will be found wandering?—Yes.

25068. If there were an industrial school you could get the children committed to it at once?—Yes. I do not say it would be an ideal settlement for some of them. Some of these children are extremely difficult to deal with at the present moment.

25069. You would consider it one great advantage of the industrial school system that it entirely removed parental control and custody and made the authority the guardian of the children?—In the cases of the dissipated parent it is very desirable to have the power to remove. We have a certain number of dissipated guardians and parents, and it is desirable that the children should be removed.

25070. (*Chairman.*) Is there anything you would like to add to the evidence you have given us?—I do not think there is anything except that I would like to emphasise the fact that our statistics are apparently somewhat different from the statistics that have been got elsewhere. The 400 out of the population of Glasgow you may find to be different from the figures I have put in as representing this association for the care of the defective children. That is accounted for by the fact that the Glasgow School Board are only dealing with Protestant children. We have a great number of Roman Catholic children in Glasgow, but we have no statistics in regard to them. Our researches are solely in connection with our board schools with an enrolment of between 75,000 and 80,000. We know nothing about the other 30,000.

25071. They have their own schools?—Yes. Then this association deals not with the school board area of Glasgow, but with the municipal area, which is very much larger. There are six school boards in the municipal area, so that you will find that we mention 1,000 children in connection with the association, while in connection with our school board we are only speaking of 500. There is no discrepancy between us there. The only other point was with regard to the necessity of the school board receiving powers, if possible, to maintain these children in institutions, if necessary, and that there should be given to some authority power to look after those children afterwards. As representing this association, I particularly want that. Glasgow is in a better position than other places in this matter, and yet the children are going wrong. We have known cases of their going wrong, and we feel the necessity of this care being given not only during their school life, but after they leave school.

25072. You would make the managers of the school the guardians of the children up to eighteen?—I think that would be quite proper. Of course, what applied to Glasgow may not apply to country districts. I am only speaking of the most congested area in Scotland, and we feel that the position in country districts is different from what it is with us.

(*A Statement was submitted by Thomas Munro, Esq., Clerk to the County Council of Lanarkshire, but he was unable to attend to give oral Evidence; his Statement will be found with the Appendix Papers on p.* 352, *post.*)

APPENDICES.

APPENDICES.

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ROYAL COMMISSION ON THE CARE AND CONTROL OF THE FEEBLE-MINDED.

GENERAL BOARD OF LUNACY FOR SCOTLAND.

COPIES OF BLANK FORMS AND SPECIMEN BOOKS, REGULATIONS, AND INSTRUCTIONS TO INSPECTORS OF POOR, IN USE BY THE GENERAL BOARD OF LUNACY FOR SCOTLAND IN RELATION TO THE CARE OF THE INSANE IN PRIVATE DWELLINGS, AND COPIES OF GENERAL REPORTS ON THREE SPECIALLY LICENSED HOUSES (ONE FROM EACH OF THE THREE GROUPS VISITED BY THE ROYAL COMMISSIONERS), AND OF THE CASE RECORDS OF THE PATIENTS WHO WERE SEEN IN EACH OF THESE HOUSES; TOGETHER WITH BRIEF NOTES OF THE MAIN FACTS IN REGARD TO EVERY PATIENT SEEN IN EACH OF THE THREE LOCALITIES VISITED BY VARIOUS MEMBERS OF THE COMMISSION; AND BRIEF STATEMENT BY THE GENERAL BOARD OF LUNACY OF CERTAIN POINTS IN REGARD TO WHICH THEY THINK THAT AMENDMENT OF THE LUNACY ACTS (SCOTLAND) WOULD BE DESIRABLE.

(Sent in by T. W. L. Spence, Esq. See Questions 20789–21196).

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PART I.

COPIES OF BLANK FORMS, SPECIMEN BOOKS, REGULATIONS AND INSTRUCTIONS USED BY THE GENERAL BOARD OF LUNACY FOR SCOTLAND IN RELATION TO THE CARE OF THE INSANE IN PRIVATE DWELLINGS.

[Sent to the Board by Inspectors of Poor in the case of every Insane Person who requires Parochial Relief.]

[FORM I[1].]

20 & 21 *Vict. Cap.* 71, *Sect.* 112.

INTIMATION OF A PAUPER LUNATIC.

I HEREBY GIVE YOU NOTICE, THAT
residing at in the Parish of
became known to me as a Pauper Lunatic chargeable to the Parish of
on the day of on Certificates of Lunacy by*
and
and that such Lunatic (1)

(SIGNATURE)_____*Inspector.*

DATED at this (2) Day of
Nineteen hundred and

To the Secretary of the General Board of Lunacy,
Edinburgh.

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(1) (*a*) If removed to an Asylum or other establishment, state name of establishment to which removed, and also name or names of person or persons—male or female—by whom patient was accompanied.
(*b*) If left under private care, state name of person with whom, and place at which patient is left.
(2) Some day within seven days after becoming aware of the Pauper Lunatic being within the Parish, or chargeable to the Parish.
* In the case of a patient already in an Asylum as a private patient the names of the certifying medical men may be left blank.

NOTE.—A similar intimation must be sent within the same time to the Chairman of the Parish Council.

[Sent to Inspectors of Poor when after lapse of a reasonable time no information has reached Board as to the manner of disposal of a Person intimated as a Pauper Lunatic.]

General Board of Lunacy,
Edinburgh.

SIR,

REFERRING to your intimation of the case of a Pauper Lunatic residing at
I have to inform you that, if you do not propose to place in an Establishment for the Insane, it will be necessary to make application forthwith to this Board for their sanction to residence in a Private Dwelling, according to the enclosed Form D.

It will be observed from Rule 1. of the Board's "Instructions to Inspectors of Poor" (1895), that the Statute does not recognise any person as a lunatic who has not been certified by *two* medical men to be a "Lunatic," an "Insane Person," an "Idiot," or a "Person of Unsound Mind." It is therefore indispensable that both the Certificates attached to the Schedule be filled up.

I am,
SIR,
Your obedient Servant,

Secretary.

Inspector of Poor.

[Form applicable to the case of a Pauper Lunatic who is not to be removed to an Establishment for the Insane, but who is left, after intimation, under private care, either with his Relatives or with Unrelated Guardians.]

[FORM D.]

25 *and* 26 *Vict. Cap.* 54, *Sect.* 5.
29 *and* 30 *Vict. Cap.* 51, *Sect.* 13.

APPLICATION TO THE GENERAL BOARD OF LUNACY TO GRANT SANCTION FOR THE RESIDENCE OF A PAUPER LUNATIC IN A PRIVATE DWELLING, SPECIALLY LICENSED OR OTHERWISE.

UNTO THE GENERAL BOARD OF LUNACY

THE PETITION OF
Humbly sheweth, That
a pauper lunatic chargeable to the Parish of
residing at

is at present in a state of Mental Derangement, does not require, either for own welfare or the safety of the public to be placed in an Asylum, and is a proper person to be provided for in a Private Dwelling; and further, that the circumstances in which it is proposed to place the Patient are, in the opinion of the Petitioner, such as will ensure being properly cared for.

May it therefore please you to authorise the Residence of the said person in the (1) House of at in the Parish of

(*Signed*)_____

*Inspector of Poor of the Parish of*_____

DATED at this day of One thousand nine hundred and

(1) Specially Licensed, *if a Special Licence for the reception of more than one Lunatic is held by the Occupant.*

STATEMENT.

If any of the particulars in this Statement are not known, the fact to be so stated.

1. Christian Name and Surname of Patient at length, -
2. Sex and Age, - - - - - - - - -
3. Married, Single, or Widowed, - - - - -
4. Condition of Life, Previous Occupation and residence,
5. Religious Persuasion, so far as known, - -
6. Country or Place of Birth, - - - - -
7. Length of Time Insane, - - - - - -
8. Duration of existing Attack, - - - - -
9. Whether first Attack, - - - - - -
10. Age (if known) on first Attack, - - - -
11. (*a*) Whether previously under Treatment in an Asylum, when, and where, - - - - -
    (*b*) Whether previously under Care in a Private Dwelling, as a Certified Lunatic reported to the Board; when, and where, - - - - -
12. Supposed Cause of Insanity, - - - -
13. Whether Paralytic, - - - - - -
14. Whether Epileptic, - - - - - -
15. Whether capable, as to *bodily* condition, of earning a livelihood, - - - - - - - -
16. Whether Suicidal, - - - - - - -
17. Whether Dangerous to others, - - - - -
18. Whether Violent or Noisy, - - - - -
19. Whether refusing Food, - - - - - -
20. Whether of Uncleanly Habits either by Day or Night,
21. Whether offensive to Decency, - - - - -
22. Whether known to be a Parent, - - - -
23. Whether capable of helping Guardian in household or other work, - - - - - - - -
24. Parish to which Chargeable, - - - - -
25. Date of becoming Chargeable, - - - - -
26. Christian Name and Surname, and Place of Abode of nearest known Relative of the Patient, and degree of Relationship (if known), and whether any Member of patient's Family known to be or to have been insane, - - - - - - -
27. Degree of Relationship to the proposed Guardian with whom the Patient is to be placed, - - -
28. Sex, Age, and Occupation of Person with whom it is proposed to leave the Patient, - - - -
29. Whether Patient's proposed Guardian is a pauper, and if so, amount of relief given on Guardian's own account, - - - - - - - - -
30. Number of Rooms with windows in House, - -
31. Number of Persons accommodated in House, distinguishing Children, - - - - - -
32. Nature and Weekly Amount of Parochial Relief, not including Clothing, proposed to be given on Patient's own account, - - - - - -
33. Whether there is any other Lunatic in the house, and if so, name and Parish of chargeability, - - -
34. Special circumstances (if any) preventing the insertion of any of the above particulars, - - - -

(*Signed*)_____ *Inspector of Poor,*

DATED this day of One thousand nine hundred and

MEDICAL CERTIFICATE No. I.

I, the undersigned, being a (1) and being in actual practice as a (2) do hereby certify, on soul and conscience, that I have this day, at (3) in the county of visited and personally examined (4) and that the said person is a (5) does not require, either for own welfare or the safety of the public to be placed in an Asylum, and is a proper person to be detained under care and treatment in a Private Dwelling, and that I have formed this opinion upon the following grounds, viz. :—

1. Facts indicating insanity or idiocy observed by myself (6)
2. Facts indicating insanity or idiocy communicated to me by others (7)
3. Facts indicating that the Patient is a proper person to be detained in a Private Dwelling.

I further certify that, in my opinion, the circumstances in which the Patient will be placed are suitable and sufficient for proper care and treatment.

(*Signed*) *Name and Medical Designation,*——————————

Place of abode,——————————

Dated this day of One thousand nine hundred and

(1) *Here set forth the qualification entitling the person certifying to grant the certificate ; e.g.*—Member of the Royal College of Physicians in Edinburgh.

(2) Physician *or* Surgeon, *as the case may be.*

(3) *Here insert the street and number of the house (if any), or other like particulars.*

(4) *Here insert the Pauper's name.*

(5) *Here insert one or other of the following Statutory terms :*—Lunatic, *or* Insane Person, *or* Idiot, *or* Person of unsound mind.

(6) *Here state the facts.*

(7) *Here state the information and from whom derived.*

MEDICAL CERTIFICATE No. II.

I, the undersigned, being a (1) and being in actual practice as a (2) do hereby certify on soul and conscience, that I have this day, at (3) in the county of visited and personally examined (4) and that the said person is a (5) does not require, either for own welfare, or the safety of the public, to be placed in an Asylum, and is a proper person to be detained under care and treatment in a Private Dwelling, and that I have formed this opinion on the following grounds, viz. :—

1. Facts indicating insanity or idiocy observed by myself : (6)
2. Facts indicating insanity or idiocy communicated to me by others : (7)
3. Facts indicating that the Patient is a proper person to be detained in a Private Dwelling.

I further certify that, in my opinion, the circumstances in which the Patient will be placed are suitable and sufficient for proper care and treatment.

(*Signed*) *Name and Medical Designation,*——————————

Place of Abode,——————————

DATED this day of One thousand nine hundred and

(1) *Here set forth the qualification entitling the person certifying to grant the certificate; e.g.* —Member of the Royal College of Physicians in Edinburgh.

(2) Phycian or Surgeon, *as the case may be.*

(3) *Here insert the street and number of the house (if any), or other like particulars.*

(4) *Here insert the Pauper's name.*

(5) *Here insert one or other of the following Statutory terms* —Lunatic, *or* Insane Person, *or* Idiot, *or* Person of unsound mind.

(6) *Here state the facts.*

(7) *Here state the information and from whom derived.*

[The following Circular Form is sent by the Board to Inspectors of Poor whenever a patient in an establishment for the Insane is discharged unrecovered. If the patient is removed from the Poor Roll on discharge, only the first part of the Form is filled up; if he is to continue to receive parochial relief, the two Statements and the Application appended must also be filled up. The patient being, as an inmate of an establishment for lunatics, already a certified lunatic, no further certification is necessary, beyond the Medical Statement, to enable the Board to judge of the fitness of the patient for private care.]

DISCHARGE OF UNRECOVERED PAUPER PATIENTS.

To the Inspector of Poor,
Parish of

General Board of Lunacy for Scotland,
Edinburgh, 19 .

SIR,

With reference to the removal of an unrecovered Patient from on the I am directed to request you to answer the following Queries, and return the document to the Board,

Your attention is also called to the note at the foot of the page. I am,

Your obedient Servant,
T. W. L. SPENCE.
Secretary.

---

1. Was the Patient removed from the Asylum by Minute of the Parish Council ? - - - -
2. If so, state the date of the Minute, - - -
3. If not removed by Minute of Parish Council, by what procedure, or in what way, was the Patient removed ?- - - - - - - - - -
4. Is the Patient's Name on the Poor Roll ? - -

(*Signed*) ——————————

Dated——————————19 .

Inspector of Poor of the Parish of ——————————

It is necessary that the Forms which are appended be filled up, if the patient remains a pauper, *but not otherwise.*

COPY STATEMENT BY THE PRINCIPAL ASYLUM MEDICAL OFFICER.

of the———————————————

1. Name of Patient, - - - - - - -
2. Whether Paralytic, - - - - - - -
3. Whether Epileptic, - - - - - - -
4. Whether Suicidal, - - - - - - -
5. Whether Dangerous to others, - - - - -
6. Whether Violent or Noisy, - - - - - -
7. Whether refusing Food, - - - - - -
8. Whether of Uncleanly Habits either by Day or Night, - - - - - - - - - -
9. Whether offensive to Decency, - - - - -
10. Whether capable of helping in Household or other work, - - - - - - - - - -
11. Facts, if any, as regards the past history of the patient, such as indications of having been previously dangerous, which it is thought should be brought under the notice of those who are to have the charge and supervision of the patient, - -

(Copy Signature)———————————————

Principal Medical Officer.

Date———————————————19 .

I hereby certify the foregoing to be a true Copy.

(Signature)———————————————

Inspector of Poor.

STATEMENT BY THE INSPECTOR OF POOR.

1. Age of Patient, - - - - - - - -
2. Married, Single, or Widowed, - - - - - -
3. Whether previously under care in a Private Dwelling, as a certified Lunatic reported to the Board; when and where - - - - - - - -
4. Whether known to be a Parent, - - - - -
5. Degree of Relationship to the proposed Guardian,
6. Sex, Age, and Occupation of proposed Guardian, -
7. Is proposed Guardian a Pauper? and if so, state amount of Relief given on Guardian's own account,
8. Number of Rooms in House, - - - - -
9. Number of Persons accommodated in House, distinguishing Children, - - - - - -
10. Nature and Weekly Amount of Parochial Relief proposed to be given on Patient's own account, not including Clothing. - - - - - - -
11. Is Clothing to be given in addition to the Allowance?
12. Are there any other Lunatics in the House? and if so, state Names and Parishes of chargeability, - -
13. Special circumstances (if any) preventing the insertion of any of the above particulars - -

(Signature)———————————————

Inspector of Poor.

Date———————————————19 .

---

25 and 26 Vict. Cap. 54, Sect. 5.
29 and 30 Vict. Cap. 51, Sect. 13.

APPLICATION TO THE GENERAL BOARD OF LUNACY TO GRANT SANCTION FOR THE RESIDENCE OF A PAUPER LUNATIC IN AN ORDINARY DWELLING, OR A SPECIALLY LICENSED HOUSE.

UNTO THE GENERAL BOARD OF LUNACY.

THE PETITION OF THE INSPECTOR OF POOR OF THE PARISH OF
humbly sheweth, that it appears from the accompanying Documents that
residing at
is at present in a state of Mental Derangement, does not require, either for own
welfare or the safety of the public, to be placed in an Asylum, and is a proper person to be provided for in
Private Dwelling; and further, that the circumstances in which it is proposed to place the Patient are, in the Applicant's
opinion, such as will ensure being properly cared for.

May it therefore please you to authorise the residence of the said person in the (1)
House of - - - - - - - - -

(Sent to Board in case of all Pauper Lunatics under private care.)

[FORM I.]

NOTICE OF DEATH, RECOVERY, TRANSFERENCE OF LIABILITY OR REMOVAL FROM POOR ROLL.

The Death or Recovery of Patients in Asylums need not be notified; but notice of Transference of Liability and of Removal from Poor Roll of Unrecovered Cases, must be sent in regard to all Patients.

I HEREBY GIVE YOU NOTICE, That
a Pauper Lunatic of the Parish of resident at
[since (1) 190] ceased to be chargeable, as a Pauper Lunatic, to the
said Parish, on the day of 190 by*
Inspector.
Parish.

(1) Fill up date in Asylum cases.

Dated this day of One Thousand Nine Hundred and

TO THE SECRETARY OF THE GENERAL BOARD OF LUNACY, EDINBURGH.

**N.B.*—The cause of death of patients who die in Private Dwellings must be stated.
A Certificate of Recovery must accompany notice of Recovery of a patient in a Private Dwelling.
A Minute of Parish Council must accompany notice of removal from Poor Roll of a Patient in a Private Dwelling.

[Notice sent to Board of Change of House or Guardian of a Pauper Lunatic under Private Care and Sanction.]

[FORM H 4.]

29 & 30 *Vict. Cap.* 51, *Sects.* 9 & 10.

* NOTICE OF REMOVAL OF A PAUPER LUNATIC.

(*a*) FROM AN ESTABLISHMENT TO A PRIVATE DWELLING,
(*b*) FROM A PRIVATE DWELLING TO AN ESTABLISHMENT,
(*c*) FROM ONE PRIVATE DWELLING TO ANOTHER.

I HEREBY GIVE YOU NOTICE, That
a Pauper Lunatic of the Parish of resident in the (1)
[situated at (2)
in the Parish of], was on the day of
placed in the (1)
[situated at (2) in the Parish of]
as authorised by (3)

[*State briefly in the space below what has led to the change, if the removal is to an Establishment or from one Private Dwelling to another. In every case of removal to a Private Dwelling, the amount of Parochial Relief under the new arrangement must also be stated:—*

].

SIGNATURE,
Inspector of Poor, Parish of

DATED at this day of
One thousand eight hundred and

To the Secretary of the
General Board of Lunacy, Edinburgh.

(1) Name Establishment, or "house of," naming guardian.
If removal is from or to a Private Dwelling, add situation of house and Parish, as indicated in bracketed line. The bracketed lines, when following the name of an Establishment, are to be left blank.
(3) Name authority, and if authorised by Minute of Parish Council, state date of Minute.
* NOTE.—*This Form refers only to changes in the case of Pauper Lunatics already intimated to and registered by the Board.*

(Letter of Sanction following Notice as above.)

General Board of Lunacy,
Edinburgh, 190

SIR,

WITH reference to your communication of the
I am directed to inform you that the Board sanction the residence of
under the guardianship of
at
in the Parish of
until visited by one of the Board's Officers.—I am, SIR,

Your obedient Servant

[*Secretary.*

To the
Inspector of Poor
of the Parish of

[The following Form of Sanction used whether Patient is to remain under Private Care without having been previously an Inmate of an Establishment for Lunatics, or is removed to Private Care from an Establishment.]

Number of Sanction;

SANCTION BY THE GENERAL BOARD OF LUNACY FOR THE RESIDENCE OF A PATIENT IN A PRIVATE DWELLING.

By Authority of the Board, I hereby sanction the residence of
Patient, in the
House of at
until visited by one of the Board's Officers.

Commissioner.

Dated at Edinburgh, this day of
One thousand nine hundred and

[The following separate Document is sent to the Inspector of Poor, with each Sanction, to be placed in the hands of the proposed Guardian.]

DIRECTIONS TO PERSONS RECEIVING PAUPER PATIENTS INTO PRIVATE DWELLINGS WITH THE SANCTION OF THE GENERAL BOARD OF COMMISSIONERS IN LUNACY FOR SCOTLAND.

Bedding and Sleeping Rooms.

Guardians shall see that the sleeping room occupied by a patient is sufficient in size, free from damp and well ventilated, that the bed is comfortable, and that the bed coverings are suitable and sufficient for the season of the year. Male patients shall occupy separate beds. Two female patients shall only share the same bed if their habits are such as not to make that arrangement undesirable, and if they both share the same bed willingly. In such case a bed should always be available in the house to meet cases of illness.

Clothing.

They shall take care that every patient is furnished with at least one full change of clothing, and they shall keep all articles of clothing clean and in good repair. A separate box or drawer should be set apart for the clothing of each patient and kept in the patient's room, so that it may be readily inspected by the Commissioners in Lunacy, local medical officers, and inspectors of poor.

Cleanliness.

The guardians shall attend strictly to the personal cleanliness of every patient under their care; much importance is attached to this requirement.

Food.

They shall take their meals along with the patients, and at the same table, and they shall supply them with the same kind of food as they take themselves, unless the medical officer shall decide otherwise. The food must always be sufficient in quantity, of good quality, and carefully cooked.

Occupation and Exercise.

The guardians shall do all they can to get the patients to employ themselves in work suited in their training and ability; but they shall at the same time be careful not to overtask those who are inclined to be industrious. It is desirable that every patient who is fit for it should have outdoor exercise every day when the weather is suitable.

*General Treatment.**

They shall, as much as possible, treat the patients as members of their own families, and shall do all that they can to protect them from harm, and to improve their health and increase their happiness. Guardians must clearly understand that punishment of any kind or mechanical restraint in any form is absolutely forbidden. Patients should be encouraged to attend Divine Service.

Medical Care.

When bodily illness or accident occurs, or when any marked change is apparent in the mental condition of a patient, the medical officer shall be at once called in and his instructions carefully followed; and, in the event of any act or conduct on a patient's part indicating a possibility of any kind of danger the medical officer must be immediately and fully informed by the guardian of the facts.

Accidents, Escapes, Etc.

In addition to calling in medical aid, as required by the preceding direction, they shall immediately report to the inspector of poor, with a view to his intimating the facts to the Board, all serious accidents to patients, all untoward occurrences affecting their well-being, and all cases in which patients have without leave gone away from their guardian's care.

Visits by Officials.

They shall carefully keep in a readily accessible place the book in which the local medical officers and the inspectors of poor record their visits, and they shall take care to bring under the notice of these officials all matters which concern the comfort of a patient, or the fitness of a patient for a private dwelling.

NOTE.

The following is an Extract from the Lunacy Act of 1857 :—

"If any . . . person . . . having the care of any person detained as a lunatic patient under this Act, shall wilfully maltreat, abuse, or neglect any person so detained, to the injury of such person, or if any person detaining or taking, or having the care or charge, or concerned, or taking part in the custody, care, or treatment of any lunatic or person alleged to be a lunatic, in any way abuse, ill-treat, or wilfully neglect such lunatic or alleged lunatic, such . . person shall be guilty of an offence, and for every such offence be liable in a penalty not exceeding £100, or to be imprisoned for any period not exceeding six months."

[The following is the form of Visiting Book which is kept in Patients' Houses, for Record of Quarterly Visits by Local Medical Officer and Half-yearly Visits by an Inspector of Poor. It is prefaced by the Regulations as to Visitation given in the Board's "Instructions to Inspectors of Poor" (quoted further on) and also by the "Directions to Persons receiving Pauper Patients," as given above.]

REPORT BY MEDICAL OFFICER.

To be filled up Quarterly.

Name of Patient,——
State of Mental Health,——
State of Bodily Health,——
State of House,——
State of Bedding,——
State of Clothing,——
State of Personal Cleanliness,——
Has any Accident, Escape, or other exceptional event occurred since last visit?——
Suggestions and Recommendations,*——

(*Signature*——
(*Date*)——

REPORT BY INSPECTOR OF POOR.

To be filled up Half-yearly.

Name of Patient,——
State of House,——
State of Bedding,——
State of Clothing,——
State of Personal Cleanliness,——
Duties of Guardian, if satisfactorily performed, ——
Articles of Clothing, Bedding, etc., required, ——

(*Signature*),——
(*Date*)——

*Recommendations requiring the attention of the inspector of poor should be immediately notified to him by the medical officer.

[In the case of houses specially licensed to receive more than one patient, the Case Records of Patients in the house are placed inside the following Form, and on the document itself is recorded such special reports with regard to the house and the licensee as could not properly appear upon the Case Records of individual patients as afterwards mentioned. No such general report is used in the case of a house having only one patient.]

SPECIALLY LICENSED HOUSE No. .

County *Parish in which situated*
Specially Licensed House of - - - - - -
Address - - - - - - - - - -
Applicant for License - - - - - - -
Date when granted - - - - - - - -
Number in Register - - - - - - - -
Number for which Licensed - - - - - -

PATIENTS RESIDENT, AND PARISHES OF CHARGEABILITY.

GENERAL REPORTS, MINUTES, ETC.

[The following is the form of Case Record prepared for every Pauper Patient and preserved in the Office of the Board. The form used for Patients "From Asylum" differs slightly from that used in case of Patients "Not from Asylum" to suit the special circumstances.

Used in the case of Patients removed from Asylums.

County *Parish of Residence*

Name of Patient

Sex

Age of Patient in 190

Date of Intimation

Married or Single?

Date of last Admission to Asylum

Date of last Removal from Asylum

No. of Sanction

Parish of Liability

Amount of Parochial Allowance

Degree of Relationship to the proposed Guardian

Name of Guardian

Residence of Guardian

COPY STATEMENT BY THE ASYLUM PRINCIPAL MEDICAL OFFICER.

1. Name of Patient
2. Whether Paralytic
3. Whether Epileptic
4. Whether Suicidal
5. Whether Dangerous to others
6. Whether Violent or Noisy
7. Whether refusing Food
8. Whether of Uncleanly Habits either by Day or Night
9. Whether offensive to Decency
10. Whether capable of helping in Household or other work
11. Facts, if any, as regards the past history of the patient, such as indications of having been previously dangerous, which it is thought should be brought under the notice of those who are to have the charge and supervision of the patient

(Copy Signature)

Principal Medical Officer.

Date 190

Used in the case of Patients not removed from Asylums.

County *Parish of Residence*

Name of Patient

Sex

Age of Patient in 190

Date of Intimation

Married or Single?

Ever under Asylum Treatment?

Date of last Removal from Asylum

No. of Sanction

Parish of Liability

Amount of Parochial Allowance

Degree of Relationship to the proposed Guardian

Name of Guardian

Residence of Guardian

Extract from the Statement by the Inspector of Poor on Form D.

1. Name of Patient - - - - - - - -
2. Whether Paralytic - - - - - - - -
3. Whether Epileptic - - - - - - - -
4. Whether Suicidal - - - - - - - -
5. Whether Dangerous to others - - - -
6. Whether Violent or Noisy - - - - -
7. Whether refusing Food - - - - - -
8. Whether of Uncleanly Habits either by Day or Night
9. Whether offensive to Decency - - - -
10. Whether known to be a Parent - - - -
11. Whether capable of helping in Household or other work - - - - - - - - - - -

Date

Extracts from Medical Certificates.

[*Here follows all Reports of visits to the patient by Commissioners or Deputy Commissioners, all minutes, Interviews, and a Précis of all Correspondence regarding the Patient.*]

[The following Forms applicable to Private Patients correspond generally, *mutatis mutandis*, to those used for Pauper Patients.]

[Form F 2.]

FORM OF APPLICATION TO THE GENERAL BOARD OF LUNACY TO SANCTION THE RECEPTION OF A PRIVATE PATIENT INTO A PRIVATE DWELLING, SPECIALLY LICENSED OR OTHERWISE.

As it appears from the subjoined Statement and accompanying Medical Certificate, that is of unsound mind, and a proper person for residence in a Private Dwelling, May it please your Honourable Board to sanction being placed under the care of at in the Parish of

(*Signature*) (1)———————————

(*Designation and Residence*) ———————————

Dated at this day of One thousand nine hundred and

(1) To be signed by the nearest relative or other person occupying a responsible position towards the patient, other than the person under whose care the patient is proposed to be placed.

STATEMENT

Referred to in the foregoing Application.

1. Christian Name and Surname of Patient at length -
2. Age - - - - - - - - - - -
3. Length of time Insane - - - - - - -
4. Whether ever under Treatment in an Asylum, and where - - - - - - - - - - -
5. Christian Name and Surname, and place of Abode, of nearest known Relative of the Patient, and Degree of Relationship - - - - - -
6. Degree of Relationship (if any) to the person with whom it is proposed to place the Patient - - -
7. Name and Address of Curator Bonis, if Patient's Estate is under Curatory - - - - - -

MEDICAL CERTIFICATE.

(2) When the patient is to be placed in the house of a medical man, this certificate should be signed by another practitioner.

I, the undersigned (2) being a registered Medical Practitioner, and in actual practice do hereby certify, on soul and conscience, that I have this day at in the County of visited and personally examined and that the said is of unsound mind and a proper Person to reside in a Private Dwelling under Care and Treatment, and that I have formed this opinion upon the following grounds, viz. :—

1. Facts indicating Insanity observed by myself :
2. Other facts indicating Insanity communicated to me by others :
3. Facts indicating that the Patient may properly be placed in a Private Dwelling :

And I further certify that, in my opinion, the circumstances in which the Patient will be placed, are suitable for proper care and treatment.

(*Name and Medical Designation*) ———————————

(*Place of abode*) ———————————

Dated this day of One thousand nine hundred and

Any further particulars which the Medical Man may consider it proper to bring under the notice of the Board may be here stated.

[Directions to Guardians of Private Patients.]

DIRECTIONS TO PERSONS RECEIVING PRIVATE PATIENTS INTO PRIVATE DWELLINGS WITH THE SANCTION OF THE GENERAL BOARD OF COMMISSIONERS IN LUNACY.

Bedding and Sleeping Rooms.

Guardians shall see that the sleeping room occupied by a Patient is well ventilated, that the bed is comfortable, and that the bed coverings are suitable and sufficient for the season of the year. Male patients shall occupy separate beds. Two female patients shall only share the same bed if their habits are such as not to make that arrangement undesirable, and if they both share the same bed willingly. In such cases a bed must always be available in the house to meet cases of illness.

Clothing.

They shall take care that every Patient is furnished with at least one full change of clothing, and they shall keep all articles of clothing clean and in good repair.

Cleanliness.

The Guardians or Nurses shall attend strictly to the personal cleanliness of every Patient under their care.

Food.

The food must always be sufficient in quantity, of good quality, carefully cooked, and neatly served.

Occupation.

The Guardians shall do all they can to get Patients to employ themselves in occupations suited to their habits and ability. It is desirable that every Patient who is fit for it should have outdoor exercise every day when the weather is suitable, and that they should be encouraged, as far as possible, to attend Divine Service.

*General Treatment.**

They shall, as much as possible, treat the Patients as members of their own families, and shall do all that they can to protect them from harm, and to improve their health and increase their happiness. Guardians must clearly understand that punishment of any kind or mechanical restraint in any form is absolutely forbidden.

Medical Care.

In the event of bodily illness or accident, or of any marked change being apparent in the mental condition of a Patient, the local Medical Visitor should at once be called in, and his instructions must be carefully followed.

Accidents, &c.

In addition to calling in medical aid, as required by the preceding Direction, the Guardians shall immediately report to the General Board all serious accidents to Patients or other untoward occurrences gravely affecting their well-being.

Visits by Officials.

They shall carefully keep in a readily accessible place the Book in which the local Medical Visitor records his visits, and they shall take care to bring under the notice of that official, and of the Visiting Commissioner, any matter or occurrence which concerns the well-being and comfort of a Patient, or the suitability of a Patient for treatment in a Private Dwelling.

NOTE.*

The following is an Extract from the Lunacy Act of 1857:—

"If any . . . person . . . having the care of any person detained as a lunatic patient under this Act, shall wilfully maltreat, abuse, or neglect any person so detained, to the injury of such person, or if any person detaining or taking, or having the care or charge, or concerned, or taking part in the custody, care, or treatment of any lunatic or person alleged to be a lunatic, in any way abuse, ill-treat, or wilfully neglect such lunatic or alleged lunatic, such . . . person shall be guilty of an offence, and for every such offence be liable in a penalty not exceeding one hundred pounds, or to be imprisoned for any period not exceeding six months."

[Form of Visiting Book kept in houses of Private Patients.]

SECTION 13 OF THE ACT 29 AND 30 VICT. CAP. 51.

"NO PERSON shall receive or keep any person as a Lunatic for gain without the Order of the Sheriff or the Sanction of the Board; and any person who shall receive or keep in his house any such person, or any person alleged to be a Lunatic, shall, within fourteen clear days thereafter, make application for such Order or Sanction: Provided always, that when the Lunatic is a Pauper Lunatic such application shall be made by the Inspector of the Poor, and it shall be lawful in such case for the Sheriff to grant his Order on one Medical Certificate: and every such Lunatic shall be visited, as often as the Board shall regulate, by a Medical person, who shall enter in a Book to be kept in such house the date of each visit, and the condition of the mental and bodily health of the Lunatic at each such visit; and any Medical person who shall make any such entry without having visited the Patient within seven days of making such entry, or who shall knowingly make any

false entry in such Book, shall be liable in a Penalty not exceeding Ten Pounds for each offence: and it shall be in the power of the Board to order such inspection and visitation of every such house from time to time as to them shall seem proper: and every person detaining or aiding in detaining any such Lunatic, or any person who on inquiry is found to be a Lunatic without the Order of the Sheriff or Sanction of the Board, or after such Order or Sanction has been withdrawn, shall be liable in a Penalty not exceeding Twenty Pounds."

Visits at intervals of about months (irrespective of such visits as may be necessary in consequence of bodily ill-health or changes of mental state) are required by the General Board of Lunacy to be paid by the Medical Attendant during each year in the case of

Name of Patient - - - - - - - - -
State of Mental Health - - - - - - - -
State of Bodily Health - - - - - - - -
Are the circumstances in which the Patient is placed suitable for the promotion of comfort and the carrying out of medical treatment? - - -
Does the provision made for the Patient fairly correspond to the rate of board paid? - - - - -
Suggestions which seem likely to be useful - - - -
Signature
Date

N.B.—Unless the particulars enumerated above are severally noted at each visit, the General Board of Lunacy will not regard the conditions on which their sanction has been granted as having been fulfilled. If the patient on account of accident or illness receives more frequent visitation than is prescribed by the Board it is required that such visitation shall be noted in this book.

[Forms used for Liberation of Patients on Trial or Probation, and applicable alike to Private and Pauper Patients. Period—exceeding 28 days, but not to exceed one year.]

[FORM G.

25 and 26 *Vict. Cap.* 54, *Sect.* 16.

APPLICATION TO GENERAL BOARD OF LUNACY TO SANCTION THE LIBERATION ON TRIAL OR PROBATION OF A LUNATIC.

I, the undersigned, hereby request the Sanction of the General Board of Lunacy for the Liberation on Trial of

at present a Patient in Asylum, and (1)

for a period of (2) ; and I subjoin a Statement of Particulars regarding the circumstances in which it is proposed to place the said Patient, and a Medical Certificate with respect to the Patient's mental and bodily condition; and I undertake, on or before the expiry of the said period, to replace the patient in the Asylum, if necessary, or to transmit to the Board, and to the Superintendent of the Asylum, a report of the mental state of the Patient, and a notice of the manner of the Patient's disposal; and in all other respects to comply with the Rules of the Board.

Signature, _____
Address of Applicant, if Patient is a Private Patient or Parish of Chargeability, if a Pauper, _____
Date, _____

(1) *If Lunatic is not a Pauper:* insert "detained at my instance, *or* whose nearest known Relative I am." *If Lunatic is a Pauper:* insert "a Pauper Lunatic of the Parish of ."

(2) State period, which must not exceed twelve months.

STATEMENT.

1. Christian Name and Surname of Patient - - -
2. Sex and Age - - - - - - - - -
3. Date of Admission into Asylum - - - - -
4. Name and Address of the person with whom Patient is to be placed - - - - - - - -
5. Parish in which proposed residence is situated - -
6. Nature and weekly amount of Parochial Relief, not including Clothing - - - - - - -
7. Whether previously under care in a private dwelling as a certified Lunatic reported to the Board; when and where? - - - - - - - - -
8. Whether there is any other Lunatic in the house, and if so, Name and Parish of chargeability - -

MEDICAL CERTIFICATE.

I, the undersigned, being the Medical Superintendent of the (1) have this day seen and personally examined the Patient named in the above Application, and hereby report and certify, with respect to the Patient's mental state, that (2) and with respect to the Patient's bodily health and condition, that (3)

And I further certify that I consider the said Patient to be suitable for being liberated on trial for a period of (4)

Dated this day of One thousand nine hundred and

(1) Name the Asylum.

(2) Insert Particulars.

(3) Insert Particulars.

(4) State Period, which must not exceed twelve months.

NOTE.—The Sanction of the Board when granted will be forwarded to the Asylum Superintendent as his authority for the liberation of the Patient.

SANCTION BY THE GENERAL BOARD OF LUNACY FOR LIBERATION OF A PATIENT ON TRIAL.

An Application having been made to the General Board of Commissioners in Lunacy, and having been duly considered, for the Liberation on Trial of a Patient in together with the accompanying Statement and Medical Certificate, I hereby, by Authority of the Board, sanction the liberation of the said Patient until 190 .

Commissioner in Lunacy.

Dated at Edinburgh, this day of One thousand nine hundred and

Notices to be sent by Superintendents in connection with Probationary Sanctions :—

(1) Notice of Patient leaving Asylum.
(2) Notice of Patient returning to Asylum, if replaced.
(3) Notice of any Sanction not acted on.

[Circular sent in Pauper cases near close of Probationary Period.]

Pauper Patients on Probation.

(*Please quote*) *Probation No.*

General Board of Lunacy for Scotland,
Edinburgh, 190 .

Sir,—With reference to the liberation on trial of

I beg to point out that it will be necessary, before the when the period of probation expires, in the event of the patient not being replaced in the Asylum, *to transmit to the Board a Medical Certificate, to the effect either that the patient* (1) *is recovered, or* (2) *is still of unsound mind.** If recovery has not taken place, the certificate must further state whether asylum treatment is or is not necessary, and you must inform the Board of the manner in which the patient has been disposed of, and state whether the patient has been, or is to be, removed from the Poor Roll.

If the patient has not recovered, and if it is proposed to continue out door parochial relief, the certificate should be inserted upon the form attached to Form D, and application on that Form—which in probationary cases requires to be accompanied by this *one* certificate only—must be made for the sanction of the Board to the disposal of the patient in a private dwelling.

You are requested to notify also to the Superintendent of the Asylum in what mental state the patient remains, and the manner of disposal. I am, sir,

Your obedient Servant,
T. W. L. Spence,
Secretary.

To the
Inspector of Poor
of

* *Note.*—Care should be taken to avoid describing the patient's mental state in terms, such as "so far recovered," which leave room for doubt as to whether the patient is to be regarded as sane or insane. The manner of legal disposal of the patient in many cases depends upon whether he is certified to be sane or insane. A definite statement on the point is therefore often indispensable, and the absence of it may necessitate a further certificate being called for.

[Circular sent in Private Cases near close of Probationary Period.]

Private Patients on Probation.

(*Please quote*) *Probation No.*

General Board of Lunacy for Scotland,
Edinburgh, 190 .

With reference to the liberation on trial of . I beg to point out that it will be necessary, before the when the period of probation expires, *to replace h in the Asylum from which he was removed, or to transmit to the Board a Medical Certificate, to the effect either* (1) *that the patient is recovered, or* (2) *that he is still of unsound mind.* In the latter case the certificate must further state that Asylum treatment is no longer necessary; and notice must be given of the manner in which the patient has been disposed of

An application to the Board on form F 2, which will be supplied here on request, is necessary in the case of a non-recovered patient in a private dwelling *who is kept for profit or for whom the board is paid.*

You are requested to notify also to the Superintendent of the Asylum in what mental state the patient remains, and the manner of disposal. I am,

Your obedient Servant,
T. W. L. Spence,
Secretary.

[*Rules for Liberation of Patients on Probation will be found further on under "Instructions to Inspectors of Poor."*]

[Forms of Application for Special Licences—Private and Pauper—and of Licence (same form for each class) when more than one Insane Person is received into a Private Dwelling.]

25 & 26 Vict. Cap. 54, Sect. 5. [F.]

APPLICATION FOR SPECIAL LICENCE TO OCCUPIER OF HOUSE FOR RECEPTION OF PAUPER LUNATICS NOT EXCEEDING FOUR IN NUMBER.

I, the undersigned, Inspector of Poor of the Parish of in the County of , hereby make application to the General Board of Commissioners in Lunacy for Scotland for a Special Licence for the House occupied by at in the Parish of for the reception and detention of not more than four Pauper Lunatics; and I subjoin a statement of Particulars, and a Certificate by a Medical Practitioner, as to the capabilities of the said House; and I certify that, to the best of my knowledge and belief, the said is of good moral character, and a proper person to be entrusted with the care of patients.

(*Signature of Inspector*)———————

Dated at the day of One thousand nine hundred and

STATEMENT.

1. Locality of house - - - - - - - -
2. Full Christian name, surname, and occupation of occupier - - - - - - - - -
3. Number of rooms in house which have windows -
4. Size of room or rooms which are to be given up to patients - - - - - - - - -
5. Position in the house of the room or rooms to be set apart for the patients (1) - - - - -
6. Number of sane inmates, distinguishing children,
7. Number, sex, and age of sane boarders or lodgers, if any of the sane inmates are such - - -
8. Total number of patients whom it is proposed to accommodate (2) - - - - - -
9. Is a separate bed provided for each patient ?
10. If occupier has at present charge of a patient, or has had such charge at any former time, state patient's name and parish - - - - - -
11. Distance from house of medical officer - - -
12. Distance from house of inspector of poor - -

CERTIFICATE BY A MEDICAL MAN.

I, the undersigned (3)
hereby certify, on soul and conscience, that I have within the last fourteen days carefully examined the House occupied by at ;
that it stands in a healthy situation, is in good repair, and will afford comfortable and appropriate accommodation for Pauper Lunatics, who are not dangerous, and do not require Asylum treatment. And I further certify that, to the best of my knowledge and belief,
is a proper person to be intrusted with the care of such Patients.

(*Signature*)———————

Dated at the day of One thousand nine hundred and

(1) The position of the room or rooms should be given in such a way as to make it possible to determine, when the house is being visited, whether the patients are occupying the room or rooms designed for their use when the licence was given.

(2) The Board will not grant a special licence for more than *Two* Pauper Lunatics except on the recommendation of a Commissioner or Deputy-Commissioner.

(3) State medical qualification.

[Form F 3.]

FORM OF APPLICATION FOR SPECIAL LICENCE FOR HOUSES FOR THE RECEPTION OF PRIVATE PATIENTS NOT EXCEEDING FOUR IN NUMBER.

I, the undersigned occupier of the house situated at , in the parish of and county of , hereby make application to the General Board of Commissioners in Lunacy for Scotland, for a Special License for the reception and detention, within the said house, of not more than four Lunatics, all of whom shall be maintained from private funds; and I subjoin a Statement of Particulars, and a Certificate by a Medical Practitioner, as to the capabilities of the said house.

(*Signature*)———————

STATEMENT OF PARTICULARS.

1. Locality of house - - - - - - - -
2. Name and occupation of occupier - - - -
3. Number and size of rooms - - - - -
4. Number of sane inmates, distinguishing children - -
5. Number and sex of patients whom it is proposed to receive - - - - - - - - -

(*Signature*)———————————

Dated at this day of One thousand eight hundred and

CERTIFICATE BY A MEDICAL MAN.

I, the undersigned (1) , hereby certify on soul and conscience, that I have within the last fourteen days carefully examined the house occupied by at : that it stands in a healthy situation, is in good repair, and will afford comfortable and appropriate accommodation for Lunatics, who are not dangerous, and do not require Asylum treatment. And I further certify that, to the best of my knowledge and belief, is a proper person to be entrusted with the care of such Patients.

(*Signature*)———————————

Dated at this day of One thousand eight hundred and

(1) State medical qualification.

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25 & 26 Vict. Cap. 54, Sect. 5.

SPECIAL LICENCE BY THE COMMISSIONERS IN LUNACY FOR THE RECEPTION INTO A PRIVATE DWELLING OF NOT MORE THAN FOUR LUNATICS.

By authority of the General Board of Commissioners in Lunacy for Scotland, I hereby certify that the Board have considered and approved of the Application of for a Special License to place Lunatics in a house situated at in the parish of and that they authorise and empower to use and employ the said house and premises for the reception of Lunatics, until this Licence is renounced or recalled.

Given at Edinburgh, this day of One thousand nine hundred and

Secretary.

[The following Certificate of Temporary Residence does not in any case require to be sent or communicated to Board.]

20 & 21 Vict. Cap. 71, Sect. XLI., and 29 & 30 Vict. Cap. 51, Sect. XIII.

I, a Medical Person duly qualified in terms of the Act 21 and 22 Vict. Cap. 90, certify on Soul and Conscience that (1) is afflicted with (2) ,but that the Malady is not confirmed, and that I consider it expedient, with a view to recovery, that should be placed in (3) for a temporary residence of (4) months.

Name and Medical Designation,———————————

Place of Abode,———————————

Dated this day of One thousand nine hundred and

1 Name and design the Patient.
2 State the nature of the Disease.
3 Specify the House in which the Patient is to be kept.
4 Specify a time, not exceeding Six Months.

[Regulations by the Board with regard to the reception of Private Patients into Private Dwellings.]

Provisions of the Statute and Regulations by the General Board of Lunacy Regarding the Accommodation in Private Dwellings of Insane Patients maintained out of Private Funds.

20 & 21 Vict. Cap. 71, Sect. 9, and 29 & 30 Vict. Cap. 51, Sect. 18.

Definition of a "Lunatic."

Section 1, 25 & 26 Vict. Cap. 54

I. The term "lunatic" is defined by statute to include every person certified by two medical persons to be a "lunatic," an "insane person," an "idiot," or a "person of unsound mind."

Insane Persons living with Relatives or others who are not Remunerated for keeping them.

Section 13, 25 & 30 Vict. Cap. 51

II. A person of unsound mind, living with relatives or others *who receive no remuneration for the patient's maintenance*, may reside in a private dwelling without an order of the sheriff or the sanction of the Board

Section 14, 29 & 30 Vict. Cap. 51

But if the patient's mental derangement has endured for a period of one year, and is of such a nature as to require compulsory confinement to the house, or restraint or coercion of any kind, the occupier of the house shall report the facts to the Board, and shall state the reasons which render it desirable that the patients should remain under private care.

Temporary Residence of Patients in Private Dwellings.

Section 13, 29 & 30 Vict. Cap. 51; and Section 41, 20 & 21 Vict. Cap. 71.

III. A person suffering from incipient or transitory mental disorder may be temporary received, and kept for profit, in any private dwelling, without an order of the sheriff or the sanction of the Board. But such temporary residence shall not exceed a period of six months, and the occupier must be authorised to receive the patients under a certificate granted in the subjoined form, copies of which may be obtained from the Board.

I, *L. M.*, a medical person duly qualified in terms of the Act [*specify the Act*], certify on soul and conscience that *C. D.* [*name and design the patient*] is afflicted [*state the nature of the disease*], but that the malady is not confirmed, and that I consider it expedient, with a view to his recovery, that he should be placed [*specify the house in which the patient is to be kept*] for a temporary residence of [*specify a time, not exceeding six months*].

Date.

Signature and Designation.
Place of Abode.

Permanent Residence of Insane Persons in Private Dwellings.

Section 13, 29 & 30 Vict. Cap. 51.

IV. Authority for the reception and permanent residence in a private dwelling of a person of unsound mind to whom the provisions of the foregoing regulations II. or III. are applicable, who is maintained out of private funds, and for whose maintenance or care the occupier of the house is remunerated, shall be obtained by application to the Board of Lunacy according to a Form (F 2) of which they will supply a copy on request.

Such application is unnecessary if the patient has been received into the house on a sheriff's order; but the fact that such order has been obtained must be intimated to the Board.

The legal penalty for receiving a patient under the circumstances specified in this rule, without an order of the sheriff or the sanction of the Board, is £20.

The following rules in regard to patients received into private dwellings under the authority of the Board or of the sheriff must be carefully observed:—

(1) Notice of the reception, removal, or death, of every patient authorised by the Board or by the sheriff to reside in a private dwelling, must be given to the Board by the occupier of the house within three days after its occurrence; and in case of removal, the patient's mental condition at the time of leaving, and the place to which he has been removed shall be specified.

(2) Every such patient shall be visited as often as the Board may require by a medical man, who shall enter a record of his visit in a visiting book which is supplied by the Board free of charge. The patient will further be visited and reported on by an officer of the Board at such times as they may direct.

(3) Not more than one insane person can be legally received into any private dwelling, unless the occupier hold a special licence granted under the conditions laid down in Regulation VI.

Patients under Curatory.

Section 17, 29 & 30 Vict. Cap. 51.

V. (1) Every person to whom a *Curator Bonis* has been appointed by the Court of Session on account of mental imperfection, whether such mental imperfection does or does not amount to lunacy as defined on page 296, is subject to visitation by the officers of the Board as often as may be deemed necessary.

(2) The foregoing Regulations II. and IV. do not apply to all persons who are under curatory on account of mental imperfection, but only to those of them whose mental imperfection amounts to lunacy as defined on page 296.

(3) The Board shall be promptly informed of the change of residence or death of any patient under curatory.

Private Dwellings with Special Licences.

Section 5, 25 & 26 Vict. Cap. 54.

VI. Not more than one insane person can be legally received into a private dwelling unless its occupier hold a special licence from the Board for the reception of a number not exceeding four patients. This licence is granted free of charge under the following conditions:—

(1) Application for the licence shall be made by the occupier of the house according to a Form (F 3) which is supplied by the Board.

(2) All the provisions of Regulation IV. applicable to private dwellings not specially licensed, as to obtaining the Board's sanction for the residence of patients, and as to intimating their reception, removal, or death, and providing for their regular medical visitation, shall be equally applicable to those private dwellings which are specially licensed.

(3) The obtaining of a sheriff's order for the reception of a patient into a specially licensed private dwelling does not obviate the necessity for the Board's sanction being obtained in the usual way.

(4) Notice of the admission and departure of every boarder, *not being a lunatic*, who is received into a specially licensed private dwelling shall be given to the Board within three days as in the case of a lunatic.

(5) Special licences may at any time be cancelled by the Board for any reason which they shall deem sufficient.

General Board of Lunacy,
Edinburgh, *3rd February*, 1880.

Approved,
J. Don-Wauchope,
Chairman of the Board.

APPENDIX.

The following are the forms referred to in the foregoing regulations. They are supplied free of charge on application at the office of the Board, 51, Queen Street, Edinburgh:—

(F 2) Application to the Board for their sanction to the residence of a private patient in a private dwelling—specially licensed or otherwise.

(F 3) Application to the Board for a special licence for the reception of more than one and not more than four private patients into a private dwelling.

Form of medical certificate authorising the residence of a patient in a private dwelling for a period not exceeding six months.

Medical attendant's visiting book for a private patient in a private dwelling.

INSTRUCTIONS TO INSPECTORS OF POOR ISSUED BY THE BOARD FROM TIME TO TIME. LAST ISSUE IN 1895.]

PAUPER LUNATICS.

INSTRUCTIONS FOR THE GUIDANCE OF INSPECTORS OF THE POOR IN THE DISPOSAL AND MANAGEMENT OF PAUPER LUNATICS, PREPARED BY THE GENERAL BOARD OF COMMISSIONERS IN LUNACY FOR SCOTLAND.

1895.

Persons Legally Recognised as Pauper Lunatics.

Intimation and Disposal of Pauper Lunatics.

1. The term "lunatic" is defined by the statute to include every person certified by two registered medical practitioners to be a lunatic, an insane person, an idiot, or a person of unsound mind.

Definition of "Pauper Lunatic."

A "pauper lunatic" is any lunatic on whose behalf any allowance or assistance is granted by any parish council, whether such lunatic be a pauper, or be a dependant.

Duty of Inspectors of Poor to intimate all Pauper Lunatics.

Duty of Inspector in regard to ascertaining Lunacy, and intimating Pauper Lunatics. Intimation and Disposal of Pauper Lunatics.

2. If an inspector of poor has reason to think that any pauper within his parish, or any person with whom he is called upon to deal, not being already a certified lunatic, is an insane person, an idiot, or a person of unsound mind, it will be his duty to obtain a certificate as to the person's mental state from a registered medical practitioner, and to be guided by what is said therein as to whether a second medical certificate should be obtained, with a view to the person being intimated and provided for as a pauper lunatic.

If such person is duly certified to be a lunatic, the inspector of poor shall within seven days, under a statutory penalty of £10 in case of failure, notify the fact to the chairman of the parish council, and shall, also within the same period, intimate to the Secretary of the General Board of Lunacy (hereinafter called the Board) the name and residence of the pauper lunatic, and such further particulars as may be called for according to Form I 1 (*see* specimens of forms at page 283 *post*). The inspector of poor should make a like notification and intimation in the case of any private lunatic in an asylum becoming chargeable as a pauper to the parish of which he in inspector.*

Lunatics alleged to be Dangerous or Offensive to Public Decency and Cases of Doubtful Pauperism.

3. Inspectors of poor may deal with insane persons, under Section 15 of the Act, 25 & 26 Vict., c. 54, on the ground that they are dangerous to themselves or others, or are offensive to public decency. For the duty of inspectors in such cases, or in the case of insane persons whose right to parochial relief is doubtful, see Minute of the Local Government Board (then Board of Supervision) of 16th December, 1869, at page 119 of that Board's "Rules, Instructions, and Recommendations" (1890).

Inspector to Intimate Transference of Liability.

4. Whenever an intimated pauper lunatic of any parish becomes chargeable to any other parish, notice of transference of liability shall be sent to the Board on Form L, both by the inspector of poor of the parish by which liability is admitted, and by the inspector of poor of the parish which has ceased to be liable.

Ways in which Pauper Lunatics may be provided for.

5. The inspector of poor shall, within twenty-one days after intimation of a pauper lunatic has been made to the Board, provide for his care in one or other of the following ways :—

By Removal to an Asylum.

(*a*) By removing him to an asylum, under the procedure set forth in Rules 8–10 ; *or*

By Removal to the Lunatic Wards of a Poorhouse.

(*b*) By removing him to the lunatic wards of a Poorhouse licensed for inoffensive and incurable patients, under the procedure set forth in Rule 11 ; *or*

By Removal to a Training School for Imbecile Children.

(*c*) By removing him to an institution for the training of imbecile children, under the procedure set forth in Rule 12 ; *or*

By Residence in a Private Dwelling.

(*d*) By placing him in a private dwelling with the sanction of the Board, under the procedure and subject to the conditions set forth in Rules 31–41.

Board may remove Lunatic to Asylum, if Inspector fails.

6. In the event of the inspector of poor failing to provide for the patient's care in one or other of the methods above mentioned within twenty-one days after being required to do so by the Board, removal to an asylum may be carried out by the Board at the expense of the parish.

Refusal of Relatives to permit Removal.

7. If the relatives of a pauper lunatic, whose removal to an establishment for the insane it is desired to carry out, refuse to permit such removal, the inspector shall report the case immediately to the parish council for instructions how to proceed.

* In such a case the names of the medical men who certified insanity may be omitted from Form I 1.

Pauper Lunatics in Establishments.

Procedure to be followed in removing a Pauper Lunatic to an Asylum.

The Asylum to be that of the Lunatic's District or Parish.

8. The asylum to which the lunatic is removed shall be that of the district in which his parish of settlement is situated; or, if there is no district asylum, such other asylum as may take the place of a district asylum under agreements and arrangements having the sanction of the Board. On special application the Board may, under exceptional circumstances, sanction the residence of a pauper lunatic in an asylum other than that of his district or parish.

Removal of Female Patients to and from Asylums.

With regard to the removal of female patients to and from asylums, see Appendix C, page 303 *post*.

Assistance of Constabulary in removing Dangerous Lunatics.

With regard to obtaining the assistance of the constabulary in removing to asylums lunatics who are dangerous, see Appendix C, page 303 *post*.

When Lunatic is not in his Parish of Settlement.

9. In the case of a pauper lunatic being within a parish which is admittedly not the parish of settlement, and being in a state requiring immediate removal to an asylum, the inspector of poor of such parish may either remove the lunatic temporarily to the asylum of the lunacy district in which such parish is situated, or, with the concurrence of the inspector of the parish of settlement, directly to the asylum of the lunacy district to which the parish of settlement belongs.

Directions to be observed in obtaining a Sheriff's Order.

10. Pauper lunatics are admitted into asylums on the sheriff's order, which is granted on the petition of the inspector of poor, on Form A. (see specimens of Forms at page 304a *post et seq.*). In filling up this Form the marginal directions on it should be carefully read and strictly adhered to. The following points must also be borne in mind:—

What Sheriffs may grant Orders in individual cases.

(*a*) The sheriff granting the order may be either (1) the sheriff of the county in which the lunatic is resident or is found; or (2) the sheriff of the county in which the asylum is situated.

Dates of Medical Certificates and Petition.

(*b*) The dates of the medical certificates must *be earlier than* the date of the petition, but not by more than fourteen days.

Who may Certify.

(*c*) One of the certifiers may be the medical superintendent, or consulting or assistant physician of the asylum in which the pauper lunatic is to be placed, privided it be not a private asylum. The certifiers must be registered medical men in actual practice.

Period within which Order must be acted on.

(*d*) The admission of the patient to the asylum must take place within fourteen days of the date of the sheriff's order, unless it has been granted by the Sheriff of Orkney or Shetland, in which case twenty-one days are allowed.

Temporary Detention under a Certificate of Emergency.

(*e*) A lunatic whose case is certified by any registered medical practitioner to be one of emergency, may, without any order by the sheriff, be received into an asylum for a period not exceeding three days from the time of his being brought to it. The document on which the patient is received should, however, show at whose instance the patient is sent to the asylum, and this should be indicated by the inspector of poor previously filling up and signing the request for reception attached to Form A.

Fee for Order.

(*f*) For every order granted by the sheriff for the admission of a pauper lunatic into any royal or district asylum, a fee of two shillings and sixpence is payable to the sheriff-clerk for the general purposes of the Lunacy Act. No fee is payable for a sheriff's order for admission of a patient to a parochial asylum.

Procedure for placing a Pauper Lunatic in the Lunatic Wards of a Poorhouse with a Restricted Licence.

Admission of Lunatics to Lunatic Wards of Poorhouses.

11. Pauper lunatics who are both harmless and incapable of deriving benefit from treatment in an asylum are admitted into lunatic wards of poorhouses licensed solely for the reception of such patients, by sanction of the Board granted on the petition of the inspector of poor, according to Form C. (see specimens of Forms at page 304d *post et seq.*). The certificate of insanity attached to the Form must not be signed by the medical attendant of the lunatic wards of the poorhouse in which it is proposed to place the patient; and the application must be accompanied by a *second* certificate of insanity, unless the patient is already a duly certified and intimated lunatic when application is made.

Procedure for placing a Pauper Child of unsound Mind in a Training School for Imbecile Children.

Admission of Children to Training Schools for Imbeciles.

12. Pauper children of unsound mind, who are capable of deriving benefit from training and treatment in training schools for imbecile children, are admitted into such institutions by sanction of the Board granted on application by the inspector of poor, accompanied by two medical certificates according to Form M, except in the case of a child transferred from an asylum, when *one* certificate will suffice. (See specimens of Forms at page 304f *post et seq.*).

Liberation, or Removal from the Poor-Roll, of Pauper Lunatics in Establishments for the Insane.

Liberation of Recovered Lunatics.

13. When a pauper lunatic has recovered it is the duty of the superintendent of the establishment to discharge him.

Notwithstanding that recovery has taken place, it is desirable that a patient on being discharged should be handed over to the care of a friend or some suitable person, who will conduct him safely to his destination. Inspectors of poor should, therefore, whenever requested by the superintendent, make arrangements for removing such patients in safety to their homes, or to such other place as will afford due protection, and should, when practicable, enable them to resume their usual work under favourable conditions. A female patient when removed from an asylum must be accompanied by a person of her own sex. (See Appendix C, page 303 *post*).

Liberation by Parish Councils of Unrecovered Lunatics, without removal from the Poor Roll.

14. A pauper lunatic who has not recovered, not being a dangerous lunatic committed at the instance of the procurator-fiscal, may be removed from any establishment for the insane and placed in a private dwelling as an outdoor patient, by a minute agreed to at a duly constituted meeting of the parish council chargeable with his maintenance, or of a committee thereof having due authority. On a copy of such minute, certified as correct by the chairman for the time of the parish council, being produced to, and left with, the superintendent of the establishment, such lunatic shall be discharged within seven days, unless the superintendent shall state in writing that in his opinion the patient is dangerous to himself or the public, or in any other way not a fit person to be discharged; and in that case he shall not be removed by the inspector without the sanction of the board. (See Section 9, 29 and 30 Vict. cap. 51.)

Removal from Poor Roll by Parish Councils of Unrecovered Lunatics in Establishments.

15. An unrecovered pauper lunatic in any establishment for the Insane, not being detained therein as dangerous at the instance of the procurator-fiscal, may, by a minute granted at a duly constituted meeting of the parish council, or committee thereof having due authority, be removed from the Poor-roll and entrusted to the disposal of any party who shall produce sufficient evidence that he will provide in a manner satisfactory to the parish council for the patient's care and treatment. But no lunatic who has thus been taken off the Poor Roll can be removed against the written representation of the superintendent that such removal would prove injurious to the lunatic or a risk to the public, except by the authority of the Board; and if his discharge is not so authorised, the parish council shall, failing the establishment by them of legal obligations for his support without parochial aid, continue to be responsible to the institution for the cost of his maintenance. (See Section 11, 29 and 30 Vict. cap 51.)

Procedure following Liberation of Unrecovered Lunatics.

16. Whenever, as described in either of the two foregoing rules, an unrecovered pauper lunatic has been removed by a minute of the parish council, either from an establishment for the insane, or from the Poor-roll, the inspector of poor shall, within fourteen days, intimate the fact to the Board, on Form H 4 or I, as the case may require. (See Appendix C, page 303 *post*). If, after a patient is discharged, notice is not received from the inspector of poor of the patient's removal from the Poor Roll, the Board will transmit a schedule to be filled up by the inspector; and if the patient has not been, or is not forthwith to be, removed from the Poor-roll, the inspector must fill up the statement of particulars and the Application attached to the schedule sent, with a view to obtaining the Board's sanction to the arrangements which have been made for the patient's care. In such cases no medical certificate is required to accompany the application.

Liberation of Unrecovered Lunatics detained at the instance of the Procurator-Fiscal.

17. For the liberation of an unrecovered pauper lunatic detained as dangerous at the instance of the procurator-fiscal, application must be made to the sheriff on certificates signed by two medical persons approved of by the procurator-fiscal, bearing that such lunatic may be discharged without risk of injury to the public or to the lunatic; and if the lunatic is liberated, the inspector shall give intimation to the board, as directed in the foregoing rule. (See Section 19, 29 & 30 Vict. cap. 51.)

Superintendents may initiate discharge of Unrecovered Lunatics.

18. Section 17 of the Act 25 & 26 Vict. cap. 54, provides that if the superintendent of any establishment for the insane is of opinion that any pauper lunatic detained therein is so far recovered that he may be liberated without risk of injury to the public, or to the lunatic, he shall grant a certificate to that effect, or shall procure one from the medical officer of the establishment, and shall transmit a copy to the inspector of poor of the parish to which the lunatic is chargeable; and if the inspector fails within fourteen days from the despatch of such certificate to take steps for the liberation of the lunatic, the superintendent shall intimate the facts to the board, who may make inquiry into the circumstances, and, if they think proper, order the lunatic to be discharged. A pauper lunatic discharged under the provisions of this section must be dealt with as an unrecovered lunatic, and the regulations as to his disposal must be observed as in the case of a lunatic removed by minute of a parish council (see Rule 16).

Liberation of Unrecovered Lunatics in consequence of exclusion from the Annual Certificate by Superintendent.

19. Under Section VII. of the Act 29 & 30 Vict. cap. 51, superintendents are required to certify, at every 1st January, occurring after the expiry of three years from the date on which the order of the sheriff was granted for a patient's reception and detention in an asylum, that his further detention is necessary and proper for his welfare or for the public safety; and in the event of a pauper lunatic being excluded from this certificate, and being liberated as a consequence of his exclusion, the regulations as to his disposal must be observed as in the case of a lunatic discharged by a minute of the parish council (see Rule 16).

Removal on Probation of Pauper Lunatics in Establishments for the Insane.

Form of Application for Probationary Discharge.

20. Application for the sanction of the board to the discharge of patients on probation shall be made according to Form G. (see specimens of forms at page 293 *post*); but no patient sent to an asylum at the instance of the procurator-fiscal shall be liberated on probation without the observance of the statutory requirements applicable to such cases. The period of probation cannot exceed twelve months.

Visitation, care, and treatment of Pauper Lunatics on Probation.

21. Pauper lunatics discharged on probation shall, unless the board, on special application, regulate otherwise, be visited once in every three months, by a medical man appointed by the parish council, and once in every six months by the inspector of poor,* who shall record their visits in the "Visiting Book for Pauper Patients in Private Dwellings"; and during the period of probation such patients remain subject to visitation by the Commissioners and generally to the board's instructions applicable to patients sanctioned to reside permanently in private dwellings (see Rules 31–41).

Pauper Lunatics on Probation not to be removed from Poor Roll.

22. Though pauper lunatics on probation may require no parochial aid during the currency of the probationary period, they cannot during that time be removed from the Poor-roll, unless certified recovered, nor can any of the conditions on which sanction was granted be altered, without the sanction of the board.

Unsuitable Patients to be sent back to Asylum.

23. On the order of the Board, or on an entry being made by the medical officer in the visiting book that the patient has ceased to be suitable for remaining out on probation, the inspector shall, within fourteen days thereafter, remove him back to the asylum, and send notice to the Board that this has been done; and when for any reason it is deemed necessary to send the patient back to the asylum, the superintendent is bound to receive him on the simple demand for admission, provided the period of probation is still current.

Procedure when period of Probation is about to expire.

24. Before the period of probation expires, notice must be given to the Board that the patient is to be replaced in an asylum, *or* a medical certificate must be transmitted to the effect, either (1) that the patient is recovered, or (2) that he is still of unsound mind. If the patient is of unsound mind and continues in the receipt of parochial relief, the certificate should be given according to form D.; and application according to that form—which in probationary cases need only be accompanied by this *one* certificate—must be made to the Board for their sanction to the manner in which the patient is to be provided for. If the patient is no longer to receive parochial relief the fact should be stated. The superintendent of the asylum from which the patient has been removed should also, in all cases, be informed as to the patient's mental condition at the close of the period of probation.

Death of Patient while on Probation.

25. In the event of the death of a patient taking place during the currency of the probationary period, intimation should be at once sent to the asylum superintendent, with a medical certificate as to the cause of death.

Procedure for transferring a Pauper Lunatic from one Establishment to another.

Transfer of Lunatics from one Asylum to another; (1) by sanction of Board, Form B 2; (2) by order of Sheriff, Form A.

26. A pauper Lunatic may be transferred from one asylum to another, (*a*) by sanction of the board, granted on petition to them by the inspector of poor, with one medical certificate from any registered practitioner who is not the medical officer or medical attendant of the asylum to which the patient is to be transferred, according to Form B 2. (see specimens of forms at page 304c *post*). Or (*b*) the patient may be transferred on the sheriff's order, granted on two medical certificates according to Form A. (see specimens of forms at page 304a *post*).

Transfer from Lunatic Wards of Poorhouses to Asylums requires the Sheriff's Order.

27. Patients who are detained in lunatic wards of poorhouses licensed for harmless and incurable patients only, cannot be transferred to asylums, or to those lunatic wards of poorhouses (parochial asylums) which are licensed for the reception and detention of patients suffering from all forms of insanity, except on the order of the sheriff, granted by application on Form A.

Transfer from Establishments for the Insane to Lunatic Wards of Poorhouses.

28. The transfer of a pauper lunatic from any establishment for the insane to the lunatic wards of a poorhouse licensed for harmless and incurable patients only, must be effected by application to the board on Form C. (see specimens of forms at page 304d *post*).

Transfer from Asylum to Training Schools, and *vice versa*.

29. The transfer of a pauper lunatic from an asylum to a training school for imbecile children, must be effected by application to the board on Form M. (see specimens of forms at page 304f *post*). In such a case *one* medical certificate will be accepted as sufficient. Transfers from training schools to asylums must be effected by application to the sheriff on Form A.

Transfer of Patients while on Probation.

30. A patient out on probation from any asylum may be transferred during the currency of the probationary period to any other asylum by application to the board on Form B 2 (see specimens of forms at page 304c *post*). Notice of the date of such transference should be given at once to the superintendent of the asylum from which the patient has been removed.

Procedure for placing Pauper Lunatics in Private Dwellings under sanction of the Board, and Conditions of Sanction.

Pauper Lunatics in Private Dwellings.

31. Pauper lunatics who do not require asylum treatment may, on becoming chargeable, remain in private dwellings under suitable guardianship, with the sanction of the board, which is granted on the application of the inspector of poor, accompanied by *two* medical certificates according to Form D. (see specimens of forms at page 283 *post*).

Pauper Lunatics on becoming chargeable may remain in Private Dwellings.

Pauper Lunatics may be removed from

32. Or they may be removed from establishments for the insane, and be placed under suitable guardianship in private dwellings under one or other of the procedures described in Rules 13–25. When the patient remains a pauper, application for the board's sanction must be made

* It not infrequently happens that patients, soon after being discharged from asylums on probation, enter service, or engage otherwise in work which renders them self-supporting, or which places them in positions where visitation by parochial officials would be injurious to their interests. In such cases the Board do not desire that patients should be visited by medical officers or inspectors of poor, and it will often, in such circumstances, be desirable to obtain a certificate of recovery, when that can be done without injury to the patient, or to get the patient to transmit such a certificate, with a view to the connection with the asylum being brought finally to an end. Such certificates should be sent to the Board, and a copy transmitted to the asylum superintendent.

Establishments and placed in Private Dwellings. A Special License must be obtained for a Private Dwelling containing more than one Lunatic. Pauper Lunatics in Private Dwellings.

in the manner described in Rule 16, page 12, after the patient has been discharged, and need not be accompanied by any medical certificate unless such be specially called for.

33. Not more than *one* pauper lunatic can be legally placed in any private dwelling unless the occupier of such dwelling hold a special licence from the Board. This licence is granted on application by the inspector of poor, in accordance with the regulations laid down in Appendix A, page 302.

34. The sanctions granted by the board for the residence of lunatics in private dwellings, whether singly, or in numbers not exceeding four, are valid only for the particular house and the particular guardian named in the application. A pauper lunatic, whose residence in a private dwelling has been sanctioned, may, if need arises, be removed to another house or to other guardianship; but whenever any such patient is removed to another dwelling, or is placed under another guardian, the inspector of poor shall at once, after removal has taken place, intimate the facts to the board, with a view to their sanction to the change being obtained (see Form H4 in list on page 287 *post*). Any alteration in the nature or amount of the parochial allowance shall also be at once reported to the board by letter. (See Rule 41.)

All changes of Residence, Guardianship, or Parochial Allowance to be at once reported.

Accommodation, Guardianship, and Treatment of Pauper Lunatics in Private Dwellings.

35. Pauper lunatics sanctioned by the board to live in private dwellings must be comfortably housed, sufficiently fed and clothed and otherwise suitably provided for. They must be placed under the charge of properly remunerated, efficient, and trustworthy guardians, whose duty it shall be to carry out carefully the board's directions to persons receiving pauper patients, Appendix B, page 302 *post*.

Visitation by Medical Officers.

Pauper Lunatics in Private Dwellings.

36. Every pauper lunatic, whose residence in any private dwelling has been sanctioned by the board, must be visited within three weeks after such sanction has been granted, and at least once every three months thereafter, by a medical man appointed to perform that duty by the parish council of the parish to which the lunatic is chargeable, unless the board shall, on special application by the inspector of poor, otherwise regulate such visits; and the medical officer shall at every such visit enter in the visiting book for pauper patients in private dwellings (see list of forms at page 304 *post*), which shall be kept in the house in which the lunatic resides, a report of the mental and bodily condition in which he found the lunatic, with any suggestions or recommendations for improving the condition of the patient which he may think desirable. Any medical person who shall make any such entry without having visited the patient within seven days previous to such entry, is liable in a penalty not exceeding £10 for every such offence (Section, 13, 29 & 30 Vict. cap. 51).

Recommendations by Medical Officer not carried out to be reported.

37. Suggestions or recommendations for improving a patient's condition, recorded by the medical officer, shall be at once reported by him to the inspector of poor of the parish to which the lunatic is chargeable, who shall either see that they receive immediate effect, or shall report to the board his reasons for not carrying them out.

Visitation by Inspectors of Poor.

38. It shall be the duty of the inspector of poor of the parish to which an outdoor lunatic is chargeable to visit the patient at least twice a year, and to record the visit on its proper page in the book in which the medical officer's visits are recorded; and in the event of the lunatic residing beyond the parish to which he is chargeable, it shall be the duty of the inspector of poor of the parish of chargeability, if he does not visit the patient himself to provide for his being visited by the inspector of poor of the parish of residence; in which case it shall be the duty of the inspector of the parish of chargeability to assure himself that these visits are regularly made and recorded.

Board's Sanction may be withdrawn, and Removal Ordered.

Pauper Lunatics in Private Dwellings.

39. If a pauper lunatic, whose residence in a private dwelling has been sanctioned by the board, is regarded by them for any reason as having become unfit for residence in a private dwelling; or if any of the conditions as to accommodation, guardianship, treatment, or visitation is not observed, the board may withdraw their sanction and require the patient's removal to an asylum*; and any pauper lunatic who has been removed from an asylum and boarded out shall be sent back to it within fourteen days after the inspector of poor receives the order of the board to that effect.

Removal from the Poor-roll of Pauper Lunatics in Private Dwellings.

40. No pauper lunatic residing in any private dwelling shall be removed from the Poor-roll unless by a minute of the parish council, or of a duly authorised committee thereof, and unless sufficient evidence be produced to the parish council or its committee that his care and treatment will be provided for in a manner which they regard as satisfactory. When a pauper lunatic who has been removed from an asylum is ordered by the board to be sent back, the patient's relatives cannot remove his name from the Poor-roll without the board's sanction.

Notices and Letters required to be sent by Inspectors of Poor, in the case of Pauper Lunatics in Private Dwellings.

41. When a pauper lunatic in a private dwelling ceases to be chargeable as an outdoor patient by recovery, death, removal from the Poor-roll, or removal to an asylum* or other establishment for lunatics, or is removed to another house or placed under another guardian, or when escape or other serious occurrence happens, or when the alimentary allowance is increased or reduced, intimation thereof must be given to the board within fourteen days. In making intimation of such occurrences, the following requirements should be kept in view:—

(1) Notice of recovery (Form I.) must be accompanied by a medical certificate of sanity.

(2) Notice of death (Form I.) must be accompanied by a statement of the cause of death.

(3) Notice of removal from the Poor-roll (Form I.) must be accompanied by a copy of a minute stating the reason for such removal.

(4) Notice of removal to an establishment for lunatics should be given by a letter stating briefly the reason which made removal from private care necessary. Pauper Lunatics in Private Dwellings.

(5) Notice of removal from one private dwelling to another, or from one guardian to another (Form H 4) should be accompanied by a short statement of the cause which has made the change desirable.

(6) Escapes, serious accidents, and other matters gravely affecting the well-being of patients, should be reported to the board by the inspector of poor, by a letter giving particulars.

(7) Changes of allowance should be reported by letter stating briefly the reason of the alteration.

(8) A separate notice must be sent in the case of each patient.

Claims on the Contribution from the Local Taxation Account in aid of the Cost of Maintenance of Pauper Lunatics. Grant for Pauper Lunatics.

42. No claim for participation in the contribution from the local taxation account in aid of the cost of maintenance of pauper lunatics will be allowed, unless the board give a certificate that the patient has been necessarily detained and properly cared for in the place in which he was maintained during the period for which the claim is made. Certificate from General Board necessary.

Disallowance of Claims for Pauper Lunatics in Establishments.

43. A claim made on account of a pauper lunatic maintained in an establishment for the insane will be invalidated:—

1. If there is reason to believe that his mental or bodily health is injuriously affected by residence in the institution in which he is detained.

2. If his condition renders him unsuitable for treatment in the particular class of institution in which he is placed.

3. If the board shall be of opinion that he is detained in an establishment for the insane, not withstanding that he could be satisfactorily provided for in a private dwelling, were reasonable efforts to find a proper guardian made by the inspector of poor, and adequate payment offered by the parish council. Grant for Pauper Lunatics.

Disallowance of Claims for Pauper Lunatics in Private Dwellings.

44. Claims made on account of pauper lunatics maintained in private dwellings under the board's sanction will be invalidated, in the event of any one of the following conditions not being complied with:—

1. They shall be comfortably housed, clothed, and fed.

2. They shall be in every way as well treated as other members of the household.

3. They shall receive such personal care and attendance as will insure their comfort and safety.

4. Every reasonable effort shall be made to improve their condition and contribute to their happiness.

5. The inspector of poor shall, unless the board has regulated otherwise, make two visits yearly to each

* When a patient is removed to an asylum, the usual Sheriff's Order for Reception is necessary.

patient, and shall record them in the visiting book, as prescribed by the board.

6. A medical officer, appointed by the parish council shall, unless the board has regulated otherwise, make four visits yearly to each patient, and shall record them in the visiting book, as prescribed by the board.

(See Board's Circular of 15th May, 1879, Appendix, page 303 *post*.)

Approved,
THOS. D. GIBSON CARMICHAEL,
Chairman of the Board.

General Board of Lunacy,
Edinburgh, *6th November*, 1895.

APPENDIX A.

REGULATIONS BY THE GENERAL BOARD OF LUNACY, UNDER WHICH SPECIAL LICENSES FOR THE RECEPTION OF NOT MORE THAN FOUR PAUPER LUNATICS ARE GRANTED ON THE APPLICATION OF INSPECTORS OF POOR TO THE OCCUPIERS OF PRIVATE DWELLINGS.

I. The application for license must be made on Form F., and be signed by the inspector of poor of the parish to which the pauper lunatics to be accommodated are chargeable, and no pauper lunatic chargeable to any other parish shall be placed in a specially licensed private dwelling without the consent of the inspector on whose application the license was granted, which consent shall be intimated to the board.

II. Not more than four pauper lunatics can be legally received into any specially licensed private dwelling; but the board will not grant a special license for the reception of more than *two* pauper lunatics into any such house except on the recommendation of a commissioner or deputy commissioner.

III. Each specially licensed private dwelling shall receive patients of one sex only, unless the board shall in special circumstances sanction otherwise. A separate bed shall be available for every patient, and no patient above twelve years of age shall occupy a bedroom with an adult of the opposite sex.

IV. The occupier of every specially licensed private dwelling shall inform the visiting commissioner, medical officer, and inspector of poor, at their visits, of all lodgers who are living in the house, or who have been received into it since the previous visit. No lodger of the opposite sex from the patients, if above fourteen years of age, shall be received into any specially licensed private dwelling.

V. An inspector of poor, before removing a patient to a specially licensed house, shall assure himself that he is not by so doing infringing any of the special conditions of license as to the number and sex of patients, and that he is not encroaching upon the right in the house of any other inspector. (See Regulation I.) In other respects the procedure for removing patients to such houses, and for obtaining the board's sanction, does not differ from that to be followed in providing for patients in private dwellings singly.

VI. All the rules and conditions as to visitation, care, and treatment, which apply to pauper lunatics provided for singly in private dwellings, are equally applicable to patients sanctioned to live in private dwellings which have been specially licensed.

VII. In all cases in which an inspector of poor has made provision for a pauper lunatic chargeable to his parish, in a specially licensed private dwelling not situated within such parish or within the statutory distance from it, he shall, if he does not himself undertake the duty of visitation, at once provide for his being regularly visited by the inspector of poor of the parish in which the pauper lunatic has been placed, as required by Rule 38 of the board's instructions to inspectors of poor (1895).

VIII. The board would at the same time strongly urge upon inspectors of poor the propriety of themselves visiting periodically all lunatics chargeable to their parishes who may be boarded out in specially licensed private dwellings, wherever such houses may be situated, in order to satisfy themselves of the efficiency of the guardianship and of the continued fitness of the lunatic for residence in such a house; the date and particulars of such visits, as well as of the visits paid by the local inspector, should be duly recorded in the visiting book provided for the purpose. In all cases where a number of specially licensed private dwellings are situated in the same locality, the board will consider it necessary to insist upon periodical visits by the inspector of poor of the parish of settlement, and they would in such cases also strongly recommend visitation by a committee of the parish council.

IX. Special licenses may be cancelled at any time, for any reason which the board shall deem sufficient. Whenever an inspector of poor at whose instance a special licence has been obtained discontinues his connection with the house, the fact should be reported to the board with any observations which seem desirable.

APPENDIX B.

DIRECTIONS TO PERSONS RECEIVING PAUPER PATIENTS INTO PRIVATE DWELLINGS WITH THE SANCTION OF THE GENERAL BOARD OF COMMISSIONERS IN LUNACY.

Bedding and Sleeping Rooms.

Guardians shall see that the sleeping room occupied by a patient is free from damp and well ventilated, that the bed is comfortable, and that the bed coverings are suitable and sufficient.

Clothing.

They shall take care that every patient is furnished with at least one full change of clothing, and they shall keep all articles of clothing clean and in good repair. A separate box or drawer should be set apart for the clothing of each patient, so that it may be readily inspected by the Commissioners in Lunacy, local medical officers, and inspectors of poor.

Cleanliness.

The guardians shall attend strictly to the personal cleanliness of every patient under their care; much importance is attached to this requirement.

Food.

They shall take their meals along with the patients and at the same table, and they shall supply them with the same kind of food as they take themselves, unless the medical officer shall decide otherwise. The food must always be sufficient in quantity, of good quality, and carefully cooked.

Occupation and Exercise.

The guardians shall do all they can to get the patients to employ themselves in work suited to their training and ability; but they shall at the same time be careful not to overtask those who are inclined to be industrious. It is desirable that every patient who is fit for it should

have outdoor exercise every day when the weather is suitable.

General Treatment.

They shall, as much as possible, treat the patients as members of their own families, and shall do all that they can to protect them from harm, and to improve their health and increase their happiness. Patients should be encouraged to attend Divine Service.

Medical Care.

They shall at once call in the local medical officer, and carefully follow his instructions, in the event of bodily illness or accident, or of any marked change being apparent in the mental condition of a patient.

Accidents, Escapes, etc.

In addition to calling in medical aid, as required by the preceding direction, they shall immediately report to the inspector of poor, with a view to his intimating the facts to the board, all serious accidents to patients, all untoward occurrences affecting their well-being, and all cases in which patients have without leave gone away from their guardians' care.

Visits by Officials.

They shall carefully keeping a readily accessible place the book in which the local medical officers and the inspectors of poor record their visits, and they shall take care to bring under the notice of these officials all matters which concern the comfort of a patient, or the fitness of a patient for a private dwelling.

APPENDIX C.

(1) Circular Letter to Inspectors of Poor regarding the Conditions on which Claims on the Parliamentary Grant (now Contribution from Local Taxation Account) in aid of the Cost of Maintenance of Pauper Lunatics are admitted in the case of Patients provided for in Private Dwellings.

General Board of Lunacy,
Edinburgh, 15*th May*, 1879.

Sir,—With reference to the Parliamentary grant in aid of the cost of maintenance of pauper lunatics, I am instructed by the board to call your attention again to the following points :—

If, in regard to all pauper lunatics provided for in private dwellings, the following requirements are not fully complied with, the claim of the parish to which such pauper lunatics are chargeable to share in the grant will be invalidated :—

1. They shall be comfortably housed and fed.
2. They shall be in every way as well treated as other members of the household.
3. They shall receive such personal care and attendance as will ensure their comfort and safety.
4. Every reasonable effort shall be made to improve their condition and contribute to their happiness.
5. The inspector of poor shall make two visits yearly to each patient, and shall record them in the visiting book, as prescribed by the board.
6. A medical officer, appointed by the parochial board, shall make four visits yearly to each patient, and shall record them in the visiting book, as prescribed by the board.

To ensure the comfort of the patients, it is necessary not merely that a sufficient remuneration should be given to those who have charge of them, but aso that the inspector of poor and the medical officer satisfy themselves that the duties of the guardians are well performed. Improper treatment, neglect of a patient, or an inadequate supply of food or clothing, although the fault may rest rather with the person under whose immediate charge the patient is placed than with the parochial officials, will invalidate the claim of the parish to share in the grant.

I am instructed to draw your particular attention again to these points, because, notwithstanding my circular of 9th January, 1878, upon this subject, statements are still made by inspectors of poor and parochial medical officers that they do not understand these to be conditions on which the grant depends.—I am, etc.,

W. Forbes,
Secretary.

The inspector of poor is requested to place a copy of this circular in the hands of every medical officer to whom may be entrusted the duty of visiting pauper lunatics not in asylums. Additional copies may be had on application.

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(2) Circular Letter to Inspectors of Poor regarding the Transmission of Female Patients to and from Asylums.

General Board of Lunacy,
Edinburgh, 6*th January*, 1880.

Sir,—The board have had under consideration the practice pursued in the transmission of female patients to and from asylums, and I am to state that the board trust you will regard it as your duty to provide that a female patient, when taken to or from an asylum, shall be accompanied by a person of her own sex.

The board are aware that in some cases, such, for instance, as might arise from the patient being accompanied by her husband or son, female attendance may properly be dispensed with. But even in these circumstances, if the patient is excited or violent, or if the services of a nurse would be of use, female attendance should be regarded as necessary.

The board think it right to indicate their views in this matter, and they do not doubt that you will give them careful consideration and do what is proper in each case.

I am, etc.,
W. Forbes,
Secretary.

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(3) Circular Letter to Inspectors of Poor regarding the Transmission to the Board, of Notices required to be sent under the Lunacy Acts.

General Board of Lunacy,
Edinburgh, 6*th December*, 1883.

Sir,—With a view to diminishing as far as possible the work imposed upon inspectors of poor through the notices required to be sent under the provisions of the Lunacy Acts, the board have carefully considered whether some notices at present transmitted by inspectors of poor might not properly be dispensed with, in view of the fact that the board receive from other sources sufficiently full information of the occurrences to which these notices relate.

As the result of that consideration they have determined that they will not in future require the transmission of the following notices referring to pauper lunatics in asylums, in lunatic wards of poorhouses, and in training schools for imbecile children :—

(1) Notice of recovery.
(2) Notice of death.
(3) Notice of transfer from one establishment to another.

The board trust, however, that you will be careful to continue to transmit the following notices referring to lunatics in asylums, poorhouse wards, and training schools :—

(1) Notice of removal from Poor-roll of unrecovered patients, whether discharge from the establishment takes place or not (Form 1).

(2) Notice of removal from establishments to private dwellings of unrecovered patients who are to continue in receipt of relief (Form H 4).

The board also hope that it will be clearly understood that what has been said above in no way obviates the necessity for sending the following notices referring to patients residing under their sanction in private dwellings, including specially licensed houses, and they trust you will bear in mind that the neglect to send such notices both renders it impossible to keep correctly the general register prescribed by the Statute, and entails upon the board's visiting officers needless trouble and expense :—

(1) Notice of death of a patient sanctioned to reside in a private dwelling, with a statement of cause (Form I).

(2) Notice of recovery of a patient sanctioned to reside in a private dwelling, with a medical certificate of recovery (Form I).

(3) Notice of removal from the Poor-roll of a patient sanctioned to reside in a private dwelling, with copy of minute of parochial board authorising removal (Form I).

(4) Notice of removal to an establishment of a patient sanctioned to reside in a private dwelling (Notice by letter).

(5) Notice of removal of a patient from one private dwelling or specially licensed house to another, or from one guardian to another (Form H4).

The board also trust that inspectors of poor will continue to be careful to send the following general notices :—

(1) Intimation of a pauper lunatic (Form I1).

(2) Transference of liability of a pauper lunatic from one parish to another (Form I).

I am, etc.,
W. Forbes, *Secretary.*

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(4) Letter to the Secretary of the Board of Supervision, in regard to assistance by the Constabulary in removing dangerous Lunatics.

General Board of Lunacy,
Edinburgh, *8th April*, 1889.

Sir,—The board have had before them the documents accompanying your letters of the 4th February and 16th March, as to the duty of the Constabulary in apprehending and removing dangerous lunatics to asylums; and, with reference thereto, I am directed by them to say that, in their opinion, it is not desirable that the police should interfere in cases of lunacy, unless such interference is clearly necessary for the lunatic's own protection, or that of others. On the other hand, whenever there is a reasonable ground for believing that there is danger in the conduct of an insane person, it is clear that the lieges are entitled to expect the protection of the police. Such protection would not necessarily imply the apprehension of the lunatic, for cases might occur in which watchfulness on the part of the police, or assistance by them in enabling relatives or parochial authorities to make the necessary arrangements for the lunatic's safety, might be all that would be needed. The interference of the police beyond that point might, in many cases, be productive of more harm than good. It is clearly undesirable that harmless persons should, merely because of insane behaviour, be dealt with by the police, and be thus associated in the public mind with persons who have acted criminally.

There may, however, often be considerable difficulty and difference of opinion as to whether the conduct of an insane person is such as infers danger or not. There can be no rule laid down upon this subject, and much must be left to the good sense of those concerned. If there is a desire on the part of the parochial and of police authorities, as the board believe is generally the case throughout Scotland, to be mutually helpful and considerate to each other in dealing with insane persons, the board think that the safety of patients and of the public will be amply secured without the action of the police authorities becoming unduly prominent, and without any hard and fast regulation being made on the subject.

In most cases where patients have to be removed to asylums by parochial authorities, the board believe that these authorities do not require to call on the police for assistance, and they should refrain from doing so unnecessarily. On the other hand, whenever there is reason to believe that an insane person is a source of danger, and the means of removal at the disposal of the parochial authorities are inadequate, the board think that it would be advantageous that the police should not withhold such assistance as may be necessary to provide fully for the protection of the patient and those about him.

I return herewith the documents forwarded.—I am, etc
(*Signed*) T. W. L. Spence,
Secretary.

John Skelton, Esq., C.B.,
Secretary, Board of Supervision.

APPENDIX D.

(1) Forms required by Inspectors of Poor in the disposal of Pauper Lunatics. They are furnished by Messrs. T. & A. Constable, Printers, 11 Thistle Street, Edinburgh.

Form.	Price per doz.	Postage per doz.
(A.) Petition to the sheriff to grant order for the reception of a patient into an asylum	9d.	1½d.
(B2.) Application to the General Board of Lunacy to sanction transfer of a patient from one asylum to another	8d.	1d.
(C.) Application to the General Board of Lunacy to sanction the reception of a pauper lunatic into the lunatic wards of a poorhouse	9d.	1½d.
(D.) Application to the General Board of Lunacy to sanction the residence of a pauper lunatic in a private dwelling, specially licensed or otherwise	9d.	1½d.
(F.) Application to the General Board of Lunacy to grant a special license authorising the residence in a private dwelling of more than one pauper lunatic	8d.	1d.
(G.) Application to the General Board of Lunacy to sanction the liberation on probation of a lunatic	8d.	1d.
(H4.) Notice of removal from an asylum of an unrecovered pauper lunatic, not removed from the Poor-roll, *or* Notice of change of residence or Guardianship of a pauper lunatic sanctioned to reside in a private dwelling	5d.	½d.
	5d.	½d.
(I.) Notice that a pauper lunatic has ceased to be chargeable by transference of liability, removal from poor-roll, recovery, or death,	5d.	½d.
(I 1.) Intimation of a pauper lunatic	5d.	½d.
(M.) Application to the General Board of Lunacy to sanction the reception of a pauper child into a training school for imbecile children	8d.	1d.
Visiting book for pauper patients in private dwellings	6d. each, or 7d. with postage.	

[FORM A.]

N.B.—This FORM shall remain in the keeping of the Superintendent of the Asylum, after the Order of the Sheriff is obtained.

(1) Sheriff or Steward.
(2) Shire or Stewartry.

25 & 26 *Vict., Cap.* 54, *Sect.* 14.

PETITION TO THE SHERIFF TO GRANT ORDER FOR THE RECEPTION OF A PATIENT INTO AN ASYLUM.

(3) State degree of Relationship or other capacity in which Petitioner stands to Lunatic.

Unto the Honourable the (1) *of* *of the* (2) *and his Substitutes,*—

The Petition of

humbly showeth that it appears from the subjoined Statement and accompanying Medical Certificates, that

your Petitioner's (3)
is at present in a state of Mental Derangement, and a proper person for treatment in an Asylum for the Insane. May it therefore please your Lordship to authorise the transmission of the said to the and to sanction admission into the said Asylum.

(4) The date of the Petition must be within fourteen clear days following the dates of the Medical Certificates.

(*To be signed by the Party applying*)———————————

DATED this (4) day of One thousand nine hundred and

(5) If patient has been previously in an Establishment, state fact, and date of latest admission or approximation thereto. If never previously under examination or treatment, state fact.

STATEMENT.

If any of the Particulars in this Statement be not known, the fact to be so stated.

1. Christian Name and Surname of Patient at length - - - - - - - - - -
2. Sex and Age - - - - - - - - -
3. Married, Single, or Widowed - - - - -
4. Condition of Life, and previous Occupation (if any) -
5. Religious Persuasion, so far as known - - -
6. Previous Place of Abode - - - - - -
7. Place where Found and Examined - - - -
8. Length of time Insane - - - - - -
9. Whether First Attack - - - - - -
10. Age (if known) on First Attack - - - -
11. When and where previously under Examination and Treatment (5) - - - - - -
12. Duration of Existing Attack - - - - -
13. Supposed Cause - - - - - -
14. Whether subject to Epilepsy - - - - -
15. Whether Suicidal - - - - - - -
16. Whether Dangerous to others - - - - -
17. Parish or Union to which the Lunatic (if a Pauper) is Chargeable - - - - -
18. Christian Name and Surname, and Place of Abode of nearest known Relative of the Patient, and degree of Relationship (if known), and whether any Member of Family known to be or to have been Insane - - - - - - -
19. Special circumstances (if any) preventing the insertion of any of the above particulars - - - -

I certify that, to the best of my knowledge, the above particulars are correctly stated.

DATED this day of One thousand nine hundred and

(*To be signed by the Party applying*)———————————

MEDICAL CERTIFICATE, No. I.

Set forth qualification entitling person certifying to grant the certificate ; e.g., Member of the Royal College of Physicians of Edinburgh.

I, the undersigned
being a (1)
and being in actual practice as a (2)
do hereby certify, on soul and conscience, that I have this day, at (3) in the County of separately from any other Medical Practitioner, visited and personally examined (4) and that the said is a (5) and a proper person to be detained under Care and Treatment, and that I have formed this opinion upon the following grounds, viz. :—

(4) *Insert Designation and Residence, and if a Pauper state so.*

(5) Lunatic, *or* an insane person, *or* an idiot, *or* a person of unsound mind.

1. Facts indicating Insanity observed by myself : (6)

(6) *State the facts.*

2. Other facts (if any) indicating Insanity communicated to me by others : (7)

(7) *State the information, and from whom derived.*

Name and Medical Designation ———————————
Place of Abode ———————————

Insert the Set and Number of the Case (if any), and other like particulars.

DATED this day of One thousand nine hundred and

MEDICAL CERTIFICATE, No. II

I, the undersigned, being a (1) and being in actual practice as a (2) do hereby certify, on soul and conscience, that I have this day, at (3) in the County of separately from any other Medical Practitioner visited and personally examined (4) and that the said is a (5) and a proper person to be detained under Care and Treatment, and that I have formed this opinion upon the following grounds, viz.:—

1. Facts indicating Insanity observed by myself: (6)

2. Other facts (if any) indicating Insanity communicated to me by others: (7)

Name and Medical Designation _____

Place of Abode _____

DATED this day of One thousand nine hundred and

(1) *Set forth the qualification entitling the person certifying to grant the certificate; e.g.*, Member of the Royal College of Physicians in Edinburgh.

(2) Physician or Surgeon, *or otherwise, as the case may be.*

(3) *Insert the street, and number of the house (if any), or other like particulars.*

(4) *Insert Designation and Residenc , and if a pauper state so.*

(5) Lunatic, *or* an insane person, *or* a idiot, *or* a person of unsound mind.

(6) *State the facts.*

(7) *State the information and from whom derived.*

CERTIFICATE OF EMERGENCY.

(This Certificate authorises the detention of a Patient in an Asylum for a period not exceeding three days without any Order by the Sheriff.)

I, the undersigned, being (1) hereby certify, on soul and conscience, that I have this day, at (2) in the County of , seen and personally examined , and that the said person is of unsound mind, is a proper Patient to be placed in an Asylum, and is in a sufficiently good state of bodily health at this date to be removed to the Asylum at (3)

And I further certify that the case of the said person is one of Emergency.

Dated this day of One thousand nine hundred and

(1) State medical qualification.

(2) State place of examination.

(3) State place at which Asylum is situated.

(The following should be filled up in every case in which a Certificate of Emergency is acted on.)

I hereby request the Superintendent of the Asylum to receive therein to whom the foregoing Certificate of Emergency refers.

Relationship or other capacity in which Applicant stands to Patient, _____

Signature and Address _____

Date _____

ORDER TO BE GRANTED BY THE SHERIFF FOR THE TRANSMISSION AND RECEPTION OF THE LUNATIC.

I, (1) of the (2) of having had produced to me, with a Petition at the instance of (3) Certificates under the hands of and being two Medical Persons duly qualified in terms of an Act, intituled "An Act for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums in Scotland," setting forth that they had separately visited and examined (4) and that the said is a (5) and a proper Person to be detained and taken care of, DO HEREBY AUTHORISE you to receive the said as a patient into the (6) Asylum of and I authorise (7) Transmission to the said Asylum accordingly; and I transmit you herewith the said Medical Certificates, and a Statement regarding the said which accompanied the said Petition.

DATED [at] this day of One thousand nine hundred and

To the Superintendent of the Asylum of (8)

Signature _____

(1) State whether Sheriff, Sheriff-Substitute, Steward, or Steward-Substitute.

(2) State whether a County or Stewartry.

(3) Insert Name and Designation.

(4) Describe him, and if a Pauper, state so.

(5) Lunatic, *or* an Insane Person, *or* an Idiot, *or* a Person of unsound mind.

(6) Public, District, Parochial, *or* Private.

(7) His, *or* her.

(8) Public, District, Parochial, *or* Private.

[Form B 2.]

25 & 26 *Vict., Cap.* 54, *Sect.* 16.

APPLICATION TO THE GENERAL BOARD OF LUNACY TO GRANT TRANSFER OF A PATIENT FROM ONE ASYLUM TO ANOTHER.

I, the undersigned (1) being desirous to transfer at present a Patient in and (2) from the said Asylum to the beg to submit the subjoined Statement of Particulars regarding the said patient, and a Medical Certificate with respect to the mental and bodily condition of the said patient :—

(1) Insert Christian and Surname.

(2) If Lunatic is not a Pauper, insert "detained at my instance." *or* "whose nearest known relative I am." If Lunatic is a Pauper, insert "a Pauper Lunatic of the Parish of which I am Inspector of Poor."

STATEMENT OF PARTICULARS.

1. Christian Name and Surname of Patient at length - - - - - - - - - -
2. Sex and Age - - - - - - - - -
3. Married, Single, or Widowed - - - - - -
4. Condition of Life, and Previous Occupation (if any) - - - - - - - - - -
5. Religious Persuasion, so far as known - - -
6. Parish to which the Lunatic (if a Pauper) is chargeable - - - - - - - - -
7. Christian Name and Surname, and Place of Abode of nearest known Relative of the Patient, and degree of relationship (if known), and whether any Member of the Family known to be, or to have been Insane - - - - - -

I certify that, to the best of my knowledge, the above particulars are correctly stated, and I hereby make Application for the authority of the General Board of Commissioners in Lunacy to the transfer of the patient as aforesaid.

(*Signature of Applicant*) ———————————————

(3) ———————————————

(3) State degree of Relationship, or other capacity in which Applicant stands to Patient. If a Lunatic is a Pauper, insert "Inspector of Poor of the Parish of.

Dated this day of One thousand nine hundred and

N.B.—The foregoing particulars, and those contained in the Medical Certificate which follows, are required for the information of the Board and of the authorities of the Asylum to which the Patient is to be transferred.

MEDICAL CERTIFICATE.

I, the undersigned, hereby certify that I have this day at (1) personally examined who has been a Patient in said Asylum since (2) and I certify that the said Patient is a person of unsound mind, (3) epileptic, (3) suicidal (3) dangerous to others. I also certify, with respect to the Mental State of the Patient, that (4)

(1) Name Asylum.

(2) Insert Date of Admission.

(3) Insert "is," or "is not," as the case may be.

and with respect to the Bodily State of the Patient, that (5)

and that there is nothing in the Mental or Bodily State of the Patient to make removal to the (1) Asylum inadvisable ; and I further certify that (6) facts known to me as to the past history of the Patient, bearing upon risk of suicide or danger to others, which I think ought to be brought under the notice of those who are to have charge of the Patient :—

(4) Describe Mental State.

(5) Describe Bodily State

(6) Insert "the following are," or "there are no," as the case may be.

(*Signature*) ———————————————

(*Medical Qualification*) ———————————————

(*Date*) ———————————————

SANCTION BY THE BOARD OF LUNACY.

(*Under this Sanction a Patient may be Transferred without an Order of the Sheriff.*)

The foregoing Application having been made to the Board to authorise the transfer of

from
to
and the Board having considered such Application and the accompanying Medical Certificate, do hereby authorise the transfer, at any time within fourteen days from the date hereof, of the said patient as requested.

———————————————*Secretary.*

Dated at Edinburgh, this day of One thousand nine hundred and

Date of Sheriff's Order [*to be inserted at the Office of Board*].

[FORM C.]

No.

25 & 26 *Vict., Cap.* 54, *Sect.* 4.

APPLICATION TO THE BOARD OF LUNACY TO SANCTION THE RECEPTION OF A PAUPER LUNATIC INTO THE LUNATIC WARDS OF A POORHOUSE.

As it appears from the subjoined Statement and accompanying Medical Certificate that a Pauper Lunatic of the Parish of is of unsound mind, is not dangerous, does not require curative treatment, and is a proper person to be placed in the Lunatic Wards of the Poorhouse.

May it therefore please your Honourable Board, to sanction admission into the Lunatic Wards of the said Poorhouse.

_____ *Inspector of Poor.*

of the Parish of _____.

DATED at this day of One thousand nine hundred and

[*Statement.*

STATEMENT BY INSPECTOR OF POOR.

(*If any of the Particulars in this Statement be not known, the fact to be so stated.*)

1. Christian Name and Surname of Patient at length - - - - - - - - -
2. Date of becoming Chargeable - - - - -
3. Sex and Age - - - - - - - - -
4. Married, Single, or Widowed - - - - -
5. Condition of Life, and previous Occupation (if any) - - - - - - - - - -
6. Religious Persuasion, so far as known - - -
7. Previous Place of Abode - - - - - -
8. Place where Found and Examined - - - -
9. Length of time Insane - - - - - -
10. Whether First Attack - - - - - -
11. Age (if known) on First Attack - - - -
12. When and where previously under Treatment -
13 Duration of Existing Attack - - - - -
14. Supposed Cause - - - - - - - -
15. Whether any Relative known to be or to have been Insane - - - - - - - -

I certify that to the best of my knowledge the above particulars are correctly stated.

Signature of Inspector applying _____

Date _____

STATEMENT BY MEDICAL OFFICER.

1. Whether Deformed, or affected with Bodily Disease -
2. Whether able to Speak and Walk, Dress and Feed Self - - - - - - - - -
3. Whether capable of Employment - - - -
4. Whether subject to Epilepsy - - - - -
5. Whether Paralytic - - - - - - -
6. Whether of Uncleanly Habits by Day or Night -
7. Whether Violent or Noisy - - - - -
8. Whether refusing Food - - - - - -
9. Whether of Obscene Conduct, or offensive to Public Decency - - - - - - - -
10. Whether Suicidal - - - - - - - -
11. Whether Dangerous to others - - - - -

I certify that, to the best of my knowledge, this Statement is correct.

Signature of Medical Officer _____

Designation (1) _____

Date _____

(1) Medical Officer of Asylum of—or Poorhouse of—or Parish of—as the case may be, or acting in either of these capacities.

MEDICAL CERTIFICATE.

[*This Certificate* CANNOT BE *signed by the Medical Officer of the Poorhouse in which the Patient is to be placed.*]

I, the undersigned,
do hereby certify, on soul and conscience, that I have this day at
in the county of , personally examined
and believe to be of unsound mind, and a proper Person to be placed in
the Lunatic Wards of Poorhouse. I have formed my opinion
of the patient's insanity upon the following grounds, viz. :—

1. Facts indicating Insanity or Idiocy observed by myself:

2. Facts indicating Insanity or Idiocy communicated to me by others:

3. I hereby further certify that the Patient is not dangerous, is incapable of deriving benefit from treatment in an Asylum, has no habits or infirmities which render care difficult, and is in a sufficiently good state of bodily health to be removed to the Lunatic Wards of the Poorhouse named.

Name and Medical Qaulification——————————————————————
Place of Abode——————————————————————

DATED this day of One thousand nine hundred and

[*The following Second Certificate must also be filled up, unless the patient is* ALREADY DULY CERTIFIED *by two Medical Certificates to be a* LUNATIC, *in which case it is to be* LEFT BLANK. *This Certificate* MAY BE *signed by the Medical Officer of the Poorhouse in which the Patient is to be placed.*]

I, the undersigned,
do hereby certify, on soul and conscience, that I have this day at
in the county of , personally examined
and believe to be of unsound mind, and a proper Person to be
placed in the Lunatic Wards of Poorhouse.
I have formed my opinion of the patient's insanity upon the following grounds, viz. :—

1. Facts indicating Insanity or Idiocy observed by myself:

2. Facts indicating Insanity or Idiocy communicated to me by others:

3. I hereby further certify that the Patient is not dangerous, is incapable of deriving benefit from treatment in an Asylum, has no habits or infirmities which render care difficult, and is in a sufficiently good state of bodily health to be removed to the Lunatic Wards of the Poorhouse named.

Name and Medical Qualification——————————————————————
Place of Abode——————————————————————

DATED this day of One thousand nine hundred and

CERTIFICATE FOR INTERIM DETENTION.

[*This Certificate authorises the detention of a Patient in the Lunatic Wards of a Poorhouse for seven days, without the sanction of the Board.* IT SHOULD NOT BE USED EXCEPT IN CIRCUMSTANCES WHICH MAKE THE REMOVAL OF THE PATIENT TO THE WARDS URGENT.]

I, having alreadv
granted the Certificate of Insanity hereto annexed, hereby certify that, in my opinion, the said
may be removed without risk of injury to the Lunatic
Wards of Poorhouse, and may be properly received for interim
detention, pending the decision of the Board of Lunacy.

(*Signature*) ——————————————————————

DATED this day of
One thousand nine hundred and

SANCTION BY THE GENERAL BOARD OF LUNACY.

The Board, having had submitted to them the foregoing application and relative documents, hereby sanction the
Admission of into the Lunatic Wards
of Poorhouse.*

——————————————————————*Secretary.*

DATED this day of One
thousand nine hundred and

---

* This Sanction must be renewed unless acted on within Fourteen Days from its date.

I.—REGULATIONS FOR THE INTIMATION OF PAUPER LUNATICS, AND FOR THEIR REMOVAL UNRECOVERED FROM ASYLUMS.

1. A Pauper Lunatic is a person, certified by *two* medical persons to be a Lunatic, an Insane Person, an Idiot, or a Person of unsound Mind, on whose behalf any allowance or assistance is granted by a Parish Council, whether such Lunatic be a Pauper or be a Dependent.

2. Every Inspector of Poor, when he becomes aware of any unintimated Pauper Lunatic being within the parish of which he is Inspector, shall intimate the fact to the General Board, and to the Chairman of his Parish Council on Form I[1].

3. If it is not proposed to place such Pauper Lunatic in an Establishment for the Insane, application must be made to the Board on Form D, with two medical certificates, for their sanction to his residence in a Private Dwelling.

4. In the case of a Pauper Lunatic removed *unrecovered* from an Asylum by a Minute of a Parish Council, a special schedule, containing a Form of Application for Sanction, will be transmitted to the Inspector of Poor on receipt of notice that the patient is discharged. Any proposal for the removal of a patient to a specially licensed house, which would have the effect of altering in any way the conditions on which the licence is held, must be reported to the Board and receive their consent, *before the patient is removed.*

5. In the case of Pauper Lunatics discharged on Probation, *one* medical certificate must be forwarded to the Board at the close of the Probationary Period, for the purpose of informing them as to the patient's mental condition. If the patient is of unsound mind and continues in receipt of Parochial relief, the certificate should be given according to Form D, and the *Application and Statement* on that Form must be filled up and transmitted to the Board for their sanction to the manner of disposal.

II.—REGULATIONS REGARDING THE VISITATION, ETC., BY MEDICAL OFFICERS AND INSPECTORS OF POOR OF PAUPER LUNATICS IN PRIVATE DWELLINGS.

1. Every *Pauper Lunatic*, whose residence in any Private Dwelling has been sanctioned by the General Board, must be visited within three weeks after such sanction has been granted, and at least once every three months thereafter by a medical man appointed to perform that duty by the Parish Council of the parish to which the lunatic is chargeable, unless the General Board of Lunacy shall, on special application by the Inspector of the Poor, otherwise regulate such visits; and the Medical Officer shall at every such visit enter in a Visiting Book, which shall be kept in the house in which the lunatic resides, a report of the mental and bodily condition in which he found the lunatic, with any suggestions or recommendations for improving the condition of the patient which he may think desirable. Any medical person who shall make any such entry without having visited the patient within seven days previous to such entry, is liable in a penalty not exceeding Ten Pounds for every such offence.

2. Suggestions or recommendations for improving a patient's condition, recorded by the Medical Officer, shall be at once reported by him to the Inspector of Poor of the parish to which the lunatic is chargeable, who shall either see that they receive immediate effect, or shall report to the General Board his reasons for not carrying them out.

3. It shall be the duty of the Inspector of Poor of the parish to which an outdoor lunatic is chargeable to visit the patient at least twice a year, and to record the visit on its proper page in the book in which the Medical Officer's visits are recorded; and in the event of the lunatic residing beyond the parish to which he is chargeable, it shall be the duty of the Inspector of Poor of the parish of chargeability, if he does not visit the patient himself, to provide for his being visited by the Inspector of Poor of the parish of residence, in which case it shall be the duty of the Inspector of the parish of chargeability to assure himself that these visits are regularly made and recorded.

4. No Inspector of Poor shall remove any Pauper Lunatic residing in any Private Dwelling with the sanction of the Board to any other dwelling, or make any alteration in the nature or amount of the parochial allowance, without intimating the same to the General Board.

5. When a Pauper Lunatic in a Private Dwelling ceases to be chargeable as an outdoor patient by Removal from the Poor-roll, or Recovery, or Removal to an Establishment for Lunatics, or Death, intimation thereof must be given to the General Board on Form I.

6. Escapes, serious accidents, and other matters gravely affecting the well-being of patients, shall at once be reported by the Inspector of Poor to the General Board, by a letter giving particulars.

Note.—The *Visiting-Book for Pauper Lunatics in Private Dwellings* (Price 6d., Postage 1d.), and all FORMS used in the disposal of the Insane, may be obtained from Messrs. T. and A. CONSTABLE, 11, Thistle Street, Edinburgh.

The General Board's *Instructions for the guidance of Inspectors of the Poor in the Disposal and Management of Pauper Lunatics* may be obtained free at the OFFICE OF THE BOARD, 51, Queen Street, Edinburgh.

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25 and 26 Vict., Cap. 54, Sect. 16.

RULES FOR THE DISCHARGE OF PATIENTS ON PROBATION.

The object of these Rules is to furnish Inspectors of the Poor and others with the information necessary to enable them to apply for the discharge of Patients from Asylums on trial; to point out the steps which the General Board of Lunacy require shall be taken for the proper care of Patients during the period of trial; and to indicate the course to be adopted on the expiry of the period of probation.

1. Application for the Sanction of the Board for the Discharge of Patients on Probation shall be made according to Form G. The authority to permit liberation on probation given by Section 16 is held not to apply to patients detained as dangerous lunatics under the provisions of Section 15 of the same Act.

2. Pauper Lunatics discharged on Probation shall, unless the Board on special application regulate otherwise, be visited once in every three months by a medical man appointed by the Parish Council, and once in every six months by the Inspector of Poor,* who shall record their visits in the "Visiting Book for Pauper Patients in Private Dwellings"; and during the period of Probation such Patients remain subject to visitation by the Commissioners, and generally to the Board's Instructions applicable to Patients sanctioned to reside permanently in private dwellings.

3. Though Pauper Lunatics on Probation may require no parochial aid during the currency of the Probationary Period, they cannot during that time be removed from the Poor-roll, without the sanction of the General Board, unless certified recovered, nor can any of the conditions of liberation be altered without such sanction.

4. On the Order of the Board, or on an entry being made by the Medical Officer in the Visiting Book that a Pauper Patient has ceased to be suitable for remaining out on Probation, the Inspector shall, within fourteen days thereafter, remove him back to the Asylum, and send notice to the Board that this has been done.

5. When for any reason it is deemed necessary to send a Patient on Probation back to the Asylum, the Superintendent is bound to receive him on the simple demand for admission, provided the period of Probation is still current.

6. If the Patient is not to be replaced in the Asylum, a Medical Certificate must be transmitted to the Board before the period of Probation expires, to the effect, either (1) that the Patient is recovered,† or (2) that he is still of unsound mind. In the latter case, if the Patient is kept for profit or is in receipt of parochial relief, the sanction of the Board must be obtained to the manner in which he is to be provided for, by application in the case of Private Patients on Form F 2, and in the case of Pauper Patients on Form D, with one Medical Certificate. The Superintendent of the Asylum from which the Patient has been removed should also, in all cases, be informed as to the Patient's mental condition at the close of the period of Probation.

7. In the event of the death of a Patient taking place during the currency of the Probationary Period, intimation should be at once sent to the Medical Superintendent, with a Medical Certificate as to the cause of death.

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* It not infrequently happens that patients, soon after being discharged from asylums on probation, enter service, or engage otherwise in work which renders them self-supporting, or which places them in positions where visitation by Parochial officials would be injurious to their interests. In such cases the Board do not desire that patients should be visited by medical officers or inspectors of poor, and it may often, in such circumstances, be desirable to obtain a certificate of recovery, when that an be done without injury to the patient, or to get the patient to transmit such a certificate, with a view to the connection with the asylum being brought to an end. Such certificates should be sent to the board, and a copy transmitted to the asylum superintendent.

† Care should be taken to avoid describing the patient's mental state in terms, such as "so far recovered," which leaves room for doubt as to whether the patient is to be regarded as sane or insane. The manner of legal disposal of the patient in many cases depends upon whether he is certified to be sane or insane. A definite statement on the point is, therefore, often indispensable, and the absence of it may necessitate a further certificate being called for.

STATEMENT. [FORM M.]

To be filled up in regard to all *Children admitted. If any of the Particulars in this Statement be not known, the fact to be so stated.*

1. Christian Name and Surname of Patient at length-
2. Name, Surname, and Rank or Profession of the Child's Father - - - - - - - - - -
3. Name, and Maiden Surname, of the Child's Mother -
4. Date of becoming Chargeable - - - - -
5. Sex and Age - - - - - - - - - -
6. Previous Place of Abode - - - - -
7. Place where Found and Examined - - - -
8. Whether Imbecile from Birth - - - -
9. When and where previously under Examination and Treatment - - - - - - - - -
10. Supposed Cause - - - - - - -
11. Whether Deformed, or affected with Bodily Disease -
12. Whether able to (1) Speak - - - - -
(2) Walk - - - - -
(3) Dress Self - - - -
(4) Feed Self - - - -
13. Whether subject to Epilepsy - - - -
14. Whether Paralytic - - - - - - - -
15. Whether of Uncleanly Habits - - - - -
16. Whether Noisy - - - - - - - -
17. Whether Destructive - - - - - - -
18. Whether any Relative known to be or to have been Insane - - - - - - - - - -

I certify that, to the best of my knowledge, the above particulars are correctly stated.

*_____

DATED this day of One thousand nine hundred and

* To be signed by the Applicant for the Child's reception.

APPLICATION TO THE BOARD OF LUNACY TO SANCTION THE RECEPTION OF A PAUPER CHILD INTO AN INSTITUTION FOR THE TRAINING OF IMBECILE CHILDREN.

As it appears from the foregoing Statement and accompanying Medical Certificates that
a Pauper Child of the Parish of
is capable of deriving benefit from training and treatment in the Institution for the Training of Imbecile Children at
May it therefore please your Honourable Board to sanction the said Child's admission into the said Institution.

——————————— *Inspector of Poor of the Parish of*———————————

DATED at this day of
One Thousand Nine Hundred and

MEDICAL CERTIFICATE, No. 1.

I, the undersigned
do hereby certify that I have this day at
in the county of , personally examined
and believe the said Child to be of unsound mind, to be capable of deriving benefit from training and treatment in the Institution for the Training of Imbecile Children at
and to be in a fit state of bodily health for removal thereto.

Signature,———————————
Medical Qualification,———————————
Place of Abode,———————————

DATED this day of One thousand nine hundred and

MEDICAL CERTIFICATE, No. 2.

I, the undersigned,
do hereby certify that I have this day at
in the county of , personally examined
and believe the said Child to be of unsound mind, to be capable of deriving benefit from training and treatment in the Institution for the Training of Imbecile Children at
and to be in a fit state of bodily health for removal thereto.

Signature,———————————
Medical Qualification,———————————
Place of Abode,———————————

DATED this day of One thousand nine hundred and

SANCTION BY THE GENERAL BOARD OF LUNACY.

The Board, having had submitted to them the foregoing application and relative documents, hereby sanction * the Admission of
into the Institution for the Training of Imbecile Children at

———————————*Secretary.*

DATED this day of One thousand nine hundred and

* This Sanction must be renewed unless acted on within twenty-eight days.

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(2) CIRCULAR NO. 90 AS TO FORMS, BOOKS, ETC., NOT OBTAINED FROM BOARD'S PRINTERS.

General Board of Lunacy,
Edinburgh, 17*th August*, 1888.

SIR,—I am directed by the board to inform you that all schedules, notices, books, and registers required in connection with the Lunacy Statutes are issued by Messrs. T. & A. Constable, Printers, 11 Thistle Street, Edinburgh, under the board's direction, and that by an arrangement with Messrs. Constable all such schedules, notices, books and registers are submitted to the board for revision and for such alteration as may be thought desirable, on each occasion on which it becomes necessary to print a fresh supply for public use.

In the event, therefore, of your purposing at any time to get any of these forms printed privately, or by printers other than Messrs. Constable, the board request that you will, before doing so, obtain from Messrs. Constable a copy of the form proposed to be printed, so as to ensure that all changes made by the board are embodied in the reprint—I am, etc.,

(*Signed*) T. W. L. SPENCE.

PART II.

COPIES OF THE GENERAL REPORTS ON THREE SPECIALLY LICENSED HOUSES (ONE FROM EACH OF THE THREE GROUPS VISITED BY THE ROYAL COMMISSIONERS) AND OF THE CASE RECORDS OF THE PATIENTS WHO WERE SEEN IN EACH OF THESE HOUSES; TOGETHER WITH BRIEF NOTES OF THE MAIN FACTS IN REGARD TO EVERY PATIENT SEEN IN EACH OF THE THREE LOCALITIES VISITED BY VARIOUS MEMBERS OF THE COMMISSION.

[Copy of the General Reports on three Specially Licensed Houses (one from each of the three Groups visited by the Commissioners) and exact copy of the Case Records of the Patients who were seen in each of these Houses.]

1. SPECIALLY LICENSED HOUSE OF MRS. JAMES HOUSTON, MARKINCH.

County—Fife.	*Parish in which situated*—Markinch.
Specially Licensed House of	Mrs. James Houston.
Address	Milton of Balgonie, Markinch.
Applicant for License	Inspector of Poor, Dundee.
Date when granted	11th August, 1885.
Number in Register	481.
Number for which Licensed	3.

Patients Resident, and Parishes of Chargeability.

M. S. or S., chargeable to Dundee.
H. M., chargeable to Dundee.
J. S. or S., chargeable to Dundee.

General Reports, Minutes, Etc.

18*th December*, 1896.—House and guardianship are very good. Family consists of guardian, one son and a daughter. Patients generally take their meals along with the family.—C. M.

24*th December*, 1896.—Read.—J. F.

29*th March*, 1897.—Satisfactory.—C. M.

2*nd April*, 1897.—Read.—J. F.

12*th November*, 1897.—No change.—C. M.

11*th February*, 1898—Satisfactory.—C. M.

22*nd February*, 1898.—Read.—J. F.

30*th November*, 1898.—Quite satisfactory.—C. M.

6*th December*, 1898.—Read.—J. S.

14*th March*, 1899.—Comfortable.—C. M.

21*st March*, 1899.—Read.—J. F.

20*th April*, 1900.—Satisfactory.—C. M.

27*th April*, 1900.—Read.—J. M.

10*th October*, 1900.—A very good home.—C. M.

17*th October*, 1900.—Read.—J. M.

11*th April*, 1901.—The patients in this house were very noisy. They were found at dinner in their own room, but I could scarcely recommend that M—— S—— should be made to dine with guardians. She would be too boisterous for the dining hall of an asylum. J—— S—— was abusive in her language to me, and C—— B—— was discontented. I could not describe the house as a first rate one, but allowance must be made for the patients. The guardians are well-meaning earnest women, who are apparently willing to continue to keep the patients, and as very few guardians would take them I am inclined to make no recommendation.—J. M.—*Board of Lunacy. Received* 17*th April*, 1901.

18*th April*, 1901.—No steps.—J. F.

19*th December*, 1901.—Bedroom 16 l. by 12 b. by 7 h.= 1,344 cubic feet.—J. F. S.—*Board of Lunacy. Received* 26*th December*, 1901.

27*th December*, 1901.—Read.—J. M.

9*th May*, 1902.—No remarks.—J. F. S.—*Board of Lunacy. Received* 21*st May*, 1902.

24*th May*, 1902.—Read.—J. F.

15*th December*, 1902.—Guardian wishes a fourth patient. Family consists of guardian, her daughter, and a delicate son. A bed in the kitchen next that of guardian and her daughter will be provided. Am disposed to recommend a license for four being granted, should inspector of poor apply for same. Of the fourth a careful selection should be made.—J. F. S.

P.S.—I found all three patients—H——, M——, being the third who came a few days ago at tea in their own room. I told guardian that if license was granted the patients must take their meals with herself and her daughter, and she agreed.—J. F. S.—*Board of Lunacy. Received* 18*th December*, 1902.

19*th December*, 1902.—Keep recommendation in view.—J. F.—(Noted in S. L. H. Register.)

19*th February*, 1903.—Guardian says she gives effect to my wish as to meals. Quarters are good.—J. F. S.—*Board of Lunacy. Received* 23*rd February*, 1903.

28*th February*, 1903.—Read.—J. F.

10*th November*, 1903.—No remarks.—J. F. S.—*Board of Lunacy. Received* 12*th November*, 1903.

13*th November*, 1903.—J. M.

14*th May*, 1904.—No remarks.—J. F. S.—*Board of Lunacy. Received* 17*th May*, 1904.

19*th May*, 1904.—Read.—J. F.

2*nd November*, 1904.—No remarks.—J. F. S.—*Board of Lunacy. Received* 8*th November*, 1904.

10*th November*, 1904.—Read.—J. F.

15*th February*, 1905.—Very good quarters.—J. F. S.—*Board of Lunacy. Received* 17*th February* 1905.

20*th February*, 1905.—Read.—J. F.

8*th December*, 1905.—J. F. S.—*Board of Lunacy. Received* 11*th December*, 1905.—J. F.

27*th February*, 1906.—C. M.—*Board of Lunacy. Received* 28*th February*, 1906.

Case Record of M. S. or S.

County—Fife.	*Parish of Residence*—Markinch.
Name of Patient	M. S. or S.
Sex	Female.
Age of Patient in 1887	40.
Date of Intimation	2nd February, 1878
Married or Single?	Single.
Ever under Asylum Treatment?	Yes.
Date of last Removal from Asylum	28th May, 1887.
No. of Sanction	7661.
Parish of Liability	Dundee.
Amount of Parochial Allowance	6s. a week; £15 12s. a year. (1898) 6s. 6d. a week; £16 18s. a year.
Degree of Relationship to the Proposed Guardian	Stranger.
Name of Guardian	Mrs. James Houston.
Residence of Guardian	Milton of Balgonie, Markinch, S. L. H., 481

Not from Asylum. S. L. H. No. 481 (for 3).

Extract from Medical Certificate dated April, 1881.—"Said she could boast of the best temper in the kingdom and asked me to try her. Quiet and always wished not to be spoken to. Harmless, and not improving and cleanly in her habits."

28*th May*, 1887.—Admitted into the specially licensed house of Mrs. J.— H— upon discharge from the licensed wards of Dundee West Poorhouse, but sanction has not yet been granted, as inspector of the poor has exceeded Mrs. H—'s license by placing a third patient in her house.

6*th June*, 1887.—Wrote to inspector of poor, Dundee, saying that sanction will be granted if Deputy Commissioner reports in favour of it after his visit. Asked inspector of poor to inform the Board where the third patient is to sleep, and whether a separate bed and bed furnishings have been provided for her. Also told inspector of poor that, owing to it having been found that guardians suitable for the care of two patients are often unfit for the care of a larger number, the Board found it necessary to make it a rule not to grant a special license for the reception of more than two pauper lunatics, except on the recommendation of a deputy commissioner. Called inspector of poor's special attention to Rules II. and V. of Regulations as to Specially Licensed Houses on page 23 of "Instructions to Inspectors of Poor," and requested him to keep them carefully in view in future, and that he must make no change in the sanctioned arrangements for specially licensed houses, without having obtained the previous assent of the Board. Added that Board will not grant any new licenses to houses in Kennoway or Thornton District or sanction any addition to the number of patients already provided for there, before having a full opportunity of satisfying themselves that the number of pauper lunatics in the district is not more than is consistent with good administration. Said it will therefore be necessary for Inspector of Poor to obtain assent of Board when he contemplates making an addition to the patients in that district, whether by obtaining new licenses or otherwise.—T. W. L. S.

7*th June*, 23149, 1887.—Inspector of poor writes that in future he will act strictly in the spirit of Board's letter, and according to printed instructions. He apologises for what has occurred.

2*nd November*, 1887.—This woman is decidedly demented and not capable of any but the simplest employment. She is quiet and harmless. At times she is dazed and talks nonsense, but at others she speaks fairly sensibly. The Home is a suitable one for her.

There are no other patients at this end of a long village. The house was licensed for two, and this woman makes a third. The guardian is a widow with a grown up family, and is I think, a good guardian. She has an iron chair-bed for this woman, which I don't approve of, and I arranged with her that if she were to get an extension of her license she would get a proper iron bedstead. I recommend that in this case the Inspector of Poor be informed that an extension of the license will be given so as to legalise this patient's residence in the house.—R. L. *Board of Lunacy. Received* 10*th November*, 1887.

15*th November*, 1887.—Do as recommended in regard to the extension of the license—taking the course that is usual in the circumstances.—A. M.

21*st November*, 1887.—Wrote telling Inspector of Poor that Board's license is extended to three patients for Mrs. H—'s house.

2*nd February*, 1888.—Somewhat thin, and is at times fastidious about food; but fairly healthy. No mental change. The bed was provided as agreed.—R. L. *Board of Lunacy. Received* 16*th February*, 1888.

16*th February*, 1888.—Read.—A. M.

22*nd May*, 1888.—The guardian says that sometimes this woman is very restless and that when she is so she bustles about, and has struck the other patients. Her paroxysm seems to consist of a simple excess of nervous energy. At times she runs out with pitchers to the well and would go on carrying water till the house was flooded. The guardian says that at such times she has to prevent mischief, tied her to an arm-chair with a woollen cravat. I saw the cravat, and it and the healthy and at present happy condition of the patient showed that the amount of restraint she is subjected to is but slight. I urged the guardian to resort to this plan as little as possible, and, instead, to work off her excitement by plenty of exercise in the open air.—R. L. *Board of Lunacy. Received* 28*th May*, 1888.

30*th May*, 1888.—It seems to me that if it is ever necessary—that is, really necessary—to restrain a patient who is under care in a private dwelling, it should be concluded that the patient is not suited for that mode of treatment, and removal to an asylum should be called for. If restraint in unnecessarily resorted to in the case of such a patient, then the guardian should be considered an unsuitable person, and a change of guardian should be called for. I think I would very unwillingly accept anything as justifying a departure from these lines, but should like to have Dr. Lawson's views. In other words, I would like him to consider whether it would not be well to tell S—'s guardian that she must *never* restrain her ward, and that if she cannot be managed without restraint she should be sent to an asylum.—A.M.

7*th June*, 1888.—I am inclined to think that if the guardian were to be told authoritatively that the patient would be removed from her unless she discontinued her practice of fixing her when she is restless with a cravat, she would discontinue it. I think that the inspector of poor should be told that the guardian has been in the habit of tying the patient down with a woollen cravat during attacks of restlessness, that even this amount of retraint appears to be unnecessary, and that if restraint is really necessary the patient cannot be regarded as a suitable patient for treatment in a private dwelling; that he should be asked to inform the guardian that if she cannot manage the patient without fastening her the patient must be removed either to another guardian or to the asylum.—R. L.—*Board of Lunacy. Received* 9*th June*, 1888.

11*th June*, 1888.—Write as Dr. Lawson indicates.—J. S.

14*th June*, 1888.—Wrote.

20*th June*, 1916-88.—Inspector of poor writes: "The guardian informs me that the patient has considerably improved in her habits and that she will be able to manage her without having recourse to the mode of restraint specified."

23*rd June*, 1888.—Read.—J. S.

22*nd November*, 1888.—Was sitting at the fireside quite composed and comfortable. Satisfactory.—R. L.

27*th November*, 1888.—Read.—A. M.—*Board of Lunacy. Received* 27*th November*, 1888.

20*th February*, 1889.—Doing well. Never needs to be restrained in any way whatever.—R. L.—*Board of Lunacy. Received* 26*th February*, 1889.

1*st March*, 1889.—Read.—J. S.

22*nd November*, 1889.—Stout and healthy looking. Not nearly so restless since she began to get fatter.—R. L *Board of Lunacy. Received* 28*th November*, 1889.

30*th November*, 1889.—Read.—A. M.

19*th February*, 1890.—In one of her restless moods just now, but quite manageable. R. L.—*Board of Lunacy. Received* 26*th February*, 1890.

28*th February*, 1890.—Read.—J. S.

16*th October*, 1890.—She is now peculiar and restless on alternate days. Every other day she is quite active and cheerful. She is never visited by relatives.—R. L.—*Board of Lunacy. Received* 22*nd October*, 1890.

23*rd October*, 1890.—Read.—A. M.

7*th February*, 1901.—No mental change. Bodily health good. All wants supplied.—R. L.—*Board of Lunacy. Received* 17*th February*, 1891.

21*st February*, 1891.—Read.—J. S.

9*th February*, 1892.—Stout and well. No mental change.—R. L.—*Board of Lunacy. Received* 19*th February*, 1892.

23*rd February*, 1892.—Read.—A. M.

16*th November*, 1892.—No change.—R. L.—*Board of Lunacy. Received* 23*rd November*, 1892.

5*th December*, 1892.—Read.—J. S.

21*st February*, 1893.—Quite composed to-day and looking well and happy.—R. L.—*Board of Lunacy. Received* 23*rd February*, 1893.

25*th February*, 1893.—Read.—A. M.

24*th November*, 1893.—In one of her flighty moods to-day, but under no kind of restraint or seclusion, and causing no inconvenience to the guardian or her fellow-patients —R. L.—*Board of Lunacy. Received* 30*th November*, 1893.

5*th December*, 1893.—Read.—A. M.

7*th March*, 1894.—Is now more continually agitated and restless than she used to be. She does no harm, and her object seems to be just to tease people by laying hold of them, etc.—R. L.—*Board of Lunacy. Received* 15*th March*, 1894.

20*th March*, 1894.—Read.—J. S.

14*th August*, 1895.—Not so excited as formerly. No recommendations.—C. M.—*Board of Lunacy. Received* 19*th August*, 1895.

20*th August*, 1895.—Read.—J. S.

29*th February*, 1896.—Quieter in manner. Is suitably provided for in all respects.—J. F. S.—*Board of Lunacy. Received* 3*rd March*, 1896.

5*th March*, 1896.—Read.—J. F.

18*th December*, 1896.—An almost silent dement. Suitably provided for.—C. M.—*Board of Lunacy. Received* 23*rd December*, 1896.

24*th December*, 1896.—Read.—J. F.

29*th March*, 1897.—Mary (which is her real name) is in a very boisterous mood to-day, having long continued outbursts of laughter. She is causing no inconveniences and her guardian manages her kindly and judiciously. No recommendations.—C. M.—*Board of Lunacy. Received* 30*th March*, 1897.

2*nd April*, 1897.—Read.—J. F.

12*th November*, 1897.—No change.—C. M.—*Board of Lunacy. Received* 15*th November*, 1897.

19*th November*, 1897.—Read.—J. S.

11*th February*, 1898.—Mary is quiet to-day, but still takes boisterous turns, and has wild bursts of meaningless laughter. The guardian and the other patients are so accustomed to it that her conduct causes no annoyance, and I make no recommendations.—C. M.—*Board of Lunacy. Received* 15*th February*, 1898.

22*nd February*, 1898.—Read.—J. F.

5*th November*, 1898.—Inspector of poor intimates increase of allowance to 6s. 6d. per week.

30*th November*, 1898.—No change and no recommendations.—C. M.—*Board of Lunacy. Received* 5*th December*, 1898.

6*th December*, 1898.—Read—J. S.

14*th March*, 1899.—Boisterous but good-tempered, and is causing no annoyance. Her care is very satisfactory.—C. M.—*Board of Lunacy. Received* 20*th March*, 1899.

21*st March*, 1899.—Read.—J. F.

14*th December*, 1899.—No change and no recommendations.—C. M.—*Board of Lunacy. Received* 18*th December*, 1899.

22*nd December*, 1899.—Read.—J. M.

20*th April*, 1900.—A noisy boisterous Irishwoman. Very demented but generally good tempered. Her general health is good at present, and she appears to be well cared for.—C. M.—*Board of Lunacy. Received* 23*rd April*, 1900.

27*th April*, 1900.—Read.—J. M.

10*th October*, 1900—In good health and on the whole doing well. She is comfortably provided for and there are no recommendations.—C. M.—*Board of Lunacy. Received* 15*th October*, 1900.

17*th October*, 1900.—Read.—J. M.

11*th April*, 1901.—This woman was dining in bedroom with the other two patients. She would not eat her food (broth and bread), but tried to throw the contents of the bowl over me. She was shouting at the top of her voice and laughing. No recommendations.—J. M.—*Board of Lunacy. Received* 17*th April*, 1901.

18*th April*, 1901.—A doubtful case for a private dwelling, but no steps meanwhile.—J. F.

19*th December*, 1901.—Found patient in a quiet mood. I do not think she could be considered dangerous to the members of the family in which she resides or to her fellow patients.—J. F. S.—*Board of Lunacy. Received* 26*th December*, 1901.

27*th December*, 1901.—Read.—J. M.

9*th May*, 1902.—A "toucher" who is somewhat impulsive, but suitable so far as can be learned for a private dwelling, and it suitably provided for.—J. F. S.—*Board of Lunacy. Received* 21*st May*, 1902.

24*th May*, 1902.—Read.—J. F.

15*th December*, 1902.—Provision suitable.—J. F. S.—*Board of Lunacy. Received* 18*th December*, 1902.

19*th December*, 1902.—Read.—J. F.

19*th February*, 1903.—Doing well, in good health, and suitably provided for.—J. F. S.—*Board of Lunacy. Received* 23*rd February*, 1903.

28*th February*, 1903.—Read.—J. F.

10*th November*, 1903.—Has been fifteen years in this private dwelling, and has done well, and is suitably provided for.—J. F. S.—*Board of Lunacy. Received* 12*th November*, 1903.

13*th November*, 1903.—Read.—J. M.

14*th May*, 1904.—Provision suitable.—J. F. S.—*Board of Lunacy. Received* 17*th May*, 1904.

19*th May*, 1904.—Read.—J. F.

2*nd November*, 1904.—This chattering dement, who is both useless and helpless, is suitably provided for.—J. F. S.—*Board of Lunacy. Received* 8*th November*, 1904.

10*th November*, 1904.—Read.—J. F.

15*th February*, 1905.—Provision suitable.—J. F. S.—*Board of Lunacy. Received* 17*th February*, 1905.

20*th February*, 1905.—Read.—J. F.

8*th December*, 1905.—Provision suitable.—J. F. S.—*Board of Lunacy. Received* 11*th December*, 1905.

11*th December*, 1905.—Read.—J. F.

27*th February*, 1906.—Very insane and often noisy. but she is sensibly managed and annoys no one outside the house.—C. M.—*Board of Lunacy. Received* 28*th February*, 1906.

28*th February*, 1906.—Read.—J. M.

Case Record of H. M.

From Asylum. S. L. H. No. 481 for 3).

County—Fife. *Parish of Residence*—Markinch

Name of Patient	H. M.
Sex	Female.
Age of Patient in 1902	35.
Date of Intimation	17th August, 1893.
Married or Single?	Single.
Date of last Admisson to Asylum	17th August, 1893.
Date of last Removal from Asylum	29th November, 1902.
No. of Sanction	12310.
Parish of Liability	Dundee.
Amount of Parochial Allowance	6s. 6d. weekly; £16 18s. yearly.
Degree of Relationship to the proposed Guardian	None.
Name of Guardian	Mrs. Betsy Houston.
Residence of Guardian	West End, Milton of Balgonie, S. L. H. 481.

COPY STATEMENT BY THE PRINCIPAL MEDICAL OFFICER OF THE DUNDEE ROYAL ASYLUM.

1. Name of patient	H—— M——.
2. Whether paralytic	No.
3. Whether epileptic	No.
4. Whether suicidal	No.
5. Whether dangerous to others	No.
6. Whether violent or noisy	No.
7. Whether refusing food	No
8. Whether of uncleanly habits either by day or night	No.
9. Whether offensive to decency	No.
10. Whether capable of helping in household or other work	Yes.
11. Facts, if any, as regards the past history of the patient, such as indications of having been previously dangerous, which it is thought should be brought under the notice of those who are to have the charge and supervision of the patient.	The patient's mother stated that about a week before her admission she attempted to cut her throat with a knife. This suicidal element has not been shown during patient's residence here.

(Copy Signature) JAMES RORIE,
Principal Medical Officer.

Date, 14*th November*, 1902.

19*th February*, 1903.—This patient was seen by me in December last. She is a dement who talks a good deal. Her conversation is incoherent at times. She has the delusion moreover that she is *enceinte*. No suicidal tendency has been noted, and there was nothing in her expression to indicate depression. A comfortable bed in provided, and the care may be accepted as satisfactory.—J. F. S.—*Board of Lunacy. Received* 23*rd February*, 1903.

28*th February*, 1903.—Read.—J. F.

10*th November*, 1903.—Was seen in bed. She has taken to bed for a few days as "she expects to be confined." Is discontented, and anxious to get back to her friends. The home is a good one and the provision suitable.—J. F. S.—*Board of Lunacy. Received* 12*th November*, 1903.

13*th November*, 1903.—Read.—J. M.

14*th May*, 1904.—Provision suitable.—J. F. S.—*Board of Lunacy. Received* 17*th May*, 1904.

19*th May*, 1904.—Read.—J. F.

2*nd November*, 1904.—More settled in manner than she was a year ago. She is diligent with the wires, and is suitably provided for.—J. F. S.—*Board of Lunacy. Received* 8*th November*, 1904.

10*th November*, 1904.—Read.—J. F.

15*th February*, 1905.—Provision suitable.—J. F. S.—*Board of Lunacy. Received* 17*th February*, 1905.

20*th February*, 1905.—Read.—J. F.

8*th December*, 1905.—A first-rate knitter who is suitably provided for.—J. F. S.—*Board of Lunacy. Received* 11*th December*, 1905.

11*th December*, 1905.—Read.—J. F.

27*th February*, 1906.—Continues to do well and is suitably provided for.—C. M.—*Board of Lunacy. Received* 28*th February*, 1906.

28*th February*, 1906.—Read.—J. M.

CASE RECORD OF J. S. OR S.

Not from Asylum. S. L. H. No. 481 (for 3).

County—Fife.	*Parish of Residence*—Markinch.
Name of Patient	J. S. or S.
Sex	Female.
Age of Patient in 1893	54.
Date of Intimation	10th November, 1884.
Married or Single?	Married.
Ever under Asylum Treatment?	Yes.
Date of last Removal from Asylum	22nd May, 1893.
No. of Sanction	9595.
Parish of Liability	Dundee.
Amount of Parochial Allowance	(1898) 6s. 6d. a week ; £16 18s. a year
Degree of Relationship to the Proposed Guardian	Stranger.
Name of Guardian	Mrs. Houston.
Residence of Guardian	Milton of Balgonie, S. L. H. 481.

EXTRACTS FROM MEDICAL CERTIFICATES, NOVEMBER, 1884.—Thinks that people in the garret above pour down poison upon her head. Has the delusions that she hears people in Australia speaking to her. Often becomes outrageous and beyond control.

22*nd May*, 1893.—Became single patient upon removal from the licensed wards of Dundee West Poorhouse.

21*st November*, 1893.—A strong energetic woman who works actively at housework, but stops every now and then to give loud but inoffensive expression to her delusions. She mistakes identities and disowns her own name. At night she talks and sings for a bit and then goes off quietly to sleep. She gets on well amongst the other patients, and is tractable and not disposed to wander.—R. L.—*Board of Lunacy. Received* 30*th November*, 1893.

4*th December*, 1893.—Read.—A. M.

7*th March*, 1894.—Very demented and full of strange notions ; but amiable and kindly.—R. L.—*Board of Lunacy. Received* 15*th March*, 1894.

20*th March*, 1894.—Read.—J. S.

14*th August*, 1895.—No change ; no recommendations. C. M.—*Board of Lunacy. Received* 19*th August*, 1895.

20*th August*, 1895.—Read.—J. S.

29*th February*, 1896.—Suitably provided for.—J. F. S.—*Board of Lunacy. Received* 8*th March*, 1896.

3*rd March*, 1896.—Read.—J. F.

18*th December*, 1896.—Very demented and full of delusions. Calls herself Kinloch of Kinloch. Well cared for.—C. M.—*Board of Lunacy. Received* 23*rd December*, 1896.

24*th December*, 1896.—Read.—J. F.

29*th March*, 1897.—No mental or bodily change.—C. M. —*Board of Lunacy. Received* 30*th March*, 1897

2*nd April*, 1897.—Read.—J. F.

12*th November*, 1897.—Talkative, full of delusions, and easily irritated. Her guardian knows her ways and manages her with tact.—C. M.—*Board of Lunacy. Received* 15*th November*, 1897.

19*th November*, 1897.—Read.—J. S.

11*th February*, 1898.—No change.—C. M.—*Board of Lunacy. Received* 15*th February*, 1898.

22*nd February*, 1898.—Read.—J. F.

5*th November*, 1898.—Inspector of poor intimates increase of allowance to 6s. 6d. per week.

30*th November*, 1898.—Doing well at present. No recommendations.—*Board of Lunacy. Received* 5*th December*, 1898.

6*th December*, 1898.—Read.—J. S.

14*th March*, 1899.—Found busy at the washing tub. She is in good health but still has delusions of identity. She is well cared for and is pleased with her home.—C. M. —*Board of Lunacy. Received* 20*th March*, 1899.

21*st March*, 1899.—Read.—J. F.

14*th December*, 1899.—Doing well.—No recommendations.—C. M.—*Board of Lunacy. Received* 18*th December*, 1899.

22*nd December*, 1899.—Read.—J. M.

20*th April*, 1900.—Irritable at times, when she swears a good deal. She has delusions about money matters. Generally she is active and useful and has been a kind and attentive nurse to her fellow patient, Mrs. P——. She has a very good home.—C. M.—*Board of Lunacy. Received* 23*rd April*, 1900.

27*th April*, 1900.—Read.—J. M.

10*th October*, 1900.—No change and no recommendations. —C. M.—*Board of Lunacy. Received* 15*th October*, 1900.

17*th October*, 1900.—Read.—J. M.

11*th April*, 1901.—Guardian informed me that patient is useful and very friendly with herself. She swore at me profusely and expressed various delusions. I should think, judging from her appearance, that she is suitably fed and that she is able to look after her own interests in the household.—J. M.—*Board of Lunacy. Received* 17*th April*, 1901.

18*th April*, 1901.—Read.—J. F.

19*th December*, 1901.—The only patient of the three who is useful. Provision suitable.—J. F. S.—*Board of Lunacy. Received* 26*th December*. 1901.

27*th December*, 1901.—Read.—J. M.

9*th May*, 1902.—Provision suitable.—J. F. S.—*Board of Lunacy. Received* 21*st May*, 1902.

24*th May*, 1902.—Read.—J. F.

16*th December*, 1902.—Provision suitable.—J. F. S.— *Board of Lunacy. Received* 18*th December*, 1902.

19*th December*, 1902.—Read.—J. F.

19*th February*, 1903.—In good health, doing well, and suitably provided for.—J. F. S.—*Board of Lunacy. Received* 23*rd February*, 1903.

28*th February*, 1903.—Read.—J. F.

10*th November*, 1903.—Provision suitable.—J. F. S.— *Board of Lunacy. Received* 12*th November*, 1903.

13*th November*, 1903.—Read.—J. M.

14*th May*, 1904.—Provision suitable.—J. F. S.— *Board of Lunacy. Received* 17*th May*, 1904.

19*th May*, 1904.—Read.—J. F.

2*nd November*, 1904.—Healthy, useful, and suitably provided for.—J. F. S.—*Board of Lunacy. Received* 8*th November*, 1904.

10*th November*, 1904.—Read.—J. F.

15*th February*, 1905.—Provision suitable.—J. F. S.— *Board of Lunacy. Received* 17*th February*, 1905.

20*th February*, 1905.—Read.—J. F.

8*th December*, 1905.—Provision suitable.—J. F. S.— *Board of Lunacy. Received* 11*th December*, 1905.

11*th December*, 1905.—Read.—J. F.

27*th February*, 1906.—A dour, sullen-looking woman who regards everyone coming to the house with suspicion, and sometimes gives expression to her opinions in language more pointed than polite. But she is useful in the house and quite friendly with the guardian. She is in good health and well clad.—C. M.—*Board of Lunacy. Received* 28*th February*, 1906.

28*th February*, 1906.—Read.—J. M.

2. SPECIALLY LICENSED HOUSE OF MRS. ARCHIBALD ADAMS, LESMAHAGOW.

County—Lanark. *Parish in which situated*—Lesmahagow.

Specially Licensed House of	Mrs. Archibald Adams.
Address	Dublin Rows, Kirkfieldbank, Lesmahagow.
Applicant for Licence	The Inspector of Poor, Glasgow.
Date when granted	7th December, 1897.
Number in Register	1192.
Number for which licensed	4.

Patients Resident, and Parishes of Chargeability.

A. B., chargeable to Glasgow.
E. Y. or S., chargeable to Glasgow.
H. McF., chargeable to Glasgow.
A. McG., chargeable to Glasgow.

General Reports, Minutes, &c.

28*th December*, 1898.—Two patients sleep in a room of 784 cubic feet capacity (14 l. by 7 b. by 8 h.), the third occupies a small room. They all feed at the same table and have the free run of the house, which is a commodious one. There is no family, husband and guardian being the sole occupants. Guardian wishes a fourth. Provided a suitable patient is got, and a new stair takes the place of the present break-neck one, which one of the three who sleeps upstairs has difficulty in scaling, it might be favourably considered. The room upstairs is 15 l. by 7 b. by 7 h. = 735 cubic feet. She is agreeable to put in a new stair if a fourth is granted. Am disposed to recommend it on the two conditions referred to being given effect to.—J. F. S.

4*th January*, 1899.—I do not think the Board should recommend the introduction of a fourth patient—J. S.

6*th January*, 1899.—That was not the idea, but rather that if the inspector of poor asked for a licence for four it should be granted on the ground that the sleeping accommodation of the third would be vastly improved by the addition of a new stair, and the occupancy of a better room.—J. F. S.

9*th January*, 1899.—No steps at present.—J. S.

29*th March*, 1899.—A new wooden stair now gives access to the attic room of 735 cubic feet. Found attic unoccupied and the three patients in the room on the ground floor of 784 cubic feet capacity, one sleeping on a mattress on the floor, the excuse given being that patient might fall out of bed at night. This is not likely, the truer explanation being that three bedsteads could not be set up in the small room. One of the patients is to be removed to the room upstairs, now reached by a safe stair. Guardian still speaks of a fourth, but meanwhile I am not disposed to recommend it.—J. F. S.

8*th April*, 1899.—No steps. Dr. Sutherland makes no recommendation as to a bedstead for the patient who sleeps on the floor.—J. F.

28*th November*, 28606/1899.—Inspector of poor writes that he has received a letter from Mrs. A. in which she states that in a conversation she had with deputy commissioner he had stated that if she put a new stair leading from the first floor to the second that it would be possible that he would have no objections to her receiving another patient. If this is so, inspector of poor asks if Board would grant an extended licence necessary for such a step.

30*th November*, 1899.—Send to Dr. Sutherland.— T. W. L. S.

Eo die sent Dr. Sutherland.

4*th December*, 1899.—Provided the fourth is in all respects a suitable patient I am disposed to accede to a

licence for four. The introduction of the new stair at some expense to guardian improved vastly the position of all three. Regarding Commissioner Fraser's minute of 8th April, I should say there was no need of recommending a bedstead as there was one in the attic room to which she was to be removed after my visit.—J. F. S.—*Board of Lunacy. Received 5th December*, 1899.

8th December, 1899.—Grant extension.—J. M.

18th December, 1899.—Wrote that Board will sanction reception of a fourth patient who should be carefully selected.

(Note extension of licence to four). T. W. L. S.

Noted.

19th December, 1899.—No remarks.—J. F. S.

28th December, 1899.—Read.—J. M.

25th April, 1900.—In this special licensed house for four, two of the patients feed at same table as guardian, who has no family, two do not, one being bed-ridden, and the other disgusting at meals. Two sleep in a tidy room of 784 cubic feet, one in an attic room of 730 cubic feet, and one on a sofa in a commodious kitchen, guardian herself occupying the bed in the kitchen. Guardian's sole work is looking after her four charges, and she does it well.—J. F. S.

3rd May, 1900.—Satisfactory.—J. F.

14th December, 1900.—The sofa bed is no longer in use. The patient who slept in it—A. B.—has now been provided with a bed in an attic room 12 l. by 8 b. by 6 h.—J. F. S.

28th December, 1900.—Read.—J. M.

19th February, 1901.—A comfortable house and a kindly guardian. One patient is always in bed and another (B.) is too degraded in her habits to sit at table properly. A. M. takes all her meals at guardian's table, and Mrs. S. does so occasionally. The patients receive a great deal of attention and are almost constantly in the guardian's society.—C. M.

25th February, 1901.—Read.—J. F.

18th October, 1901.—Very satisfactory.—C. M.—*Board of Lunacy. Received 25th October*, 1901.

28th October, 1901.—Read.—J. F.

25th February, 1902.—No change.—C. M.—*Board of Lunacy. Received 27th February*, 1902.

27th February, 1902.—Read.—J. M.

17th September, 1902.—Satisfactory.—C. M.—*Board of Lunacy. Received 19th September*, 1902.

23rd September, 1902.—Read.—J. F.

19th February, 1903.—No change.—C. M.—*Board of Lunacy. Received 20th February*, 1903.

23rd February, 1903.—Read.—J. F.

5th November, 1903.—No change.—C. M.—*Board of Lunacy. Received 9th November*, 1903.

12th November, 1903.—Read.—J. M.

17th March, 1904.—A most satisfactory house.—C. M.—*Board of Lunacy. Received 21st March*, 1904.

23rd March, 1904.—Read.—J. F.

30th November, 1904.—C. M.—*Board of Lunacy. Received 5th December*, 1904.

7th December, 1904.—J. M.

22nd March, 1905.—C. M.—*Board of Lunacy. Received 25th March*, 1905.

4th October, 1905.—C. M.—*Board of Lunacy. Received 9th October*, 1905.

27th March, 1906.—J. F. S.—*Board of Lunacy. Received 20th March*, 1906.—J. F.

CASE RECORD OF A. B.

County—Lanark. *Parish of Residence*—Lesmahagow.

From Asylum. S. L. H. 1192, (for 4).

Name of Patient	A. B.
Sex	Female.
Age of Patient in 1898	36.
Date of Intimation	9th September, 1881
Married or Single?	Single.
Date of last Admission to Asylum	15th May, 1897
Date of last Removal from Asylum	4th July, 1898.
No. of Sanction	11,074.
Parish of Liability	Glasgow.
Amount of Parochial Allowance	9s. weekly, £23 8s. yearly.
Degree of Relationship to the proposed Guardian	Stranger.
Name of Guardian	Mrs. Archibald Adams.
Residence of Guardian	Dublin Rows, Kirkfieldbank, S. L. H. 1192.

COPY STATEMENT BY THE PRINCIPAL MEDICAL OFFICER OF THE GLASGOW DISTRICT ASYLUM.

From Asylum. S. L. H. 1 192, (for 4).

1. Name of patient	A.B.
2. Whether paralytic	No.
3. Whether epileptic	No.
4. Whether suicidal	No.
5. Whether dangerous to others	No.
6. Whether violent or noisy	No.
7. Whether refusing food	No.
8. Whether of uncleanly habits either by day or night	At one time was, but is not so now.
9. Whether offensive to decency	No.
10. Whether capable of helping in household or other work	Very little.
11. Facts, if any, as regards the past history of the patient, such as indications of having been previously dangerous, which it is thought should be brought under the notice of those who are to have the charge and supervision of the patient	None; patient is quiet and harmless, and good-natured.

(Copy Signature) L. R. OSWALD.
Principal Medical Officer.

Date *6th July*, 1898.

4th November, 1886.—Became single patient upon removal from Glasgow Parochial Asylum.

"She is nearly idiotic; screams wildly without apparent cause; tries to bite and is dangerous. I could not induce her to answer any question."—*Medical Certificates September*, 1881.

23rd February, 1887.—Idiotic but clean in her habits. She screams a good deal and is rather restless at night. On the whole, however, she is a suitable patient, and has a suitable home.—R. L.—*Board of Lunacy. Received*, *3rd March*, 1887.

4th March, 1887.—Read.—J. S.

4th November, 1887.—Doing well. She is somewhat messy at night, slavering on the pillow and such like. Notwithstanding that, at my last visit, I remonstrated about her sharing a bed with another woman and I was promised that each patient would have a bed to herself. I again find that H. M. is occupying the same bed as this idiot girl. I recommend that the inspector of poor be informed that unless each patient in this house is provided with a bed for herself the licence will be reduced to one for three, and the removal of one of the patients will be required. His attention should be drawn to the letter addressed to him on 16th October, 1886, and he should be told that to prevent the discomfort of the patients, and the risk of sending more patients into a house and a neighbourhood than is judicious, this rule must be strictly enforced unless where an exception is made by the special permission of the Board.—R. L.—*Board of Lunacy. Received 10th November*, 1887.

5th December, 1887.—Inform inspector of poor that this patient who sleeps with H. M. must, in consequence of her habits and condition, be provided with a separate bed, and remind him of Board's letter of 18th October, 1886, on the subject generally of separate beds for patients in private dwellings.—A. M.

5th December, 1887.—Wrote.

19th December, 466/1887.—Inspector of poor has a letter from Mrs. J. W. saying that her patients have been provided "with separate beds and are very comfortable."

20th December, 1887.—Read.—J. S.

23rd February, 1888.—Now sleeps by herself. In good condition mentally, and physically she is somewhat improved.—R. L.—*Board of Lunacy. Received 6th March*, 1888.

6th March, 1888.—Read.—J. S.

25th October, 1888.—Doing well, no requirements. R. L.—*Board of Lunacy. Received 30th October*, 1888.

2nd November, 1888.—Read.—J. S.

20th March, 1889.—Doing well. Suitably provided for.—R. L.—*Board of Lunacy. Received 26th March*, 1889.

28th March, 1889.—Read.—J. S.

12th November, 1889.—Suitably provided for. Bodily health good.—R. L.—*Board of Lunacy. Received 19th November*, 1889.

19th November, 1889.—Read.—J. S.

27th February, 1890.—Imbecile but clean.—R. L.—*Board of Lunacy. Received 4th March*, 1890.

5th March, 1890.—Read.—J. S.

9th October, 1890.—No change. Suitably provided for.—R. L.—*Board of Lunacy. Received 15th October*, 1890.

15th October, 1890.—Read.—A. M.

21st March, 1891.—Stout and in good health. Well nursed and cheerful.—R. L.—*Board of Lunacy. Received 25th March*, 1891.

3rd April, 1891.—Read.—J. S.

23rd October, 1891.—Well attended to.—R. L.—*Board of Lunacy. Received 26th October*, 1891.

27th October, 1891.—Read.—J. S.

14th April, 1892.—No change.—R. L.—*Board of Lunacy. Received 20th April*, 1892.

22nd April, 1892.—Read.—J. S.

5th November, 1892.—No change.—R. L.—*Board of Lunacy. Received 9th November*, 1892.

9th November, 1892.—Read.—J. S.

20th June, 1893.—Degraded and useless; but comfortably kept.—R. L.—*Board of Lunacy. Received 23rd June*, 1893.

30th June, 1893.—Read.—A. M.

25th November, 1893.—Well attended to. All wants supplied.—R. L.—*Board of Lunacy. Received 30th November*, 1893.

1st December, 1893.—Read.—A. M.

23rd March, 1894.—No change. Useless, but well attended to.—R. L.—*Board of Lunacy. Received 27th March*, 1894.

28th March, 1894.—Read.—J. S.

September 11th, 1895.—Well looked after in every way. Health good.—*Board of Lunacy. Received 17th September*, 1895.—J. B. T.

18th September, 1895.—Read.—J. F.

9th May, 1896.—No change. See C. R. of H——M——.—C. M.—*Board of Lunacy. Received 26th May*, 1896.

28th May, 1896.—V. C. recommends the licence to be reduced to two when vacancies occur, the room for patients being only sufficient for two.—J. F.

30th December, 1896.—No change.—C. M.—*Board of Lunacy. Received, 6th January*, 1897.

18th January, 1897.—Read.—J. S.

1st April, 1897.—Useless and requires much attention. She is sometimes noisy at night but not so much so as when first boarded out.—C. M.—*Board of Lunacy. Received 5th April*, 1897.

7th April, 1897.—Read.—J. F.

21st May, 1897.—Inspector of poor intimates patient's removal to Glasgow District Asylum on the 15th instant.

24th May, 1897.—Read.—J. S.

4th July, 1898.—Again became single patient upon removal from Glasgow District Asylum.

28th December, 1898.—Sleeps upstairs in a room reached by a break-neck kind of a stair which guardian is agreeable to replace if she got a fourth to share this room of 735 cubic feet capacity. Habits at night have greatly improved, but she is now said to be destructive of bedclothes at night. Care is satisfactory.—J. F. S.—*Board of Lunacy. Received 4th January*, 1899.

29th March, 1899.—Found this patient sharing the room of the other two which is too small, having only a cubic capacity of 784 cubic feet. This is to be rectified at once, one of the three going to the attic room. Otherwise is suitably provided for.—J. F. S.—*Board of Lunacy Received 4th April*, 1899.

8th April, 1899.—Read.—J. F.

19th December, 1899.—Suitably provided for, and having a bed in an attic room of 735 cubic feet.—J. F. S.—*Board of Lunacy. Received 26th December*, 1899.

28th December, 1899.—Read.—J. M.

25th April, 1900.—This patient sleeps on a sofa in kitchen. Owing to disgusting habits at meals she does not partake of meals at same table as guardian. Care continues satisfactory.—J. F. S.—*Board of Lunacy. Received 2nd May*, 1900.

3rd May, 1900.—The sofa, it is concluded, forms a comfortable bed. My experience of hotel sofas is the reverse.—J. F.

14th December, 1900.—Patient has now a comfortable bed in an attic room, 12 l. by 8 b. by 6 h. =576 cubic feet, and is otherwise suitably provided for.—J. F. S.—*Board of Lunacy. Received 18th December*, 1900.

28th December, 1900.—Read.—J. M.

19th February, 1901.—Patient looks better than she did when I last saw her four years ago, but still requires constant attention. She is sometimes noisy, but the other patients say she does not disturb them. She is, I think, in a *good home and bears every indication of intelligent care*.—C. M.—*Board of Lunacy. Received 22nd February*, 1901.

25th February, 1901.—Read.—J. F.

18th October, 1901.—No mental or bodily change. Care continues satisfactory. She is under careful and kindly guardianship.—C. M.—*Board of Lunacy. Received 25th October*, 1901.

25th October, 1901.—Read.—J. F.

25th February, 1902.—Stout and healthy looking, but very clumsy in her movements. She is now said to be quite cleanly, and the conditions of her bed confirms the statement. She is under good and kindly guardianship.—C. M.—*Board of Lunacy. Received 27th February*, 1902.

27th February, 1902.—Read.—J. M.

17th September, 1902.—Continues to do well, and is well cared for. No recommendations.—C. M.—*Board of Lunacy. Received 19th September*, 1902.

23rd September, 1902.—Read.—J. F.

19th February, 1903.—Care continues satisfactory and there are no recommendations.—C. M.—*Board of Lunacy. Received 20th February*, 1903.

23rd February, 1903.—Read.—J. F.

5th November, 1903.—Very delicate and has been very helpless for several months. She has been well nursed and

is now improving, and bears every evidence of kindly and intelligent care.—C. M.—*Board of Lunacy. Received 9th November*, 1903.

12*th November*, 1903.—Read.—J. M.

17*th March*, 1904.—A very helpless patient, excellently cared for.—C. M.—*Board of Lunacy. Received 21st March*, 1904.

23*rd March*, 1904.—Read.—J. F.

30*th November*, 1904.—Very demented. She requires and gets a great deal of attention.—C. M.—*Board of Lunacy. Received 5th December*, 1904.

7*th December*, 1904.—Read.—J. M.

22*nd March*, 1905.—No change.—C. M.—*Board of Lunacy. Received 25th March*, 1905.

27*th March*, 1905.—Read.—J. M.

24*th May*, 1905.—Inspector of poor, Glasgow, intimates that as patient requires more attention the weekly allowance has been increased from 8s. to 9s.

4*th October*, 1905.—Very helpless and demented. Care continues to be very satisfactory.—C. M.—*Board of Lunacy. Received 9th October*, 1905.

9*th October*, 1905.—Read.—J. M.

27*th March*, 1906.—Provision very suitable.—J. F. S.—*Board of Lunacy. Received 29th March*, 1906

29*th March*, 1906.—Read.—J. F.

Case Record of H. McF.

From Asylum. S. L. H. No. 1192 (for 4.)

County—Lanark.	*Parish of Residence*—Lesmahagow.
Name of Patient	H. McF.
Sex	Female.
Age of Patient in 1904	69.
Date of Intimation	2nd April, 1901.
Married or Single?	Single.
Date of last Admission to Asylum	2nd April, 1901.
Date of last Removal from Asylum	24th May, 1904.
No. of Sanction	12,747.
Parish of Liability	Glasgow.
Amount of Parochial Allowance	7s. weekly, £18 4s. yearly.
Degree of Relationship to the proposed Guardian	None.
Name of Guardian	Mrs. Archibald Adams.
Residence of Guardian	Dublin Row, Kirkfieldbank, S. L. H. 1,192.

Copy Statement by the Principal Medical Officer of the Glasgow District Asylum, Gartloch.

1. Name of patient	H. McF.
2. Whether paralytic	No.
3. Whether epileptic	No.
4. Whether suicidal	No.
5. Whether dangerous to others	No.
6. Whether violent or noisy	No.
7. Whether refusing food	No.
8. Whether of uncleanly habits either by day or night	No.
9. Whether offensive to decency	No.
10. Whether capable of helping in household or other work	Yes.
11. Facts, if any, as regards the past history of the patient, such as indications of having been previously dangerous, which it is thought should be brought under the notice of those who are to have the charge and supervision of the patient	

(Copy Signature) W. A. Parker.
Principal Medical Officer.

Date, 25*th May*, 1904.

30*th November*, 1904.—This old woman did very well since coming here and was useful about the house, and used to go regularly to church with guardian, but about four weeks ago she had influenza and is still in bed. She is in a condition of melancholia with some excitement and has delusions. She says she cannot get up, that she is 120 years old, that her father and mother are in the house, etc. She is being very well looked after by guardian, and I have seen the medical officer and discussed treatment with him. She will probably soon get back to her usual mental state and there is no need for any interference.—C. M.—*Board of Lunacy. Received 5th December*, 1904.

7*th December*, 1904.—Read.—J. M.

22*nd March*, 1905.—Very much improved.—She is now bright and cheerful and inclined to be hilarious. She is in a good home and very well cared for.—C. M.—*Board of Lunacy. Received 25th March*, 1905.

27*th March*, 1905.—Read.—J. M.

4*th October*, 1905.—No change.—C. M.—*Board of Lunacy. Received 9th October*, 1905.

9*th October*, 1905.—Read.—J. M.

27*th March*, 1906.—Provision very suitable.—J. F S.—*Board of Lunacy. Received 29th March*, 1906.

29*th March*, 1906. —Read.—J. F.

Case Record of A. McG.

County—Lanark	*Parish of Residence*—Lesmahagow.
Name of Patient	A. McG.
Sex	Female.
Age of Patient in 1906	20.
Date of Intimation	12th February, 1906.
Married or Single?	Single.
Ever under Asylum Treatment?	No.
Date of last Removal from Asylum	—
No. of Sanction	13,303.
Parish of Liability	Glasgow
Amount of Parochial Allowance	7s. weekly, £18 4s. yearly.
Degree of Relationship to the proposed Guardian	None.
Name of Guardian	Mrs. Archibald Adams.
Residence of Guardian	Dublin Rows, Kirkfieldbank, S.L.H. 1,192.

EXTRACT FROM THE STATEMENT BY THE INSPECTOR OF POOR ON FORM D.

1 Name of patient	A. McG.
2. Whether paralytic	No.
3. Whether epileptic	No.
4. Whether suicidal	No.
5. Whether dangerous to others	No.
6. Whether violent or noisy	No.
7. Whether refusing food	No.
8. Whether of uncleanly habits either by day or night	No.
9. Whether offensive to decency	No.
10. Whether known to be a parent	No.
11. Whether capable of helping in household or other work	Yes.

Date, 13*th February*, 1906.

EXTRACTS FROM MEDICAL CERTIFICATES, FEBRUARY, 1906.—She is weak minded, being dull and apathetic in manner and appearance, and being defective in general intelligence, in capacity of conducting herself properly. She is quiet and easily managed and free from objectionable habits.

27*th March*, 1906.—I take it that this female was one of 200 resident in Barnhill Poorhouse whom inspector of poor, Glasgow, intends to have certified soon, and placed in licensed wards or boarded out. She is certifiable, being "soft," and imbecile. Palate is narrow and vaulted. She is stout, healthy, and of pleasing appearance. Warned guardian of sexual risk. Provision is very suitable.—J. F. S.—*Board of Lunacy. Received* 29*th March*, 1906.

29*th March*, 1906.—Read.—J. F.

CASE RECORD OF E. Y. OR S.

County—Lanark.	*Parish of Residence*—Lesmahagow.
Name of Patient	E. Y. or S
Sex	Female.
Age of Patient in 1898	36.
Date of Intimation	18th July, 1886
Married or Single?	Married.
Date of last Admission to Asylum	16th December, 1896.
Date of last Removal from Asylum	7th July, 1898.
No. of Sanction	11,080.
Parish of Liability	Glasgow.
Amount of Parochial Allowance	7s. weekly, £18 4s. yearly.
Degree of Relationship to the proposed Guardian	Stranger.
Name of Guardian	James Fraser.
Residence of Guardian	Chestnut Cottage, Hazelbank.

3*rd April*, 1900.—Now with Mrs. Archibald Adams, Kirkfieldbank, Lesmahagow, S. L. H. 1,192.

COPY STATEMENT BY THE PRINCIPAL MEDICAL OFFICER OF THE GLASGOW DISTRICT ASYLUM.

1. Name of patient	E. Y. or S.
2. Whether paralytic	No.
3. Whether epileptic	No.
4. Whether suicidal	No.
5. Whether dangerous to others	No.
6. Whether violent or noisy	No
7. Whether refusing food	No.
8. Whether of uncleanly habits either by day or night	Not while here; requires a little looking after
9. Whether offensive to decency	No.
10. Whether capable of helping in household or other work	Yes, when she likes.
11. Facts, if any, as regards the past history of the patient, such as indications of having been previously dangerous, which it is thought should be brought under the notice of those who are to have the charge and supervision of the patient	None.

(Copy Signature) L. R. OSWALD.
Principal Medical Officer.

Date, 11*th July*, 1898.

28*th December*, 1898.—An alcoholic dement whose habits are somewhat dirty, but is said to be improving. If these habits are not entirely corrected she should not be allowed to share M. C.'s bed. Is giving to swearing at times, but is useful in small ways, and rocks the cradle. Is unwell every month. Warned guardian of sexual risk. Takes her meals with other patient in bedroom 12 l. by 10 b. by 8 h. = 960 cubic feet. It could not be otherwise, there being in this house, licensed for two patients, a young family of six, the eldest thirteen, and youngest three months. Attached to house is an orchard of one acre, in which patient takes exercise. Care is satisfactory, but I have the feeling that the family is both too young and too large to admit some of the main conditions of a licence being given effect to.—J. F. S.—*Board of Lunacy. Received 4th January*, 1899.

4*th January*, 1899.—Write calling for provision of separate beds.—J. S.

10*th January*, 1899.—Wrote.

14*th January*, 27136/1899.—Inspector of poor replies that he has instructed guardian to make the necessary arrangements suggested by Board.

19*th January*, 1899.—Read. J. S.

31*st January*, 27216/1899.—Inspector of poor replies further intimating that Board's instructions have been carried out.

1*st February*, 1899.—Read.—J. F.

30*th March*, 1899.—Found her diligently scrubbing floor. At the menstrual period she has "high turns," but on the whole is easily managed and coaxed. The separate beds are on the eve of being provided. No steps.—J. F. S.—*Board of Lunacy. Received 4th April*, 1899.

6*th April*, 1899.—Read.—J. F.

19*th December*, 1899.—Guardian says she still has "high turns," when she uses obscene language, and shouts at the pitch of her voice. She was quiet when I saw her. Guardian is not anxious to keep her, which is not to be wondered at. Such a patient is objectionable to another decent patient as well as to the members of a respected family. Inform inspector of poor of what guardian told Deputy-Commissioner so that the matter may have his attention at next visit.—J. F. S.—*Board of Lunacy. Received 26th December*, 1899.

27*th December*, 1899.—Write to inspector of poor, and inform him that guardian complains of language of patient. Ask him to make inquiries at his next visit as to suitability of patient for this or any other private dwelling.—J. M.

29*th December*, 1899.—Wrote to inspector of poor that deputy-Commissioner reports that the language used by the patient sometimes is such as to make it undesirable that she should be boarded in a house in which there are children, and that the guardian seems disinclined to keep her. Requested him to make inquiries as suggested as to whether the habit referred to unfits her for this house, or for private care unless in special surroundings.

(It should not be forgotten that there are "decent" patients, and others, in asylums as well as in private dwellings, and that removal to the asylum will not impose silence upon her evil tongue.)—T. W. L. S.

2*nd January*, 28772-1900.—Inspector of poor replies that the matter will have his attention the first time the patient is visited.

3*rd January*, 1900.—Keep in view.—J. F.

12*th April*, 1900.—Inspector of poor of date 4th April intimates "that patient has been removed to care of Mrs. A. A. (specially licensed house 1,192) at D——, R——, K——, Lesmahagow, on 3rd instant. Former guardian's house is being renovated, and he requested patient's removal."—J. F. S.—*Board of Lunacy. Received, 2nd May*, 1900.

25*th April*, 1900.—I have the feeling that whether in a private dwelling or in an asylum no decent, well-behaved, and sensitive patient should be placed alongside of a swearer. If segregation cannot be effected such a patient should be placed among those who either do not understand the significance of oaths, or are not disturbed by them. In her new quarters the habit is not bad, evidently, so it may be that the children of former home upset her. In this specially licensed house there are no children. This patient and A. M. take their meals at same table as guardian, the other two do not, one being bed-ridden, and the other has habits of a somewhat disgusting nature when feeding. Care continues satisfactory. Patient sleeps in attic room, which was clean, and had a comfortable bed. J. F. S.—*Board of Lunacy. Received 2nd May*, 1900.

3*rd May*, 1900—Read.—J. F.

Change of residence sanctioned.

14*th December*, 1900.—Is suitably provided for in all respects.—J. F. S.—*Board of Lunacy. Received* 18*th December*, 1900.

28*th December*, 1900.—Read.—J. M.

19*th February*, 1901.—Very confused mentally, and talks a lot of nonsense. Can knit fairly well. General health is good, and she appears to be well-cared for and much in the society of the guardian.—C. M.—*Board of Lunacy. Received 22nd February*, 1901.

25*th February*, 1901.—Read.—J. F.

18*th October*, 1901.—Still occasionally excited and noisy, but seems on the whole to have changed for the better since she has been in this house. Her care is very satisfactory. —C. M.—*Board of Lunacy. Received* 25*th October*, 1901.

28*th October*, 1901.—Read.—J. F.

25*th February*, 1902.—Doing better. Periods of excitement are less frequent and she makes herself useful and is generally agreeable in the house.—C. M.—*Board of Lunacy. Received* 27*th February*, 1902.

27*th February*, 1902.—Read. J. M.

17*th September*, 1902.—Patient continues free from excitement, is in good health and making herself useful. Care is satisfactory.—C. M.—*Board of Lunacy. Received* 19*th September*, 1902.

23*rd September*, 1902.—Read.—J. F.

19*th February*, 1903.—Excited at times, but very quiet and pleasant to-day and busy knitting stockings and apparently doing it well. She is clean and tidy and is said to be quite correct in her habits now. Her care is very satisfactory.—C. M.—*Board of Lunacy. Received* 20*th February*, 1903.

23*rd February*, 1903.—Read.—J. F.

5*th November*, 1903.—Just got over one of her excited periods and is now pleasant and active about housework. She is clean and neatly dressed. There are no recommendations.—C. M.—*Board of Lunacy. Received* 9*th November*, 1903.

12*th November*, 1903.—Read.—J. M.

17*th March*, 1904.—No change.—C. M.—*Board of Lunacy. Received* 21*st March*, 1904.

23*rd March*, 1904.—Read.—J. F.

30*th November*, 1904.—Fairly well at present and very pleasant, and useful in the house when she is well. But she has frequent attacks of subacute excitement, when she requires tactful management. She has a suitable home.—C. M.—*Board of Lunacy. Received* 5*th December*, 1904.

7*th December*, 1904.—Read.—J. M.

22*nd March*, 1905.—Is passing through one of her excited attacks at present and is very confused mentally. Guardian understands her and manages her very judiciously. No recommendations.—C. M.—*Board of Lunacy. Received* 25*th March*, 1905.

27*th March*, 1905.—Read.—J. M.

4*th October*, 1905.—Fairly well at present, very amiable, and working well about the house.—C. M.—*Board of Lunacy. Received* 9*th October*, 1905.

9*th October*, 1905.—Read.—J. M.

27*th March*, 1906.—Provision very suitable.—J. F. S —*Board of Lunacy. Received* 29*th March*, 1906.

29*th March*, 1906.—Read.—J. F.

3. SPECIALLY LICENSED HOUSE OF JOHN McONIE, GARTMORE.

County.—Perth	*Parish in which situated.*—Port of Monteith.
Specially Licensed House of	John McOnie.
Address	The Square, Gartmore.
Applicant for Licence	Inspector of Poor, Glasgow
Date when granted	1st February, 1898.
Number in Register	1197.
Number for which Licensed	4.

Patients Resident, and Parishes of Chargeability.

I. L. or A., chargeable to Glasgow.
H. C., chargeable to Glasgow.
M. A., chargeable to Glasgow.
S. H., chargeable to Glasgow.

General Reports, Minutes, Etc.

28*th November*, 1899.—A good house, and guardian's wife is a capable, kindly, and very attentive woman. The patients all live as members of the family.—C. M.

18*th December*, 1899.—Read.—J. F.

7*th March*, 1900.—Very satisfactory.—C. M.

13*th March*, 1900.—Read.—J. F.

15*th November*, 1900.—No change.—C. M.

24*th November*, 1900.—Read.—J. F.

22*nd March*, 1901.—Two bedrooms set apart, one 9 by 6 by 8=432, occupied by one patient; the other 14 by 10 by 8=1120, by two. Family consists of two, aged nine and ten. Take their meals in kitchen at same table.—J. F. S.

27*th March*, 1901.—Read.—J. M.

13*th December*, 1901.—Very comfortable quarters.—J. F. S.—*Board of Lunacy. Received* 16*th December*, 1901.

20*th December*, 1901.—Read.—J. F.

13*th March*, 1902.—No remark.—J. F. S.—*Board of Lunacy. Received* 17*th March*, 1902.

18*th March*, 1902.—Read.—J. F.

11*th November*, 1902.—Very comfortable quarters.—J. F. S.—*Board of Lunacy. Received* 17*th November*, 1902.

21*st November*, 1902.—Read.—J. F.

6*th February*, 1903.—Cosy quarters.—J. F. S.—*Board of Lunacy. Received* 7*th February*, 1903.

13*th February*, 1903.—Read.—J. F.

10*th December*, 1903.—No remarks save that the quarters are comfortable and patients were seated at a good square meal (dinner).—J. F. S.—*Board of Lunacy. Received* 12*th December*, 1903.

14*th December*, 1903.—Read.—J. F.

29*th February*, 3168/1904.—Inspector of poor, Glasgow, applies for an extension of the licence to four. Guardian is a most capable person and the accommodation is good.

1*st March*, 1904.—Send to visiting commissioner for his observations.—J. F.

Eo. die.—Sent.

2*nd March*, 1904.—Favour extension, but on the ground that the numbers are high in this village it would be well to select a quiet and easily-managed female.—J. F. S.—*Board of Lunacy. Received* 3*rd March*, 1904.

4*th March*, 1904.—Extend licence to four.—J. F.

7*th March*, 1904.—Informed inspector of poor of extension.—T. W. L. S.

17*th May*, 1904.—No remarks save that the patients are in very good quarters and were partaking of a very good dinner, two at same table with guardian, one in bed, and one in her bedroom.—J. F. S.—*Board of Lunacy. Received* 19*th May*, 1904.

23*rd May*, 1904.—Read.—J. F.

18*th November*, 1904.—No remarks.—J. F. S.—*Board of Lunacy. Received* 21*st November*, 1904.

22*nd November*, 1904.—Read.—J. F.

18*th November*, 1905.—J. F. S.—*Board of Lunacy. Received* 21*st November*, 1905.

4*th May*, 1906.—An excellent house.—J. M.

15*th May*, 1906.—J. M.

Case Record of I. L. or A.

County—Perth.	*Parish of Residence*—Port of Monteith.
Name of Patient	I. L. or A.
Sex	Female.
Age of Patient in 1899	66.
Date of Intimation	28th September, 1863
Married or Single?	Widow.
Date of last Admission to Asylum	18th February, 1897.
Date of last Removal from Asylum	22nd July, 1899.
No. of Sanction	11,447.
Parish of Liability	Glasgow.
Amount of Parochial Allowance	7s. weekly, £18 4s. yearly.
Degree of Relationship to the proposed Guardian	None.
Name of Guardian	John McOnie.
Residence of Guardian	The Square, Gartmore, S. L. H. 1197

COPY STATEMENT BY THE PRINCIPAL MEDICAL OFFICER OF THE GLASGOW DISTRICT ASYLUM, GARTLOCH.

1. Name of patient	I. L. or A.
2. Whether paralytic	No.
3. Whether epileptic	No.
4. Whether suicidal	No.
5. Whether dangerous to others	No.
6. Whether violent or noisy	No.
7. Whether refusing food	No.
8. Whether of uncleanly habits either by day or night	No.
9. Whether offensive to decency	No.
10. Whether capable of helping in household or other work	Yes.
11. Facts, if any, as regards the past history of the Patient, such as indications of having been previously dangerous, which it is thought should be brought under the notice of those who are to have the charge and supervision of the Patient	None.

(Copy Signature) L. R. OSWALD,
Principal Medical Officer.

Date, 9*th August*, 1889.

28*th November*, 1899.—Patient is a particularly clean and tidy woman who has evidently seen better days. I could see very little wrong with her mentally, except a confusion and haziness regarding her relatives. She sews, does all her own darning, keeps her own bedroom tidy and walks out a good deal. She corresponds with and occasionally receives money from a Mr. J., a solicitor in D. Her clothing is much finer than the ordinary pauper clothes. Is the cost of her maintenance repaid by relatives? She has a very good home and guardian.—C. M.—*Board of Lunacy. Received* 2*nd December*, 1899.

18*th December*, 1899.—I see no ground for making the enquiry suggested. Patient is doing well, and her care is good.—J. F.

7*th March*, 1900.—Quite settled down and likes to make herself useful about the house. The reason why I suggested the enquiry mentioned above was that judging by the quality of her clothing, etc., I concluded it was not supplied by the parish, and I thought the information might be useful in connection with a claim on the grant, if there is any.—C. M.—*Board of Lunacy. Received* 12*th March*, 1900.

13*th March*, 1900.—Note the claim on the grant in this case, and ascertain if it includes any expenditure for clothing.—J. F.

14*th March*, 1900.—The latest claim on the grant audited was for the year to 15th May, 1899, and in the case of this patient, who was in Gartloch Asylum during the whole year, the claim is made in full without deduction of any amount recovered from relatives. The next claim on the grant is due in July or August of this year, and it can then be ascertained if it includes any expenditure for clothing during her residence in a private dwelling.

14*th March*, 1900.—Note particulars of next claim when to hand.—J. F.

(A note has been made of this so that it will be brought up at checking of this year's claim.)

27*th March*, 1900.—If an inspector of poor makes a claim on the grant in respect of clothing supplied, he must produce his vouchers. If he forges vouchers and makes a fraudulent claim, detection would probably be difficult, but it would not rest with this Board to discover the fact, as they are in no sense auditors of claims. It would require extraordinarily strong reasons for suspicion to justify the Board in suggesting a fraudulent claim, and in the case of the parish of Glasgow such an idea is really hardly admissible.—T. W. L. S.

15*th November*, 1900.—In good health, clean, and well dressed. She is cheerful and pleased with her home. I do not think there is anything in my note of 7th March last which could suggest any suspicion of fraud on the part of an inspector of poor, and certainly such an idea never entered my mind.—C. M.—*Board of Lunacy. Received* 10*th November*, 1900.

24*th November*, 1900.—Read.—J. F.

22*nd March*, 1901. Suitably provided for. J. F. S.—*Board of Lunacy. Received* 26*th March*, 1901.

27*th March*, 1901.—Read.—J. M.

13*th December*, 1901. Doing well and suitably provided for.—J. F. S.—*Board of Lunacy. Received* 16*th December*, 1901.

20*th December*, 1901.—Read.—J. F.

13*th March*, 1902.—Provision suitable.—J. F. S.—*Board of Lunacy. Received* 17*th March*, 1902.

18*th March*, 1902.—Read.—J. F.

11*th November*, 1902.—Provision suitable.—J. F. S.—*Board of Lunacy. Received* 17*th November*, 1905.

21*st November*, 1902.—Read.—J. F.

6*th February*, 1903.—Suitable for a private dwelling, and suitably provided for.—J. F. S.—*Board of Lunacy. Received* 7*th February*, 1903.

13*th February*, 1903.—Read. J. F.

10*th December*, 1903.—Provision suitable.—J. F. S.—*Board of Lunacy. Received* 12*th December*, 1903.

14*th December*, 1903.—Read.—J. F.

17*th May*, 1904.—A helpless and useless patient for whom suitable provision is made.—J. F. S.

23*rd May*, 1904.—Read.—J. F.

18*th November*, 1904.—Provision suitable.—J. F. S.—*Board of Lunacy. Received* 21*st November*, 1904.

22*nd November*, 1904.—Read.—J. F.

28*th March*, 1905.—In good health and very suitably provided for.—J. F. S.—*Board of Lunacy. Received* 30*th March*, 1905.

30*th March*, 1905.—Read.—J. M.

18*th November*, 1905.—Provision suitable.—J. F. S.—*Board of Lunacy. Received* 21*st November*, 1905.

22*nd November*, 1905.—Read.—J. M.

4*th May*, 1906.—Very suitably provided for.—J. M.

15*th May*, 1906.—J. M.

CASE RECORD OF M. A.

County—Perth.	*Parish of Residence*—Port of Monteith.
Name of Patient	M. A.
Sex	Female.
Age of Patient in 1902	53.
Date of Intimation	12th February, 1902.
Married or Single?	Single.
Date of last Admission to Asylum	12th February, 1902.
Date of last Removal from Asylum	10th July, 1902.
No. of Sanction	12,215.
Parish of Liability	Glasgow.
Amount of Parochial Allowance	7s. weekly, £18 4s. yearly.
Degree of Relationship to the proposed Guardian	None.
Name of Guardian	John McOnie.
Residence of Guardian	The Square, Gartmore, S. L. H. 1,197.

COPY STATEMENT BY THE PRINCIPAL MEDICAL OFFICER OF THE WOODILEE ASYLUM, LENZIE.

1. Name of patient	M. A.
2. Whether paralytic	No.
3. Whether epileptic	No.
4. Whether suicidal	No.
5. Whether dangerous to others	No.
6. Whether violent or noisy	No.
7. Whether refusing food	No.
8. Whether of uncleanly habits either by day or night	No.
9. Whether offensive to decency	No.
10. Whether capable of helping in household or other work	Yes.
11. Facts, if any, as regards the past history of the patient, such as indications of having been previously dangerous, which it is thought should be brought under the notice of those who are to have the charge and supervision of the patient	There are none.

(Copy Signature) HAMILTON C. MARR,
Principal Medical Officer.

Date, 11*th July*, 1902.

11*th November*, 1902.—Talks sensibly and quite coherently, but looks emotional and unstable. Nursing her mother through a long illness is assigned as the cause of her mental breakdown. She is most anxious to get home, and this I think will be possible in a few weeks. In regard to her case I saw medical officer, and will see inspector of poor. Provision is suitable.—J. F. S.—*Board of Lunacy. Received* 17*th November*, 1902.

21*st November*, 1902.—Read.—J. F.

6*th February*, 1903.—Greatly improved mentally by her stay here. She is still anxious to get back to her friends, and in this wish I think she ought now to be gratified. If she is kindly and considerately treated she will do well, but if driven and urged she would likely break down again. I will try and see inspector of poor in regard to her case and request.—J. F. S.—*Board of Lunacy. Received* 7*th November*, 1903.

13*th February*, 1903.—Keep in view for further report.—J. F.

10*th December*, 1903.—Mentally patient is as stated in my February report. On 15th December inspector of poor wrote me that he had asked Dr. L. Bucklyvie, for a certificate of recovery, as she seemed sufficiently improved to return to her mother and brother.—J. F. S.

28*th December*, 1903.—Inspector of poor, Glasgow, writes that Dr. Lindsay is unable to certify patient as having recovered. He is strongly of opinion that if placed with her mother the improvement would not be maintained.

18*th January*, 1904.—Read. Place in Dr. Sutherland's drawer.—J. M.

19*th January*, 1904.—Noted.—J. F. S.—*Board of Lunacy. Received* 3*rd March*, 1904.

17*th May*, 1904.—Dreamy and discontented and anxious to get to her own home and friends. This may be possible shortly. Was seated at a very good dinner along with guardian, and is otherwise very suitably provided for.—J. F. S.—*Board of Lunacy. Received* 19*th May*, 1904.

23*rd May*, 1904.—Read.—J. F.

18*th November*, 1904.—Provision suitable.—J. F. S.—*Board of Lunacy. Received* 21*st November*, 1904.

22*nd November*, 1904.—Read.—J. F.

28*th March*, 1905.—In moderate health, and very suitably provided for.—J. F. S.—*Board of Lunacy. Received* 30*th March*, 1905.

30*th March*, 1905.—Read.—J. M.

18*th November*, 1905.—Provision suitable.—J. F. S.—*Board of Lunacy. Received* 21*st November*, 1905.

22*nd November*, 1905.—Read.—J. M.

4*th May*, 1906.—Very suitably provided for.—J. M.

15*th May*, 1906.—J. M.

Case Record of S. H.

Not from Asylum. S. L. H. No. 1,197 (for 4).

County—Perth.	*Parish of Residence*—Port of Monteith
Name of Patient	S. H.
Sex	Female.
Age of Patient in 1906	15.
Date of Intimation	11th April, 1906.]
Married or Single ?	Single.
Ever under Asylum Treatment ?	No.
Date of last Removal from Asylum	—
No. of Sanction	13,346.
Parish of Liability	Glasgow.
Amount of Parochial Allowance	7s. weekly, £18 4s. yearly.
Degree of Relationship to the proposed Guardian	None.
Name of Guardian	John McOnie.
Residence of Guardian	The Square, Gartmore, S. L. H. 1,197.

Extract from the Statement by the Inspector of Poor on Form D.

1. Name of patient	S. H.
2. Whether paralytic	No.
3. Whether epileptic	No.
4. Whether suicidal	No.
5. Whether dangerous to others	No.
6. Whether violent or noisy	No.
7. Whether refusing food	No
8. Whether of uncleanly Habits either by day or night	No.
9. Whether offensive to decency	No.
10. Whether known to be a parent	No.
11. Whether capable of helping in household or other work	Yes.

Date, 24*th April*, 1906.

Extracts from Medical Certificates, April, 1906.

She is feeble-minded, foolish, and childish in behaviour, is unable to take an intelligent interest in anything.

She is docile and easily managed and is free from any bad habits.

[*Recent case. Not reported on up to June*, 1906.]

Case Record of H. C.

Not from Asylum. S. L. H. No. 1,197 (for 4.)

County—Perth.	*Parish of Residence*—Port of Menteith.
Name of Patient	H. C.
Sex	Female.
Age of Patient in 1900	36.
Date of Intimation	16th March, 1900.
Married or Single ?	Single.
Ever under Asylum Treatment ?	Yes.
Date of last Removal from Asylum	2nd July, 1887.
No. of Sanction	11,589.
Parish of Liability	Glasgow.
Amount of Parochial Allowance	(1905) 8s. weekly, £20 16s. yearly.
Degree of Relationship to the proposed Guardian	None.
Name of Guardian	John McOnie.
Residence of Guardian	The Square, Gartmore, S. L, H. 1,197.

EXTRACT FROM THE STATEMENT BY THE INSPECTOR OF POOR ON FORM D.

1. Name of patient	H. C
2. Whether paralytic	No.
3. Whether epileptic	No.
4. Whether suicidal	No.
5. Whether dangerous to others	No.
6. Whether violent or noisy	No.
7. Whether refusing food	No.
8. Whether of uncleanly habits either by day or night	No.
9. Whether offensive to decency	No.
10. Whether known to be a parent	No
11. Whether capable of helping in household or other work	Yes.

Date, 26*th March*, 1900.

EXTRACTS FROM MEDICAL CERTIFICATES, MARCH, 1900. She is dull, listless, and somewhat stupid in manner and appearance, and she is quite unable to give any rational account of herself. She is clean in her habits, and is easily managed.

15*th November*, 1900.—Patient is a young woman who had been a telegraphist and broke down mentally when preparing for an examination many years ago. She is now very demented and stupid-looking, sits with her head down apparently reading a newspaper, but always looking at the same line. She can be roused out of her stupor to answer a question, but the answer is as short as possible, and she at once relapses into stupor again. Guardian informs me that this is her general condition, but before her menstrual periods she becomes irritable for a day or two, and on two occasions jumped up suddenly from the table and struck one of her fellow patients (S.) on the face. No damage was done, and she has not repeated this conduct for several months. At these periods she is also apt to be defective in her habits, at other times she is cleanly. Guardian says her general health has improved, and that her mother who has visited her, thought her much better both mentally and physically than she was when she had to be removed from home. She has an excellent guardian and her care is very satisfactory. While I do not regard her as a very suitable case for private care, I think it advisable to give her a longer trial until we see if the alleged improvement makes further progress.—C. M.

24*th November*, 1900.—Read.—J. F.

22*nd March*, 1901.—Suitably provided for.—J. F. S.—*Board of Lunacy. Received* 26*th March*, 1901.

27*th March*, 1901.—Read.—J. M.

13*th December*, 1901.—Conduct reported to be good, and in no way rendering her presence noxious to the other two. Provision is very suitable.—J. F. S.—*Board of Lunacy. Received* 16*th December*, 1901.

20*th December*, 1901.—Read.—J. F.

13*th March*, 1902.—Provision suitable.—J. F. S.—*Board of Lunacy. Received* 17*th March*, 1902.

18*th March*, 1902.—Read.—J. F.

11*th November*, 1902.—Provision suitable.—J. F. S.—*Board of Lunacy. Received* 17*th November*, 1902.

21*st November*, 1902.—Read.—J. F.

6*th February*, 1903.—Suitable for a private dwelling, suitably provided for.—J. F. S.—*Board of Lunacy. Received* 7*th February*, 1903.

13*th February*, 1903.—Read.—J. F.

10*th December*, 1903.—Provision suitable. All clothes and boots are supplied by her relations.—J. F. S.—*Board of Lunacy. Received* 12*th December*, 1903.

14*th December*, 1903.—Read.—J. F.

17*th May*, 1904.—A useless patient who takes her food by herself, being somewhat impulsive at meals. She is a bed wetter. Is very demented. Provision very suitable.—J. F. S.—*Board of Lunacy. Received* 19*th May*, 1904.

23*rd May*, 1904.—Read.—J. F.

18*th November*, 1904.—Provision suitable.—J. F. S.—*Board of Lunacy. Received* 21*st November*, 1904.

22*nd November*, 1904.—Read.—J. F.

28*th March*, 1905.—This silent dement is in good health, and is very suitably provided for.—J. F. S.—*Board of Lunacy. Received* 30*th March*, 1905.

30*th March*, 1905.—Read.—J. M.

23*rd June*, 1905.—Inspector of poor, Glasgow, intimates increase of weekly allowance to 8s. on account of the extra attention required by patient.

18*th November*, 1905.—Provision suitable.—J. F. S.—*Board of Lunacy. Received* 21*st November*, 1905.

22*nd November*, 1905.—Read.—J. M.

4*th May*, 1906.—Very suitably provided for.—J. M.

15*th May*, 1906.—J. M.

NOTES on PAUPER LUNATICS boarded under private care in MARKINCH and KENNOWAY, Fifeshire, who were visited on 14th June, 1906, by DR. CHARLES MACPHERSON, Deputy Commissioner in Lunacy, accompanied by the following members of the Royal Commission on the Care and Control of the Feeble-minded :—

THE RIGHT HON. THE EARL OF RADNOR,
THE REV. H. N. BURDEN,
F. NEEDHAM, ESQ., M.D.

Initials of patients.	Sex.	Age.	House of	From Asylum.	Not from Asylum.	Length of time boarded out.	Physical health.	Mental condition.	Remarks.
W. M.	Male	55	Mr. R. Beveridge, Markinch	1	—	2 years	Good	Chronic mania	Very cheerful and very fat, which, he says, is the result of being too well fed.
J. D.	„	71	„ „ „	1	—	2½ „	Feeble	Dementia	Quite blind, but very contented.
C. B.	„	45	„ „ „	1	—	16 „	Good	„	Healthy, useful, and contented.
A. S.	„	57	„ „ „	1	—	6 months	„	Congenital Imbecility	Good natured, lazy, and comparatively useless.
T. H.	„	54	Mr. R. Wood, Jun., Markinch	1	—	17 years	„	Chronic mania	The nurse of the household, and always at his best when put in charge of the children.
M. C.	„	40	„ „ „ „	1	—	10 „	„	Dementia	Constantly engaged about the horses, likes his work, and is a very careful driver.
J. L.	„	31	„ „ „ „	1	—	6 months	„	Chronic mania	Willing and obedient ; cleans out byre, and helps to look after the cattle.
M. B.	Female	71	Miss S. Thomson, Markinch	1	—	25 years	„	Dementia	Assists in general housework, washes and knits.
C. N. or S.	„	80	„ „ „	1	—	24 „	Fair	„	Much in bed, but gets up a little every day.
M. G. H.	„	92	„ „ „	1	—	24 „	Good	Congenital imbecility	Cheerful and talkative.
M. A. B. or R.	„	62	Miss C. Adamson, Markinch	1	—	7 „	„	Dementia	At times noisy and abusive, but never strikes.
M. McK.	„	70	„ „ „	1	—	6 „	Fairly good	Chronic mania	Unsociable, refuses to work, but is cleanly and never threatening.
H. C.	„	66	Miss E. Brown, Markinch	1	—	11 „	Good	Dementia	Evidently quite at home.
M. R. or S.	„	61	„ „ „	1	—	13 „	„	„	Something of a spitfire, and very garrulous.
E. G.	„	53	„ „ „	1	—	20 „	„	Congenital imbecility	A bright, cheerful member of a happy family.
H. McK.	„	54	„ „ „	1	—	3 „	„	Dementia	Easily managed and obliging—useless.
C. H.	„	73	Mrs. A. Scobbie, Markinch	1	—	3 „	„	„	Talks much to herself—at times incoherently.

J. F. or W	Female	55	Mrs. A. Scobbie, Markinch	1	—	5 years	Good	Dementia	Of use to guardian as a nurse, and with her knitting.
M. S. or S.	„	59	Mrs. J. Houston, Markinch	1	—	19 „	„	„	Boisterous at times, but good tempered; cannot work.
J. S. or S.	„	67	„ „ „	1	—	13 „	„	„	A dour, sullen-looking woman, but useful and quite friendly with guardian.
H. M.	„	39	„ „ „	1	—	4 „	„	„	Talks a good deal—conversation incoherent at times. A first-rate knitter.
J. G. S.	„	28	Mr. A. Hutchison, Markinch	1	—	12 „	Fair	Imbecility	Amiable, useful in little ways.
A. L. or D.	„	45	„ „ „	1	—	8 „	Good	Chronic mania	Quiet, concentrated, obliging.
J. T.	„	40	„ „ „	1	—	11 „	Fairly good	Dementia	Useless; requires to be dressed by guardian every morning.
M. G.	„	91	Miss A. Honeyman, Kennoway	1	—	14 „	Feeble	Chronic mania	Still able to be up every day.
J. H.	Male	44	Mr. A. Clark, Kennoway	1	—	18 months	Good	Dementia	Strong, healthy, and fairly useful, but very incoherent.
D. W.	„	37	„ „ „	1	—	3 years	„	„	Attends to the pigs, breaks sticks, and works in the garden.
B. C.	Female	67	Miss M. Russell, Star, removed to Mrs. Suttie, Auchtermuchty	1	—	21 „	Poor	„	Stupid and useless.

NOTES on PAUPER LUNATICS boarded under private care in LANARK and LESMAHAGGW, Lanarkshire, who were visited on 14th June, 1906, by Dr. J. F. SUTHERLAND, Deputy Commissioner in Lunacy, accompanied by the following members of the Royal Commission on the Care and Control of the Feeble-minded :—

MR. W. H. DICKINSON, M.P.,
MR. C. S. LOCH, D.C.L.

Initials of Patients.	Sex.	Age.	House of	From Asylum.	Not from Asylum.	Length of time boarded out.	Physical health.	Mental condition.	Remarks.
J. P. or McK.	Female	67	Mr. J. Steel, Lanark	1	—	6 years	Good	Chronic mania	Active, useful, and well pleased with her home.
M. G.	„	38	„ „ „	1	—	2 „	Stout & healthy	Slight dementia	Works well and pleasantly in the house.
M. M.	„	66	„ „ „	1	—	35 „	Frail & failing	Congenital imbecility	Still able to go about a little.
A. S.	„	41	Miss M. Day, Lesmahagow	—	1	6 „	Good	„ „	Bright and happy, active and useful.
C. S.	„	24	„ „ „	1	—	6 „	„	„ „	(From Larbert Institution.) Can do no useful work. Clean and happy.
S. McK.	„	21	„ „ „	—	1	4 „	Fairly good—tubercular	„ „	Happy in her home.
N. B.	Male	36	Mr. J. Scott, Lesmahagow	1	—	3 months	Healthy	Dementia	Fair worker, cleanly, and easily managed.
W. B.	„	22	„ „ „	1	—	1 year	Healthy (but stuperose)	Dementia præcox	Cleanly, and has shown no objectionable propensities.
E. Y. S.	Female	44	Mrs. A. Adams, Lesmahagow	1	—	8 years	Good	Dementia	Amiable, and working well about the house.
A. McG.	„	20	„ „ „	—	1	6 months	Stout & healthy	Congenital imbecility	Of pleasing appearance.
H. McF.	„	71	„ „ „	1	—	2 years	Good	Melancholia	Bright and cheerful.
A. B.	„	44	„ „ „	1	—	8 „	Delicate	Dementia	Very helpless.
W. A.	Male	22	Mr. W. Watson, Lanark	1	—	9 months	Good	„	Guardian has an engine shop, and patient was an apprentice engineer, and is very useful to guardian.
W. B.	„	50	„ „ „	1	—	9 „	„	„	A useful, quiet man in the engine shop and on the farm of 3½ acres.
W. McG.	„	51	Mr. H. Wylie, Lanark	1	—	4 years	„	„	Usefully employed in garden and field.
W. W.	„	37	„ „ „	1	—	9 months	„	„	Cleanly in habits and tractable.
H. O'D.	„	60	Mr. J. Donaghy, Lanark	1	—	18 „	„	„	Good tempered and kindly; does some work about the byres.

W. R.	Male	39	Mr. J. Donaghy, Lanark	1	—	2 years	Fair	Dementia	Willing, and useful at most of the work of the farm.
H. J. Mc.	Female	18	Mrs. C. Whitefield, Lanark	—	1	4 „	„	Congenital imbecility	Improved in health, and slightly in intelligence. Easily managed.
M. W.	„	32	„ „ „	—	1	4 „	Good	Dementia	Clean and tidy, active and happy.
A. C.	„	39	Mr. W. F. Dale, Lanark	1	—	1 „	„	Chronic mania	Does a fair share of the housework, and goes out a good deal.
J. B.	„	32	„ „ „	1	—	14 „	„	Congenital imbecility	(From Larbert Institution.) Well cared for. Can do some housework.
S. H.	„	70	Mr. T. Struthers, Lanark	1	—	4 „	„	Melancholia	Is a good seamstress, and likes to work.
E. M.	„	59	„ „ „	1	—	4 „	„	Chronic mania	Pleasant and chatty—evidently quite at home.
E. S.	„	23	Mrs. Pringle, Lesmahagow	1	—	9 „	„	Imbecile	Clean, tidy, and useful } Both from Larbert Institution.
P. S.	Male	25	„ „ „	1	—	9 „	Fair	„	(Brother of above) Useless } Both from Larbert Institution.
R. H.	„	59	Mrs. Kelly, Lanark	1	—	4 „	Good	Chronic mania	Works well in the fruit fields.
C. O'H.	„	73	„ „ „	1	—	7 „	„	Dementia	A useful indoor worker.

Note by Dr. J. F. Sutherland on the foregoing statement :—

We visited 28 patients (11 male, 17 female) residing in 13 houses, 12 with licenses. Four women were in residence in the (1) Town of Lanark, 3 in licensed houses for 2, and one female in an unlicensed house ; (2) In the *rural* district near Lanark 9 males and 4 females were in residence in 5 houses licensed for 2, and one for 3 ; and (3) 9 were in residence in Kirkfieldbank *Village* (Clydeside) 7 females and 2 males, the 7 women being in a licensed house for 3, and in one for 4, and the 2 men in a licensed house for 2.

All were with strangers save one.

Twenty-five were on an aliment of 7/- weekly, one of 8/-, and one of 9/-, and one of 4/-.

The ages of the males were 21, 22, 24, 36 (twice), 38, 49, 50, 58, 59, and 72.

Of the females, 18, 20 (twice), 22, 23, 32, 37, 40, 42, 44, 58, 65 (twice) and 70 (twice).

The following were the mental defects and disorders :—

	Male.	Female.	Total.
Imbecility	1	11	12 = 43%
Dementia	10	2	12
Delusional	—	3	3 = 57%
Melancholia	—	1	1
	11	17	28

NOTES ON PAUPER LUNATICS boarded under private care in PORT OF MONTEITH, KILMADOCK, and KINCARDINE, Perthshire, who were visited on 14th June, 1906, by DR. JOHN MACPHERSON, Commissioner in Lunacy, accompanied by the following members of the Royal Commission on the Care and Control of the Feeble-minded :—

MRS. PINSENT,
MR. W. P. BYRNE, C.B.,
MR. H. B. N. MOTHERSOLE, M.A., LL.M. (*Secretary*).

Initials of Patients.	Sex.	Age.	House of	From Asylum.	Not from Asylum.	Length of time boarded out.	Physical health.	Mental condition.	Remarks.
H. C. - -	Female	42	Mr. J. McOnie, Port of Monteith	1	—	19 years	Good - -	Dementia - - -	Takes her food alone, being somewhat impulsive at meals.
S. H. - -	„	15	„ „ „	—	1	1 month	—	—	(Not yet reported on.)
M. A. - -	„	57	„ „ „	1	—	4 years	Moderate -	Chronic mania - -	Dreamy and discontented, and anxious to get to home and friends.
I. L. or A. -	„	73	„ „ „	1	—	7 „	Good - -	„ „ - -	Helpless and useless.
I. McK. -	„	60	Mr. T. Kerr, Port of Monteith -	1	—	6 „	„ - -	Congenital imbecility	Agreeable and useful, quick in temper, but never irritable.
J. W. or H. -	„	82	„ „ „ -	1	—	11 „	Frail - -	Dementia - - -	Manifests a keen interest in many things, and in full possession of her faculties.
H. C. or C. -	„	51	„ „ „ -	1	—	8 „	Good - -	„ - - -	Vigorous, but not useful.
M. B. or W.	„	63	Mrs. C. McFarlane, Port of Monteith.	1	—	8 „	„ - -	Chronic mania - -	Cheerful, but incoherent; diligent with the needle.
M. A. - -	„	43	„ „ „	1	—	27 „	„ - -	Congenital imbecility	Comfortable and contented.
M. McD. -	„	59	„ „ „	1	—	21 „	Poor - -	Dementia - - -	Suffering from phthisis.
C. F. or M. -	„	68	„ „ „	1	—	8 „	Good - -	„ - - -	In good spirits and talkative.
M. D. - -	„	51	Mr. J. Dymock, Port of Monteith	1	—	7 „	„ - -	„ - - -	A good knitter and houseworker.
J. McI. or L.	„	67	„ „ „	1	—	3 „	„ - -	„ - - -	Talk very rambling and incoherent ; useless.
A.W.R. or M.	„	41	„ „ „	1	—	4 „	„ - -	„ - - -	A good houseworker.
M.A.G. or S.	„	52	Mrs. Jemima Gardner, Port of Monteith.	1	—	8 „	„ - -	„ - - -	Good tempered, but indolent and useless.
C. G. or C. -	„	45	„ „ „	1	—	3 „	„ - -	Chronic mania - -	An energetic, hard-working woman—of a somewhat noisy and excitable temperament.

M.S. or G. -	Female	65	Mrs. Jemima Gardner Port of Monteith.	1	—	15 years	Good - -	Chronic mania - -	Has delusions and hallucinations, but is active and industrious.
J. S. or M. -	„	57	„ „ „	1	—	4 „	„ - -	Dementia - - -	Cleanly in habit, but unproductive.
S.McK. or M.	„	61	Mrs. Flora McFarlane, Port of Monteith.	1	—	2 „	„ - -	„ - - -	Fairly useful.
S. B. or G. -	„	57	„ „ „	1	—	21 „	„ - -	Chronic mania - -	An active worker—can look after her own interests.
C. I. - -	„	58	„ „ „	1	—	20 „	Poor - -	„ - - -	In failing health.
A.L. or O'R.	„	45	Mrs. McKenzie, Port of Monteith	1	—	13 „	Good - -	Dementia (slight) -	A useful woman, who acts as deputy guardian.
M. C. - -	„	35	„ „ „	1	—	5 „	„ - -	Dementia - - -	Quiet, good natured, and cleanly; talks a gibberish quite her own.
A. H. - -	„	56	„ „ „	1	—	15 „	Fair - -	„ - - -	Useless—silent.
J. F. W. S. -	„	51	„ „ „	1	—	1 year	Good - -	„ - - -	Clean and orderly in her habits; a German Jewess.
W. McC. -	Male	29	Mr. J. Mason, Kilmadock - -	1	—	1 „	„ - -	Chronic mania - -	A young, strong man.
J. B. - -	„	51	„ „ „ - -	1	—	1 „	„ - -	„ „ - -	Well nourished, robust-looking, and amiable; conversation incoherent.
E. P. - -	Female	53	Miss E. Drummond, Kincardine (Perth).	1	—	14 years	„ - -	Dementia - - -	A great talker; incapable of any useful work.
E. McG. -	„	61	„ „	1	—	3 months	„ - -	„ - - -	Harmless, well behaved, and easily managed.
J. McK. -	„	16	Mrs. M. Hardon, Kincardine (Perth).	1	—	2 years	„ - -	Congenital imbecility	(From Larbert Institution.) In good health.
J. M. - -	„	51	„ „ „	—	1	1 year	„ - -	Dementia - - -	Deaf and almost blind.

PART III.

BRIEF STATEMENT BY THE GENERAL BOARD OF LUNACY OF CERTAIN POINTS IN REGARD TO WHICH THEY THINK THAT AMENDMENT OF THE LUNACY ACTS (SCOTLAND) WOULD BE DESIRABLE.

PART III.

BRIEF STATEMENT BY THE GENERAL BOARD OF LUNACY OF CERTAIN POINTS IN REGARD TO WHICH THEY THINK THAT AMENDMENT OF THE LUNACY ACTS (SCOTLAND) WOULD BE DESIRABLE.

5, Old Palace Yard,
Westminster, S.W.,
March 2nd, 1908.

SIR,—I am desired by the Chairman to ask you whether your Board would desire to bring to the notice of the Commission any specific changes in the existing lunacy law which your Board may consider necessary in supplementation of the evidence already given before the Commission on their behalf. It would be a convenience to my Commission if any information as to these points could be supplied at once. I am, Sir,

Your obedient Servant,

(*Signed*) HARTLEY B. N. MOTHERSOLE,
Secretary.

T. W. L. Spence, Esq.,
Secretary, General Board of Lunacy,
51, Queen Street, Edinburgh.

General Board of Lunacy for Scotland,
Edinburgh,
March 6th, 1908.

SIR,—I have laid before the Board your letter of the 2nd instant and now transmit by their direction a brief statement of certain points in regard to which they think that amendment of the Lunacy Acts (Scotland) would be desirable. Most of these matters bear more or less directly upon the well-being of the insane, but there are many other matters which in the Board's opinion call for changes in the existing law, such as the desirability of putting upon a clear legal footing the power of District Lunacy Boards to acquire land, of conferring upon District Lunacy Boards a permissive power to give pensions as provided for by the English Lunacy Law, etc.

These various matters have not been included in the enclosed list as they relate to points which are apparently not within the field of the Commission. The Board, however, think that any amending Act which may be drafted or passed for Scotland should include these as well as the other matters included in the accompanying list. I am, Sir,

Your obedient Servant,
T. W. L. SPENCE,
Secretary.

Hartley B. N. Mothersole, Esq.,
Secretary to the Royal Commission on the Care and Control of the Feeble-Minded.
Royal Commissions House, Westminster, London.

SUMMARY FOR THE ROYAL COMMISSION ON THE CARE AND CONTROL OF THE FEEBLE-MINDED OF CERTAIN POINTS BEARING UPON THE CARE OF THE INSANE, IN REGARD TO WHICH THE GENERAL BOARD OF LUNACY CONSIDER THAT AMENDING LEGISLATION IS DESIRABLE.

(1) To give the Board the same powers with regard to making and establishing Rules and Regulations for the good order and management of Royal Asylums, such as they already possess under the Statute with regard to district and private asylums.

(2) To provide that all plans for asylums shall be submitted to the Board for their approval and sanction. At present no such approval is required in the case of Royal Asylums.

(3) To enable the Board to regulate the maximum number of patients which may be received into Royal and district asylums with a view to the prevention of over crowding.

(4) To authorise District Lunacy Boards to provide accommodation for the poorer class of private patients. Such patients may be at present received when there is spare accommodation, but they must be sent away when the accommodation is required for pauper patients.

(5) To amend Section 14 of the Lunacy Amendment Act (Scotland) of 1866 so as to enable the Board to deal more effectually with insane persons, though not kept for profit, who are ill-treated or are grossly neglected, or who, in the case of females, are inadequately protected from sexual danger.

(6) To provide that a pauper lunatic for whose removal to an asylum or to another private dwelling the Board have issued an order shall not be removable from the poor-roll without their sanction. At present an order to the above effect may be defeated through the relatives removing the patient from the poor-roll.

(7) To provide for the public audit of accounts of District Lunacy Boards. Royal Asylums are more or less supported from charitable funds but they are so much of the nature of public institutions that in the opinion of the Board their accounts also should be publicly audited.

(8) To repeal the definition of "House." "House" is used in various meanings in the Act but is defined as "any house in which a single lunatic is kept under an Order of the Sheriff." There are, however, now no houses in Scotland to which that definition applies, all patients under private care being so provided for with the sanction of the Board only. The Board have suggested the definition of "House" as "a private dwelling whether specially licensed or otherwise."

(9) To redefine the term "lunatic." "Lunatic" at present is defined as meaning a person *certified by two medical persons* to be "a lunatic, an insane person, an idiot, or a person of unsound mind." Thus, wherever in the text of the Acts, the word "lunatic" occurs, prior certification is implied, though the circumstances may be such that no formal certification can have taken place. The definition of "lunatic" suggested by the Board was, following the lines of the English Act of 1890–91, that it should mean and include "an idiot, an insane person, or a person of unsound mind."

(10) To enable the Board to take steps towards the appointment of judicial factors to insane persons whose property is not duly protected. The provision made for this purpose by Section 81 of the Lunacy Act (Scotland) of 1857 is expressed in such terms as to render it inapplicable to many cases where protection is required.

(11) To enable District Lunacy Boards to combine to provide accommodation for imbecile children. The population of single lunacy districts is as a rule not sufficient to make it possible to provide separately for such children.

(12) To provide for voluntary boarders being received for three days on personal application and without any sanction on the part of the Board. It is found that there are risks of suicide attending such cases even when only a day's delay occurs in arranging for reception.

(13) To amend the Lunacy Acts so as to provide for the protection of female patients in asylums from sexual abuse by any one knowing the patient to be such. Recent cases have shown that sexual intercourse between an attendant or other person in or near an asylum, whether an employee of the asylum or not, is not under certain circumstances legally regarded as "abuse" in the sense of Section 99 of the Act of 1857. On the other hand, the provisions of Section 5, Sub-Section (2), of the Criminal Law Amendment Act, 1885, have been found inapplicable, because the patient, though insane was not a congenital "imbecile or idiot," in terms of that Act.

Edinburgh, *March 6th*, 1908.

1a.—STATEMENT SHOWING THE NUMBER OF LUNATICS IN SCOTLAND AT 1ST JANUARY, 1908.

(Sent in by Dr. John Macpherson. See Question 21198, p. 29, c. 1.)

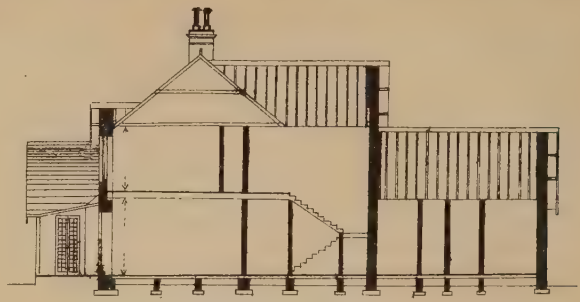
Mode of Distribution.	Male.	Female.	Total.	Private.			Paupers.		
In Royal Asylums	1,682	1,929	3,611	865	1,043	1, 08	817	886	1,703
„ District Asylums	4,819	4,669	9,488	113	189	302	4,706	4,480	9,186
„ Private Asylums	34	63	97	34	63	97	—	—	—
„ Parochial Asylums, *i.e.* Lunatic Wards of Poorhouses with unrestricted Licences	283	285	568	—	—	—	283	285	568
„ Lunatic Wards of Poorhouses, with restricted Licences	376	367	743	—	—	—	376	367	743
„ Private Dwellings	1,215	1,691	2,906	43	83	126	1,172	1,608	2,780
	8,409	9,004	17,413	1,055	1,378	2,433	7,354	7,626	14,980
In Criminal Lunatic Department of Perth Prison	41	8	49	—	—	—	—	—	—
„ Training Schools	285	160	445	120	79	199	165	81	246
Totals	8,735	9,172	17,907	1,175	1,457	2,632	7,519	7,707	15,226

2—LARBERT INSTITUTION PROPOSED SANATORIUM.

(Referred to in Questions 21987–22079.)

WEST ELEVATION

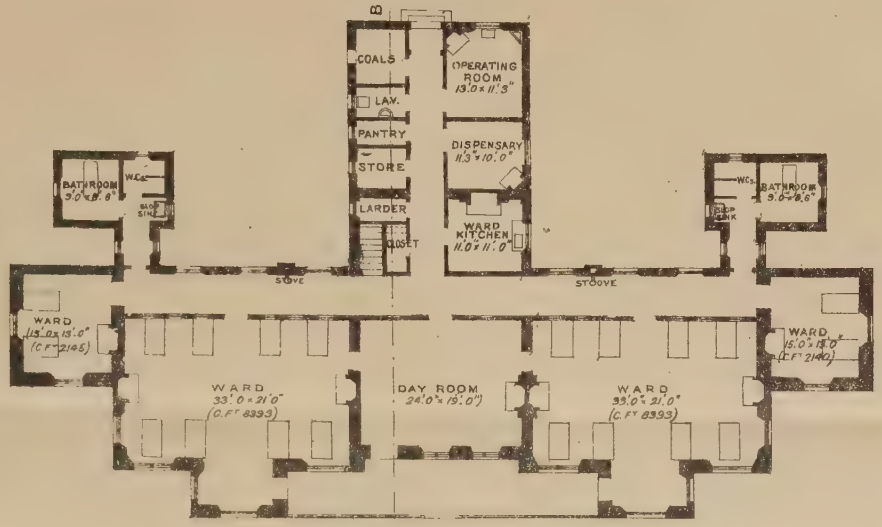
EAST ELEVATION



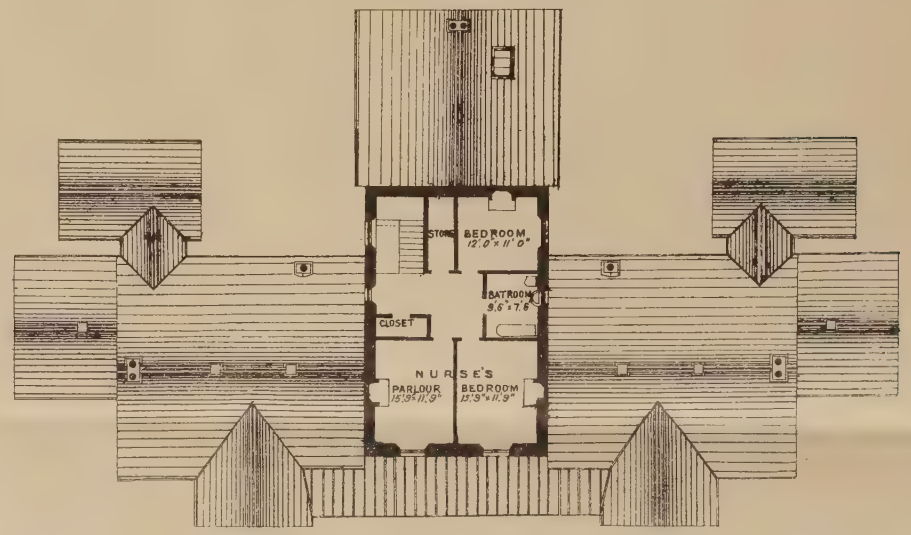
SECTION A.B.

SOUTH ELEVATION

NORTH ELEVATION



GROUND FLOOR PLAN



UPPER FLOOR PLAN

Scale of Feet

10 5 0 10 20 30 40 50 60 70 FEET

Weller & Graham, Ltd. Litho. London.

2a.—COMPLETE SET OF APPLICATION FORMS AND FORMS OF MEDICAL CERTIFICATE AS USED IN THE PRIVATE, ELECTED, AND PAUPER CASES ADMITTED TO THE LARBERT INSTITUTION.

(*Sent in by Dr. Clarkson. See Questions* 21987–22079.)

(Queries to be answered by Parent, or other near Relative personally acquainted with Case applying for admission.)

SCOTTISH NATIONAL INSTITUTION FOR THE EDUCATION OF IMBECILE CHILDREN, LARBERT, STIRLINGSHIRE.

1. Name (Christian and Surname) - - - - -
2. Present Address (in full) - - - - - - -
3. Place and Date of Birth (*evidence to be produced*) -
4. Name, occupation, and place of residence of—
   (1) Father - - - - - - - - -
   (2) Mother - - - - - - - - -
5. The number and ages of other Children - -
6. When was the Imbecility first observed, and can any cause for it be assigned? - - - - - -
7. Are the senses of Sight and Hearing perfect? -
8. Can the Child speak? - - - - - - - -
9. Can he understand anything said to him? - -
10. Are the limbs in perfect use? - - - - -
11. Is assistance required in taking food or in dressing? -
12. Are the habits correct and cleanly? - - -
13. Is the sleep quiet? - - - - - - - -
14. What capacity is there for Reading, Writing, Singing, Imitation, etc.? - - - - - - - - -
15. Are there any bodily infirmities? If liable to Fits, how often do they occur? - - - - - -
16. Are there any peculiar or dangerous propensities? -
17. Has the case received any special treatment? - -
18. Is the condition improving or otherwise? - -
19. Have the usual diseases of Childhood been passed through? - - - - - - - - -
20. Has Vaccination been secured? - - - - -
21. State whether your application is for admission of the Child as—
   (1) Special - - - - - - - -
   (2) First Class - - - - - - -
   (3) Second Class - - - - - -
22. The Board you offer - - - - - - - £————————per annum.

Signature of Party answering Queries ————————————————

Date ————————————————————————————

Residence ————————————————————————————

Profession ————————————————————————————

[Queries to be answered by Parent, or other near Relative, personally acquainted with Case, applying for Admission.]

SCOTTISH NATIONAL INSTITUTION FOR THE EDUCATION OF IMBECILE CHILDREN, LARBERT, STIRLINGSHIRE.

1. Name (Christian and surname) - - - - -
2. Present Address (in full) - - - - - - -
3. Place and Date of Birth (*evidence to be produced*) -
4. Name, occupation, and place of residence of—
   (1) Father - - - - - - - -
   (2) Mother - - - - - - - -
   (3) Other near Relatives - - - - -
5. State circumstances showing—
   (1) That the Child is destitute, and that the Parents or other Relatives or Guardians are unable to make any payment for his support
   (2) That the Parents or other Relatives or Guardians are unable to make the full payment, and the amount which they are able to pay - - - - - - -
6. The number and ages of other Children, who are *entirely dependent* on Parents - - - - -
7. Has the Applicant or his Parents received Assistance from the Parish ? - - - - - - - -
8. When was the Imbecility first observed, and can any cause for it be assigned ? - - - - - -
9. Are the senses of Sight and Hearing perfect ? -
10. Can the child speak ? - - - - - - - -
11. Can he understand anything said to him ? - -
12. Are the limbs in perfect use ? - - - - -
13. Is assistance required in taking food or in dressing ? -
14. Are the habits correct and cleanly ? - - - -
15. Is the Sleep quiet ? - - - - - - - -
16. What capacity is there for Reading, Writing, Singing, Imitation, etc. ? - - - - - - - -
17. Are there any bodily infirmities ? If liable to Fits how often do they occur ? - - - - - -
18. Are there any peculiar or dangerous propensities ? -
19. Has the case received any special treatment ? -
20. Is the condition improving or otherwise ? - -
21. Have the usual diseases of Childhood been passed through ? - - - - - - - - - -
22. Has Vaccination been secured ? - - - - -

Signature of party answering Queries———— ————————————
Date ————————————————————————————————
Residence ————————————————————————————
Profession ———————————————————————————

Certificate to be obtained from a neighbouring Doctor or Minister, or other influental Party.

I, the undersigned, have personal knowledge of this case ; I believe the statement to be correct ; and do therefore commend it to the acceptance of the Board.

Name ————————————————————————————————
Residence ————————————————————————————

Cases of Insanity, of *confirmed* Epilepsy, of the Deaf and Dumb, and of the Blind, are ineligible for admssion by Election.

STATEMENT.

To be filled up in regard to all Children admitted. If any of the Particulars in this Statement be not known, the fact to be so stated.

1. Christian Name and Surname of Patient at length -
2. Name, Surname and Rank or Profession of the Child's Father. - - - - - - -
3. Name, and Maiden Surname, of the Child's Mother -
4. Date of becoming Chargeable - - - - - -
5. Sex and Age - - - - - - - - -
6. Previous Place of Abode - - - - - - -
7. Place where Found and Examined - - - - -
8. Whether Imbecile from Birth - - - - -
9. When and where previously Examined and Treatment
10. Supposed Cause - - - - - - - - -
11. Whether Deformed, or affected with Bodily Disease -
12. Whether able to (1) Speak - - - - -
    (2) Walk - - - - - -
    (3) Dress Self - - - - -
    (4) Feed Self - - - - -
13. Whether subject to Epilepsy - - - - -
14. Whether Paralytic - - - - - - - -
15. Whether of Uncleanly Habits - - - - -
16. Whether Noisy - - - - - - - - -
17. Whether Destructive - - - - - - -
18. Whether any Relative known to be or to have been Insane - - - - - - - - -

I certify that, to the best of my knowledge, the above particulars are correctly stated.

*————————————————————

DATED this day of One thousand nine hundred and

* To be signed by the Applicant for the Child's reception.

APPLICATION TO THE BOARD OF LUNACY TO SANCTION THE RECEPTION OF A PAUPER CHILD INTO AN INSTITUTION FOR THE TRAINING OF IMBECILE CHILDREN.

As it appears from the foregoing Statement and accompanying Medical Certificates that a Pauper Child of the Parish of is capable of deriving benefit from training and treatment in the Institution for the Training of Imbecile Children at May it therefore please your Honourable Board to sanction the said Child's admission into the said Institution.

——————————————*Inspector of Poor of the Parish of*——————————

DATED at this day of One thousand nine hundred and

MEDICAL CERTIFICATE, No. 1.

I, the undersigned do hereby certify that I have this day at in the county of personally examined and believe the said Child to be of unsound mind, to be capable of deriving benefit from training and treatment in the Institution for the Training of Imbecile Children at and to be in a fit state of bodily health for removal thereto.

Signature——————————————————

Medical Qualification——————————————————

Place of Abode——————————————————

DATED THIS day of One thousand nine hundred and

MEDICAL CERTIFICATE, No. 2.

I, the undersigned do hereby certify that I have this day at in the county of , personally examined and believe the said Child to be of unsound mind, to be capable of deriving benefit from training and treatment in the Institution for the Training of Imbecile Children at and to be in a fit state of bodily health for removal thereto.

Signature——————————————————

Medical Qualification——————————————————

Place of Abode——————————————————

Dated this day of One thousand nine hundred and

SANCTION BY THE GENERAL BOARD OF LUNACY.

The Board, having had submitted to them the foregoing application and relative documents, hereby sanction * the Admission of into the Institution for the Training of Imbecile Children at

——————————————*Secretary*

DATED this day of One thousand nine hundred and

SCOTTISH NATIONAL INSTITUTION FOR THE EDUCATION OF IMBECILE CHILDREN, LARBERT, STIRLINGSHIRE.

MEDICAL CERTIFICATE

I certify that

(aged)

(idiotic or imbecile)

(son or daughter of)

(residing at)

(vaccinated or not)

is in *general good health*; appears to me a proper object for admission into the Institution, and may be ranked in Class No.

Dated day

of

Signed——————————————————

N.B.—The cases are classed according to the supposed hopefulness of them under the proposed treatment, If VERY HOPEFUL, Class I. would be suitable; if HOPEFUL, Class II.; and if LESS SO, Class III. If SUBJECT TO FITS, severe and frequent, Class IV.

Cases of Insanity, of *confirmed* Epilepsy, of the Deaf and Dumb, and of the Blind, are ineligible for admission, except upon payment.

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* This sanction must be renewed unless acted on within twenty-eight days.

3.—TABLE OF ANALYSIS OF EXPENDITURE OF THE STEWART INSTITUTION FOR IMBECILES, PALMERSTOWN, COUNTY DUBLIN, 1899–1904.

(Handed in by Frederick E. Rainsford, Esq., M.D., L.R.C.P.)

(See Questions 22478 and 22545.)

Analysis of Expenditure, showing Daily Cost of Maintenance in Pence of each Pupil for Years 1899 and 1900; also Increase or Decrease under each Head for 1900.

Heads of Account.	Daily Cost per Head in Pence for 1899.	Daily Cost per Head in Pence for 1900.	Increase.	Decrease.
Salaries	1·74	1·65	—	·09
Wages	3·78	3·85	·07	—
Miscellaneous Charges	·34	·50	·16	—
Clothing	1·19	1·07	—	·12
Fuel	1·31	1·72	·41	—
Light	·58	·67	·09	—
Stores and Provisions	6·19	6·00	—	·19
Laundry Expenses	·14	·11	—	·03
Travelling Expenses	·04	·06	·02	—
Law Expenses	·00	·00	—	—
Advertisements	·64	·55	—	·09
Rent and Taxes	·69	·67	—	·02
Repairs and Alterations	·71	·51	—	·20
Furniture and Fittings	1·00	1·45	·45	—
Insurance on Buildings	·11	·11	—	—
Stationery, Printing and Postage	·93	·80	—	·13
Office Account	·26	·25	—	·01
Estate Improvement Account	·34	·30	—	·04
Mat Account	·00	·05	·05	—
Water supply	·13	·12	—	·01
Interest on overdraft, Royal Bank	·69	·12	—	·57
	20·81	20·56	1·25	1·50
	20·56	—	—	1·25
Net daily decrease of 1900 from 1899	·25	—	—	·25

The total expenditure for 1900 was £2,955 5s. 8d., being about 1s. 8½d. per day, or, say, £31 3s. 7d. per head per annum.

There were 91 pupils on 31st December, 1899, 365 days each to 31st December, 1900	33,215	days.
„ „ 18 „ admitted during the year, which added	4,135	„
	37,350	„
„ „ 13 „ deaths and discharges, which deducted	2,851	„
Leaving as total number of days on which above calculation is based	34,499	„
Number of days for 1899 on which calculation for that year was based, was	32,702	„
Excess of number of days for 1900 over 1899	1,797	„

ANALYSIS OF EXPENDITURE, SHOWING DAILY COST AND MAINTENANCE IN PENCE OF EACH PUPIL FOR YEARS 1900 AND 1901 ; ALSO INCREASE OR DECREASE UNDER EACH HEAD FOR 1901.

Heads of Account.	Daily Cost per Head in Pence for 1900.	Daily Cost per Head in Pence for 1901.	Increase.	Decrease.
Salaries	1·65	1·57	—	·08
Wages	3·85	3·86	·01	—
Miscellaneous Charges	·50	·43	—	·07
Clothing	1·07	1·45	·38	—
Fuel	1·72	1·55	—	·17
Light	·67	·76	·09	—
Stores and Provisions	6·00	6·82	·82	—
Drugs and Medical Appliances	·00	·11	·11	—
Laundry Expenses	·11	·16	·05	—
Travelling Expenses	·06	·04	—	·02
Law Expenses	·00	·29	·29	
Advertisements	·55	·48	—	·07
Rent and Taxes	·67	·95	·28	
Repairs and Alterations	·51	1·72	1·21	—
Furniture and Fittings	1·45	·98	—	·47
Insurance on Buildings	·11	·12	·01	—
Stationery, Printing and Postage	·80	·84	·04	—
Office Account	·25	·22	—	·03
Estate Improvement Account	·30	·50	·20	—
Mat Account	·05	·09	·04	—
Water Supply	·12	·12	—	—
Interest on overdraft, Royal Bank	·12	·44	0·32	—
	20·56	23·50	3·85	·91
	—	20·56	·91	—
Net daily decrease of 1901 over 1900	—	2·94	2·94	—

The total expenditure for 1901 was £3,493 7s. 3d., being about 1s. 11½. per day or £35 14s. 10d. per head per annum.

There were 96 pupils on 31st December, 1900, 365 days each to 31st December, 1901	35,040	days.
„ „ 15 „ admitted during the year, which added	3,377	„
	38,417	„
„ „ 16 „ deaths and discharges, which deducted	2,742	„
Leaving as total number of days on which above calculation is based	35,675	„
Number of days for 1900 for which calculation for that year was based was	34,499	„
Excess of number of days for 1901 over 1900	1,176	„

ANALYSIS OF EXPENDITURE, SHOWING DAILY COST OF MAINTENANCE IN PENCE OF EACH PUPIL FOR YEARS 1901 AND 1902; ALSO INCREASE OR DECREASE UNDER EACH HEAD FOR 1902.

Heads of Account.	Daily Cost per Head in Pence for 1901.	Daily Cost per Head in Pence for 1902.	Increase.	Decrease.
Salaries	1·57	1·65	·08	—
Wages	3·86	3·88	·02	—
Miscellaneous Charges	·43	·45	·02	—
Clothing	1·45	·98	—	·47
Fuel	1·55	1·56	·01	—
Light	·76	·75	—	·01
Stores and Provisions	6·82	6·12	—	·70
Drugs and Medical Appliances	·11	·09	—	·02
Laundry Expenses	·16	·16	—	—
Law Expenses	·29	·00	—	·29
Travelling Expenses	·04	·05	·01	—
Advertisements	·48	·46	—	·02
Rent and Taxes	·95	·72	—	·23
Repairs and Alterations	1·72	·93	—	·79
Furniture and Fittings	·98	·69	—	·29
Insurance on Buildings	·12	·12	—	—
Stationery, Printing and Postage	·84	·78	—	·06
Office Account	·22	·18	—	·04
Estate Improvement Account	·50	·63	·13	—
Mat Account	·09	·02	—	·07
Water Supply	·12	·13	·01	—
Loom Account	·00	·28	·28	—
Interest on overdraft, Royal Bank	·44	·34	—	·10
	23·50	20·97	·56	3·09
	20·97	—	—	·56
Net daily decrease of 1902 from 1901	2·53	—	—	2·53

The total expenditure for 1902 was £3,177 9s. 9d., being about 1s. 9d. per day or £31 18s. 9d. per head per annum.

There were 95 pupils on 31st December, 1901, 365 days each to 31st December, 1902	34,675	days.
„ „ 17 „ admitted during year, which added	4,213	„
	38,888	„
„ „ 17 „ deaths and discharges, which deducted	2,530	„
Leaving as total number of days on which above calculation is based	36,358	„
Number of days for 1901 on which calculation for that year was based was	35,675	„
Excess of number of days for 1902 over 1901	683	„

ANALYSIS OF EXPENDITURE, SHOWING DAILY COST OF MAINTENANCE IN PENCE OF EACH PUPIL FOR YEARS 1902 AND 1903 ; ALSO INCREASE OR DECREASE UNDER EACH HEAD FOR 1903.

Heads of Account.	Daily Cost per Head in Pence for 1902.	Daily Cost per Head in Pence for 1903.	Increase.	Decrease.
Salaries	1·65	1·68	·03	—
Wages	3·88	3·98	·10	—
Miscellaneous Charges	·45	·64	·19	—
Clothing	·98	·71	—	·27
Fuel	1·56	1·52	—	·04
Light	·75	·75	—	—
Stores and Provisions	6·12	6·26	·14	—
Drugs and Medical Appliances	·09	·09	—	—
Laundry Expenses	·16	·15	—	·01
Law Expenses	·00	·14	·14	—
Travelling Expenses	·05	·04	—	·01
Advertisements	·46	·56	·10	—
Rent and Taxes	·72	·70	—	·02
Repairs and Alterations	·93	·72	—	·21
Furniture and Fittings	·69	·96	·27	—
Insurance on Buildings	·12	·13	·01	—
Stationery, Printing and Postage	·78	1·08	·30	—
Office Account	·18	·19	·01	—
Estate Improvement Account	·63	·40	—	·23
Mat Account	·02	·00	—	·02
Water Supply	·13	·10	—	·03
Loom Account	·28	·01	—	·27
Interest on overdraft, Royal Bank	·34	·05	—	·29
	20·97	20·86	1·29	1·40
	20·86	—	—	1·29
Net daily decrease of 1903 from 1902	·11	—	—	·11

The total expenditure for 1903 was £3,171 1s. 9d., being about 1s. 8⅘d. per day or £31 12s. 8d. per head per annum.

There were 95 pupils on 31st December, 1902, 365 days each to 31st December, 1903	34,675	days.
„ „ 17 „ admitted during the year, which added	4,004	„
	38,679	„
„ „ 13 „ deaths and discharges, which deducted	2,194	„
Leaving as total number of days on which above calculation is based	36,485	„
Number of days for 1902 on which calculation for that year was based, was	36,358	„
Excess of number of days for 1903 over 1902	127	„

ANALYSIS OF EXPENDITURE, SHOWING DAILY COST OF MAINTENANCE IN PENCE OF EACH PUPIL FOR YEARS 1903 AND 1904; ALSO INCREASE OR DECREASE UNDER EACH HEAD FOR 1904.

Heads of Account.	Daily Cost per Head in Pence for 1903.	Daily Cost per Head in Pence for 1904.	Increase.	Decrease.
Salaries	1·68	1·61	—	·07
Wages	3·98	3·94	—	·04
Miscellaneous Charges	·64	·49	—	·15
Clothing	·71	·66	—	·05
Fuel	1·52	1·74	·22	—
Light	·75	·69	—	·06
Stores and Provisions	6·26	5·92	—	·34
Drugs and Medical Appliances	·09	·09	—	—
Laundry Expenses	·15	·21	·06	—
Travelling Expenses	·04	·03	—	·01
Law Expenses	·14	·00	—	·14
Advertisements	·56	·55	—	·01
Rent and Taxes	·70	·41	—	·29
Repairs and Alterations	·72	·49	—	·23
Furniture and Fittings	·96	·39	—	·57
Insurance on Buildings	·13	·12	—	·01
Stationery, Printing and Postage	1·08	·82	—	·26
Office Account	·19	·20	·01	—
Estate Improvement Account	·40	·44	·04	—
Mat Account	·00	·02	·02	—
Loom Account	·01	·00	—	·01
Water Supply	·10	·12	·02	—
Interest on overdraft, Royal Bank	·05	·26	·21	—
	20·86	19·20	·58	2·24
	19·20	—	—	·58
Net daily decrease of 1904 from 1903	1·66	—	—	1·66

The total expenditure for 1904 was £3,033 15s. 7d., being about 1s. 7½d. per day, or £29 5s. 7d. per head per annum.

There were 99 pupils on 31st December, 1903, 366 days each to 31st December, 1904	36,234	days.
„ „ 16 „ admitted during year, which added	4,009	„
	40,243	„
„ „ 13 „ deaths and discharges, which deducted	2,322	„
Leaving as total number of days on which above calculation is based	37,921	„
Number of days for 1903 on which calculation for that year was based was	36,485	„
Excess of number of days for 1904 over 1903	436	„

(3a) COPY OF RESOLUTION PASSED AT A MEETING OF THE COMMITTEE OF THE STEWART INSTITUTION FOR IMBECILE CHILDREN AND HOSPITAL FOR MENTAL DISEASES, ON MONDAY, 28TH OCTOBER, 1907.

(Sent in by William McC. O'Neill, Esq., Secretary to the Stewart Institution).

The Committee of the Stewart Institution for Imbecile Children being desirous to extend its benefits, as far as possible, to the poorer classes, and with a view to utilising certain accommodation still vacant in the buildings, would suggest to the members of the Commission on the Care of the Feeble-minded that this might be accomplished by an arrangement for enabling *Protestant* imbeciles, at present in local unions throughout Ireland, to be admitted *without Election* at a uniform charge of £30 per annum. Under the provisions of the Poor Afflicted Persons Relief Act, 1878, local boards of guardians have power to contribute up to £13 per annum towards maintenance of children from their respective districts (if elected), and if the balance of £17 per annum were made up by Government Capitation Grant, such children might be received at any time, as above, and the unions relieved to some extent of a burthen with which they cannot at present deal satisfactorily. The admission and retention of such imbeciles to be subject to such regulations as are in force in other institutions of the same character, as the committee may deem expedient, and as the available accommodation from time to time may admit.

Moved by MARCUS T. MOSES, Esq., J.P.

Seconded by HENRY P. GOODBODY, Esq.

Passed unanimously.

F. C. EARLE-BLAND,

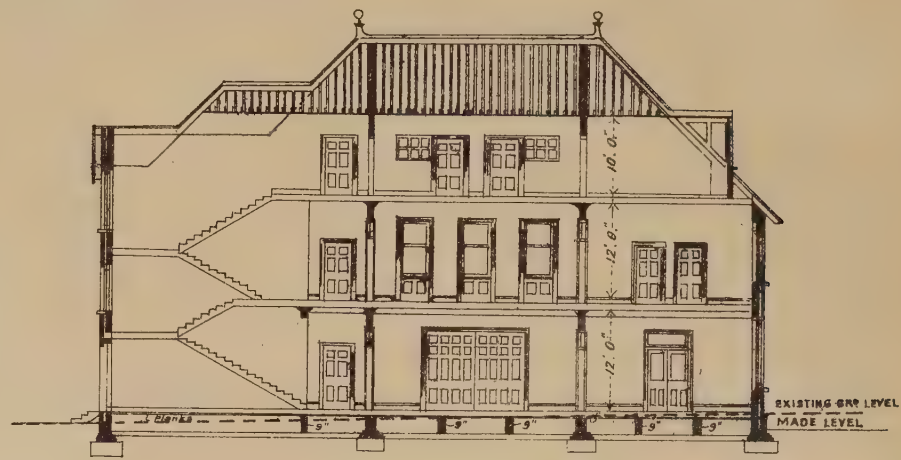
Chairman.

4.- BELFAST ASYLUM — PROPOSED VILLAS — PURDYSBURN

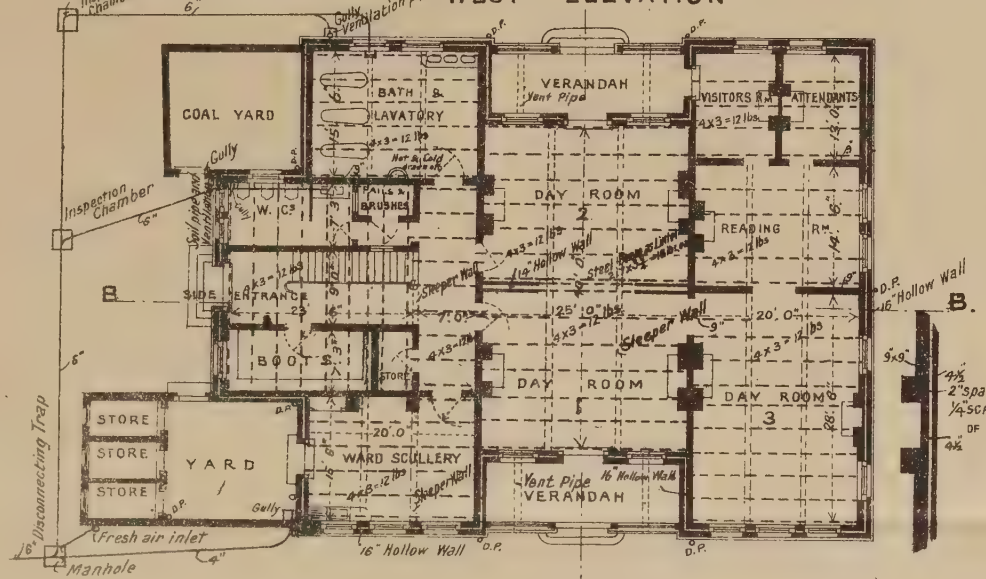
BLOCK B.

(Handed in by J. W. Gardner. Esq. See Question 23271.)

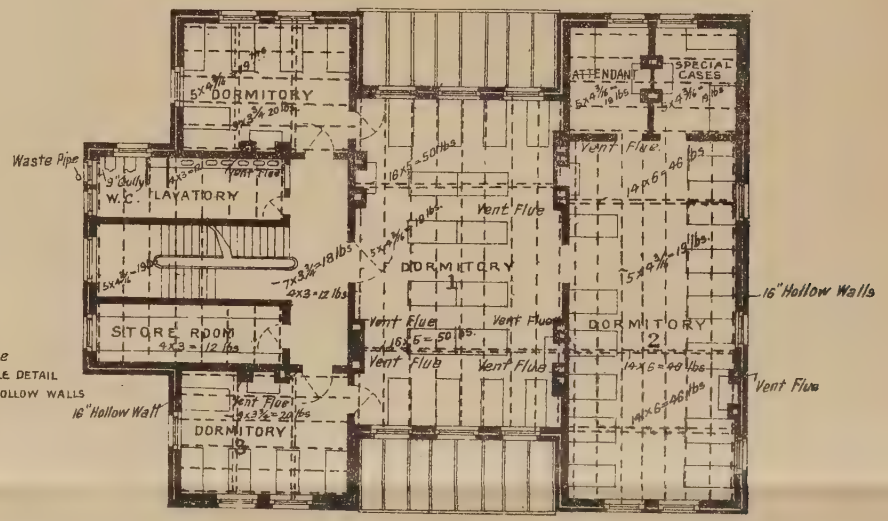
WEST ELEVATION



SECTION B.B.



GROUND FLOOR PLAN



FIRST FLOOR PLAN

Scale of Feet.

10 5 0 10 20 30 40 50 60 Feet

337.

Weller & Graham, Ltd Litho. London.

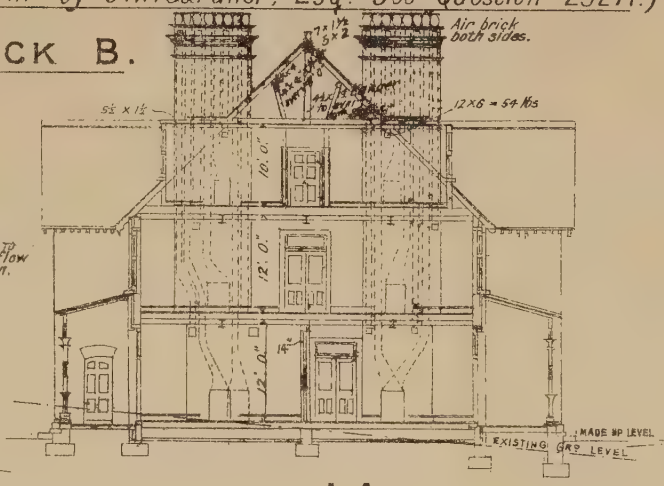
Graeme-Watt & Tulloch
Architects
Belfast.

5 - BELFAST ASYLUM — PROPOSED VILLAS — PURDYSBURN

(Handed in by J.W. Gardner, Esq. See Question 23271.)

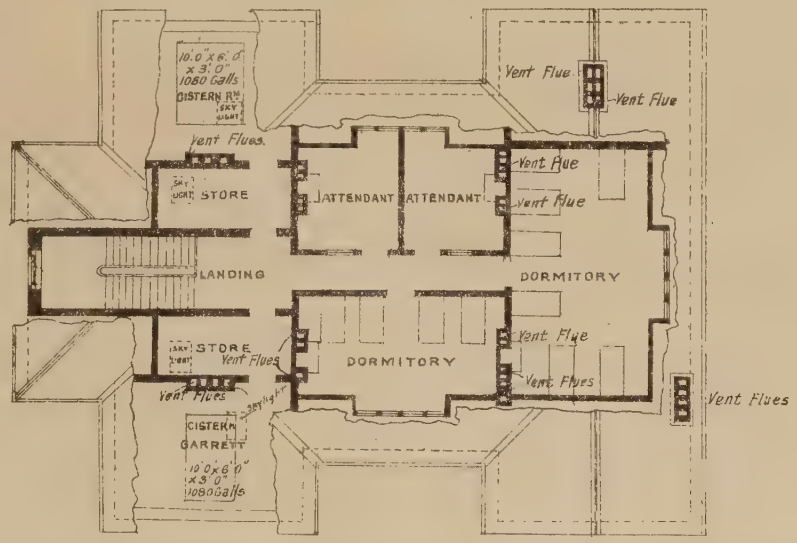
BLOCK B.

NORTH ELEVATION



SECTION A.A.

SOUTH ELEVATION



SECOND FLOOR PLAN

EAST ELEVATION

Scale of Feet

0 5 10 20 30 40 50 60

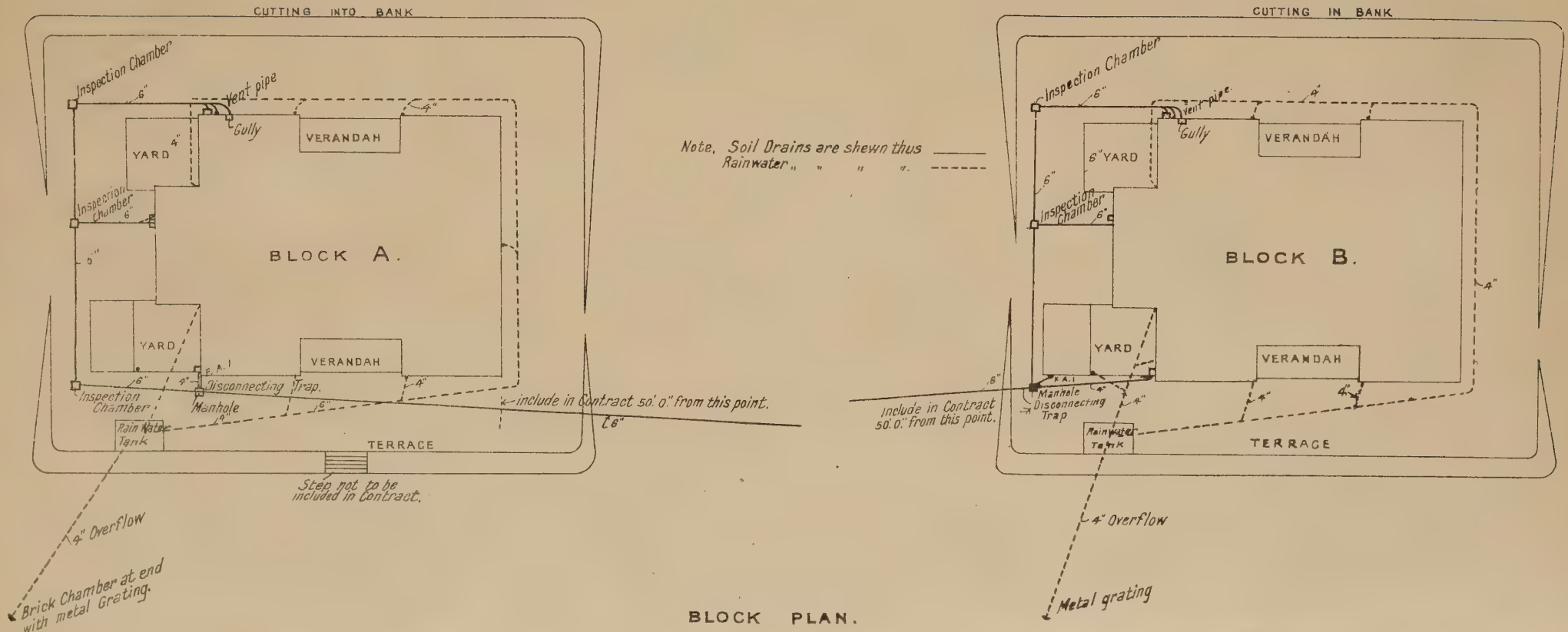
347. 06. Weller & Graham, Ltd · Litho London.

Graeme-Watt & Tulloch
Architects,
Belfast.

338.

6 - BELFAST ASYLUM — PROPOSED VILLAS — PURDYSBURN

(Handed in by J. W. Gardner. Esq. See. Question 23271.)



BLOCK PLAN.

Scale of Feet.

10 5 0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150

347. 06 Weller & Graham, Ltd Litho. London

Graeme - Watt & Tulloch
Architects

BELFAST ASYLUM, PROPOSED VILLAS, PURDYSBURN.

Handed in by J.W. Gardner. Esq. See Question 23271.

BLOCK PLAN.

Scale of Feet

100 50 0 100 200 300 400 500 600 700 800 FEET

Graeme-Watte Tulloch
Architects
77a Victoria St, Belfast.

347. 8. 05 Weller & Graham, Ltd Litho. London.

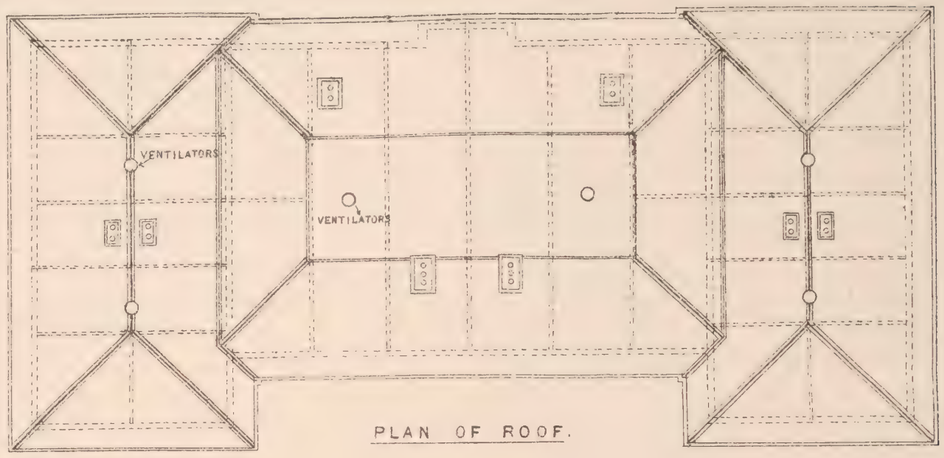
8 - COUNTY ANTRIM ASYLUM PLAN OF NEW VILLA.

(Handed in by J. W. Gardner. Esq. See Question 23271.)

END ELEVATION.

FRONT ELEVATION.

341.

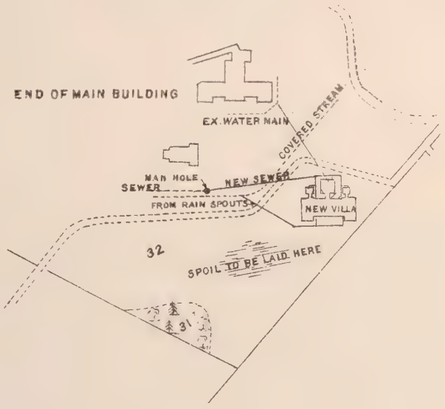


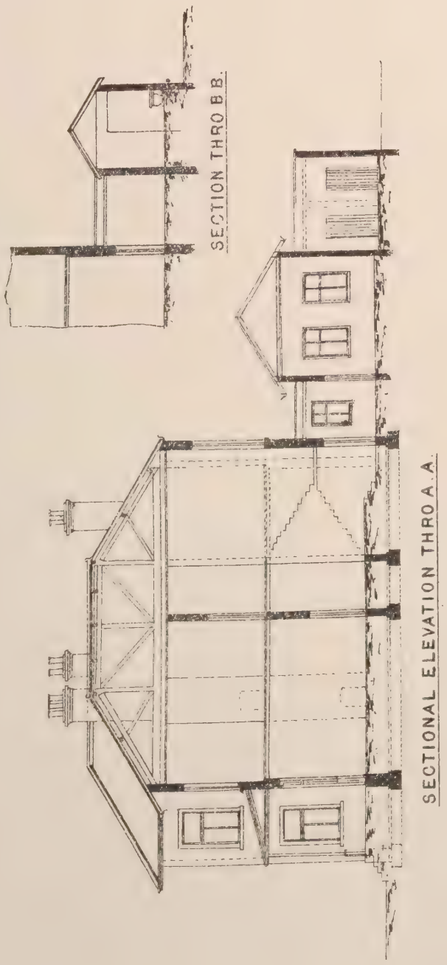
PLAN OF ROOF.

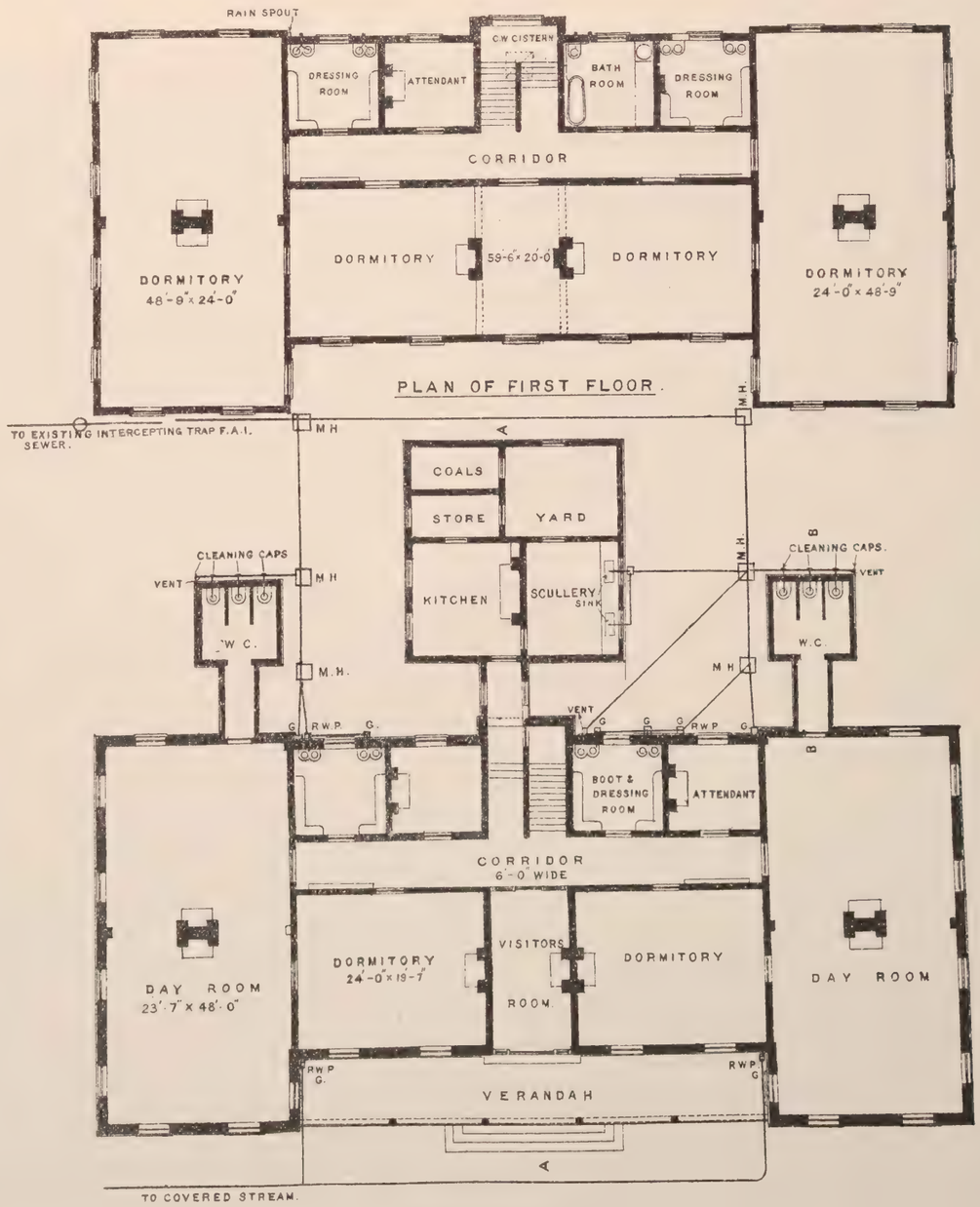
BLOCK PLAN.

Showing position of New Villa.

Scale, 8 Perches to one Inch.







342.

SCALE.

FEET. 8 7 6 5 4 3 2 1 0 8 16 24 32 40

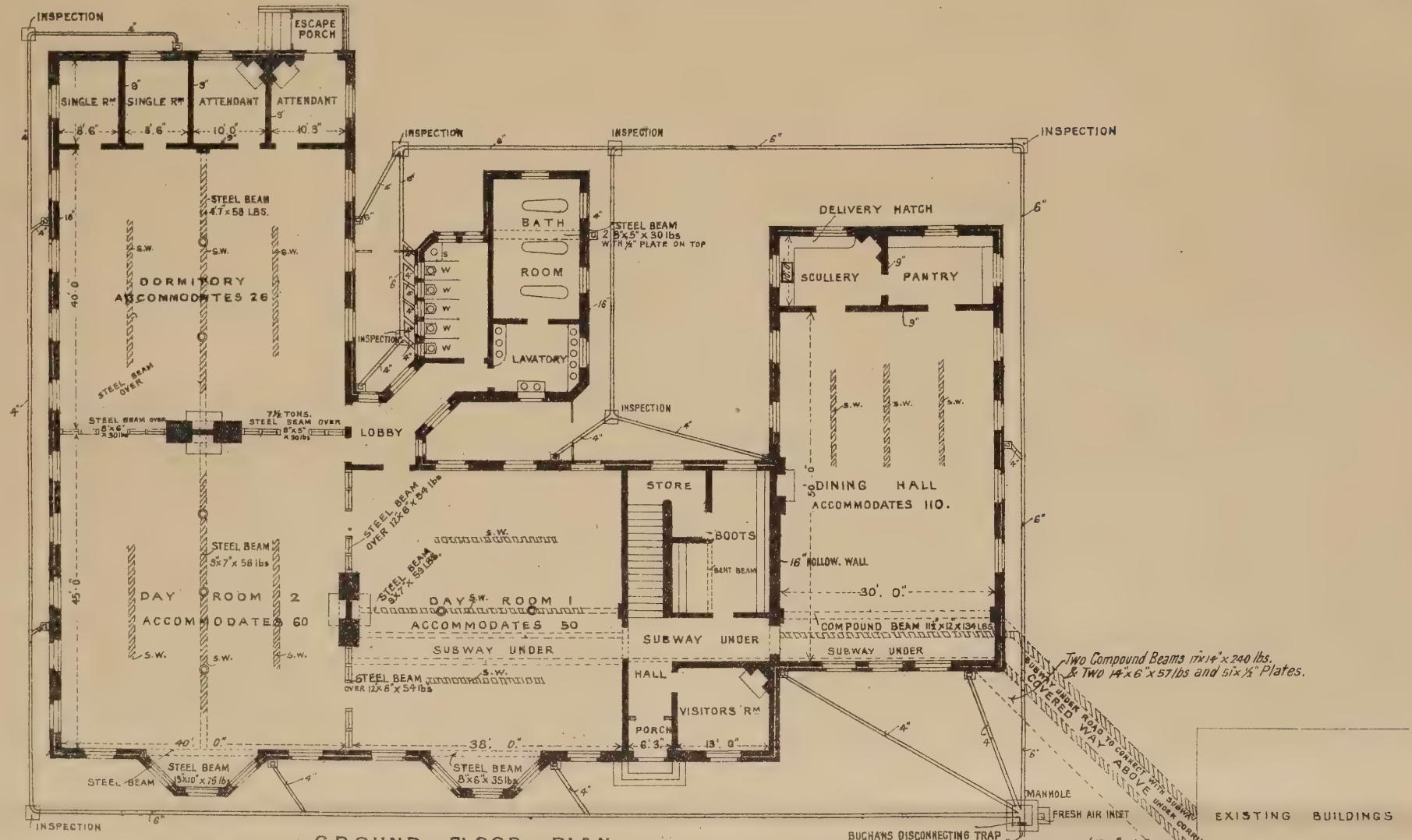
Basil Wilson, Arch. Belfast.

347. 06.

Waller & Graham, Ltd Litho. London.

9 – DOWN DISTRICT ASYLUM ADDITIONAL BLOCK FEMALE SIDE

(Handed in by J.W. Gardner. Esq. See Question 23271.)



GROUND FLOOR PLAN

Scale of Feet.

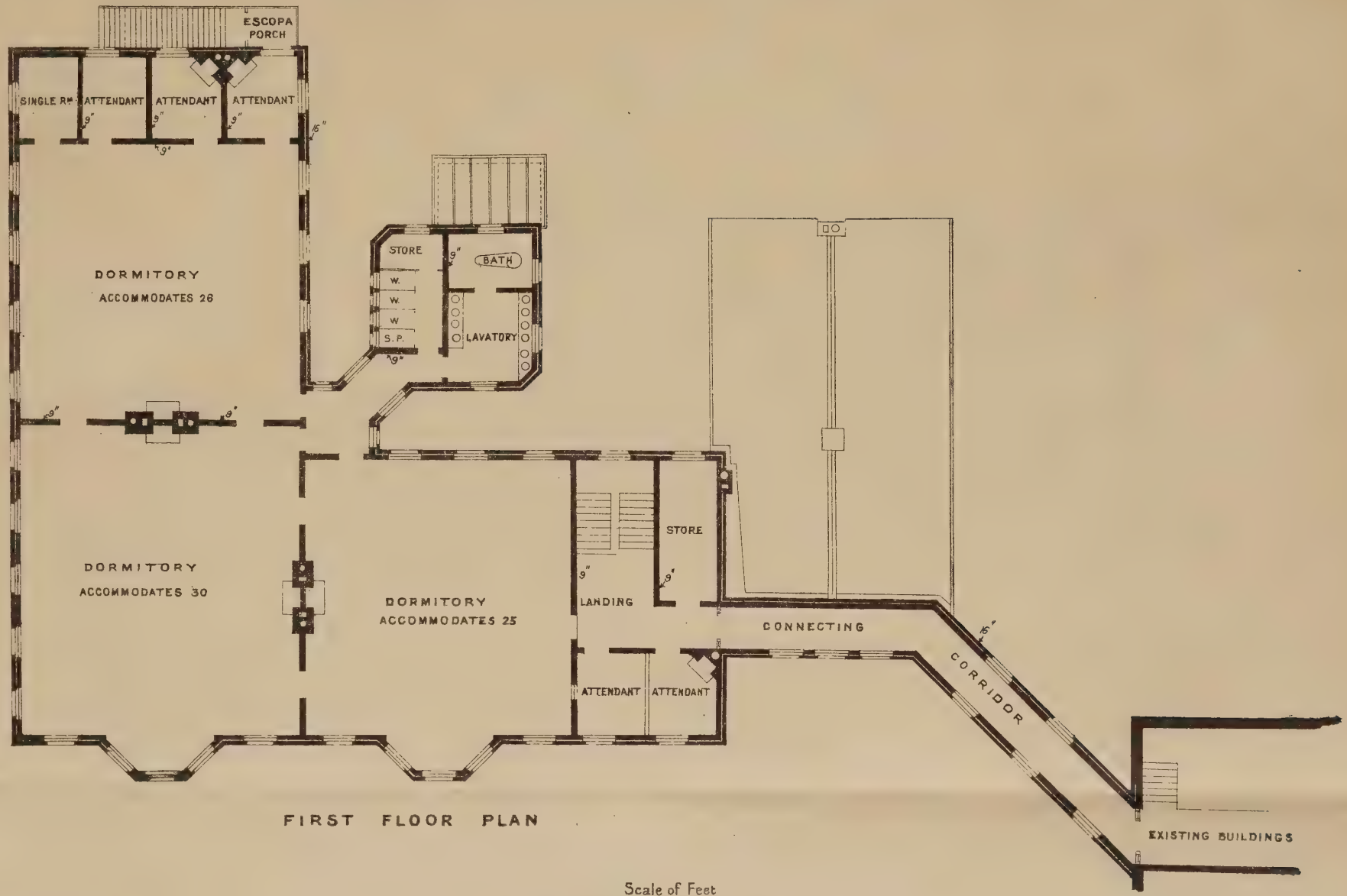
8 4 0 8 16 24 32 40

347. 06.

Weller & Graham, Ltd Litho. London.

10.—DOWN DISTRICT ASYLUM. ADDITIONAL BLOCK FEMALE SIDE

(Handed in by J. W. Gardner. Esq. See Question 23271.)



FIRST FLOOR PLAN

Scale of Feet

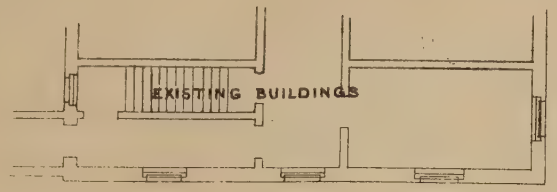
0 4 8 16 24 32 40 48 FT

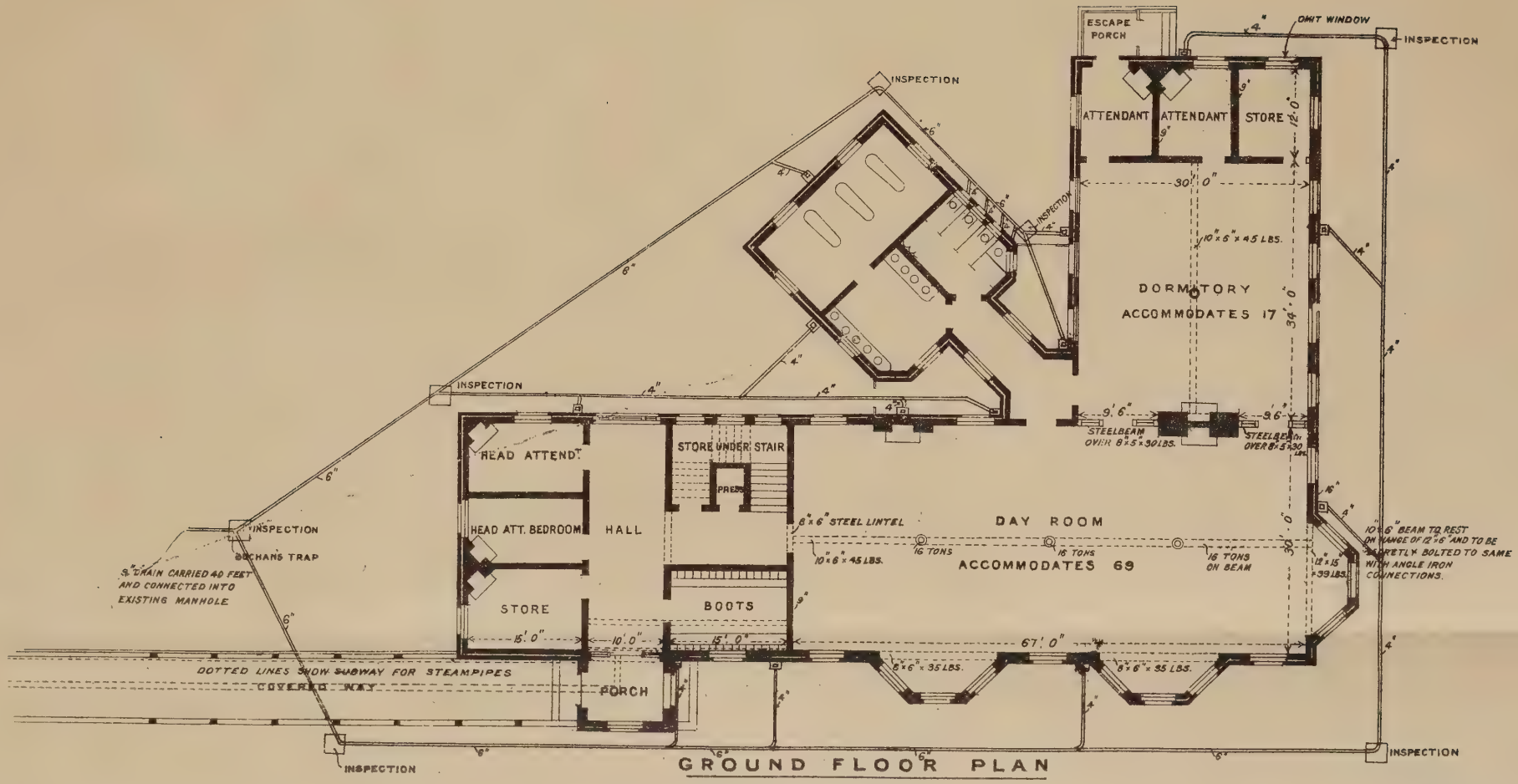
347. 7.06 Weller & Graham, Ltd Litho. London.

Graeme-Watt and Tulloch. Architects, Belfast

DOWN DISTRICT ASYLUM — II– ADDITIONAL BLOCK — MALE SIDE.

(Handed in by J.W. Gardner. Esq. See Question 23271.)





GROUND FLOOR PLAN

Scale of Feet

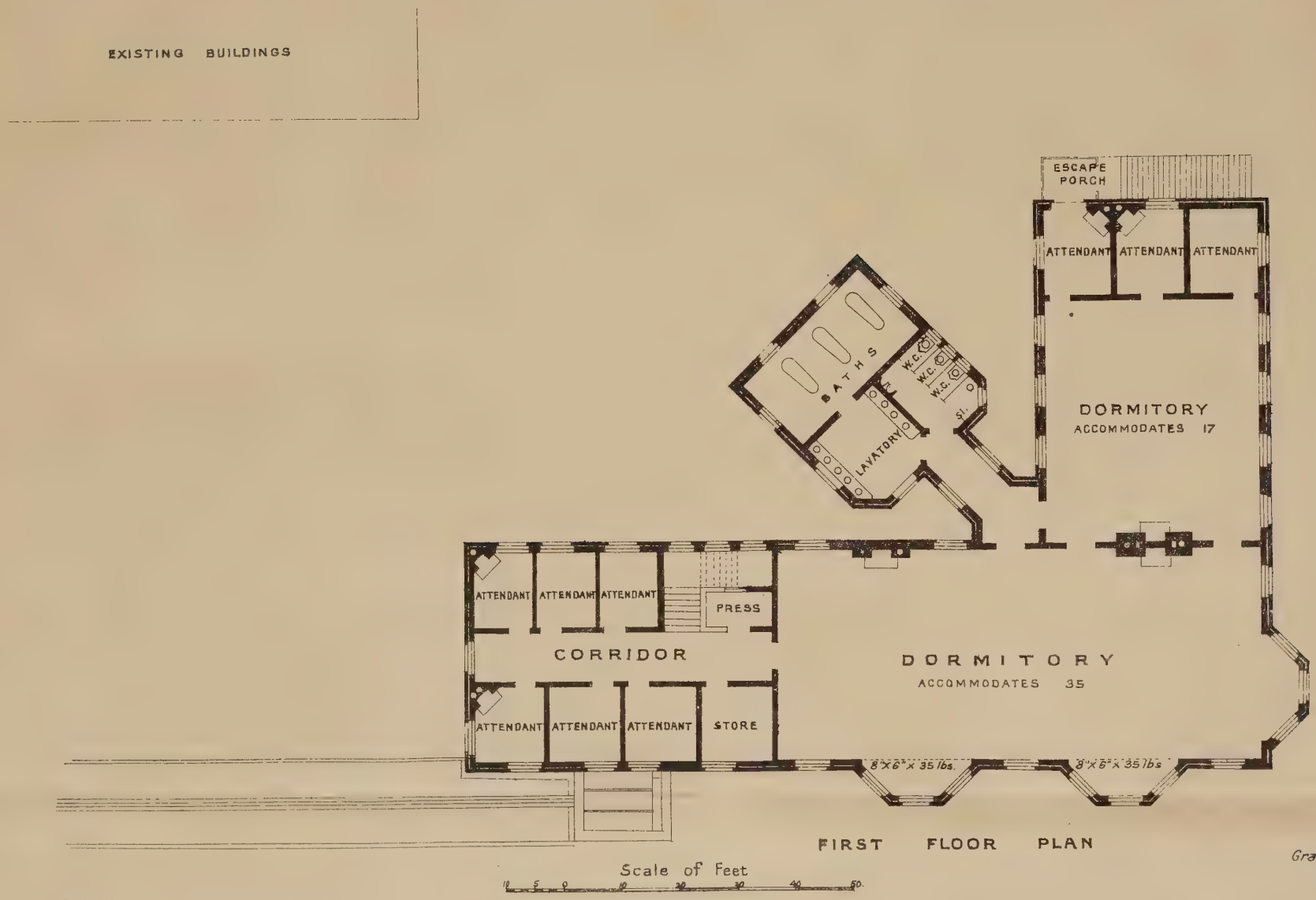
0 4 8 16 24 32 40 48

Grame - Watt and Tulloch
Architects
Belfast

347. Weller & Graham, Ltd. Litho, London.

12-DOWN DISTRICT ASYLUM, ADDITIONAL BLOCK MALE SIDE

(Handed in by J.W. Gardner. Esq: See Question 23271.)



Graeme-Watt & Tulloch
Architects
Belfast.

347. 06. Weller & Graham, Ltd Litho. London.

13.—COPY OF INEBRIATES AMENDMENT (SCOTLAND) BILL.

(Handed in by John Cunningham, Esq., M.B. See Question 24564.)

ARRANGEMENT OF CLAUSES.

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INEBRIATES ACTS.

Memorandum on the Draft Bill to Amend the Inebriates Acts 1879 to 1900 in their Application to Scotland.

The Bill, which is only applicable to Scotland, consists of 19 clauses.

Clauses 1, 2, 3, and 4, are of a formal nature and need not be referred to in detail.

Clause 5 repeals the section of the Act of 1898 dealing with criminal habitual drunkards, which in practice has been found of little use. In lieu thereof it substitutes a new clause dealing with the same persons. The repealed clause reads as follows:—

23. (1) Where in Scotland a person is convicted *on* indictment of an offence punishable with imprisonment or penal servitude, if the court is satisfied from the evidence that the offence was committed under the influence of drink, or that drunkenness was a contributing cause of the offence, and the offender *admits that he is or is found by the jury to be* a habitual drunkard, the court may, in addition to or in substitution for any other sentence, order that he be detained for a term not exceeding three years in any State inebriate reformatory or in any certified inebriate reformatory, the managers of which are willing to receive him.

(2.) *In the proceedings under an indictment in pursuance of this section, where at the first diet the accused has pleaded not guilty, at the second diet the jury shall in the first instance be sworn and the accused shall then be tried on so much only of the indictment as charges the said offence, and if he is found guilty, the same jury shall, unless the accused admits that he is a habitual drunkard, be re-sworn to inquire whether he is a habitual drunkard. Where at the first diet the accused pleads guilty of the offence, but denies that he is a habitual drunkard, the plea shall be recorded, and at the second diet the jury shall be sworn to inquire whether he is a habitual drunkard.*

(3.) This section shall be substituted in Scotland for Section 1 of this Act.

[The italics show what is proposed to be altered by the new clause.]

Clause 6 repeals Section 24 of the Act of 1898, and in lieu thereof enacts a new provision.

Under the existing Act a person who is a habitual drunkard and who within the preceding year has been summarily convicted three times for any of the offences referred to in the Act, may be tried on indictment before the High Court of Justiciary or the sheriff with a jury, or with his own consent by the sheriff summarily, and may be ordered to be detained for a term not exceeding three years in any certified inebriate reformatory the managers of which are willing to receive him.

The new clause proposes to give the power to deal with such cases to the sheriff without a jury, or, with the consent of the person charged, to any two magistrates or justices.

From experience in the administration of Girgenti Certified Inebriate Reformatory belonging to the Corporation of Glasgow, it has been found that there is a defect in the existing Act, in respect it gives no control or supervision over an inmate who has completed the period of detention. It is thought that there should be some power of supervision over an inmate after discharge, but in the meantime, the framers of this Bill do not feel justified in asking for such a power. What they have done is to propose that where a person, who has been detained in an inebriate reformatory, again commits a scheduled offence, the fact of having already been in a reformatory should be equivalent to three previous convictions, and the sheriff should have power to send such a person back at once to a reformatory.

It has also been proved from experience at Girgenti that a large number of habitual drunkards are not fit subjects for treatment in a reformatory under the charge of a municipality, but are persons who should be sent either to a State inebriate reformatory or to a poorhouse, and Clause 6 provides for such cases.

Again, there are cases of habitual drunkards with four or more convictions within a year who are neither fit

subjects for a reformatory nor for a poorhouse, and the clause gives the sheriff power to send such persons straight to prison for a year.

Clause 7 is an entirely new provision, and has been the subject of great consideration on the part of the framers of the Bill.

Over and over again cases have been brought under the notice of magistrates in which persons were squandering their means in drink and bringing their families speedily to the verge of poverty, and yet keeping out of the hands of the police. It is felt that there should be some power to deal with such persons, and Clause 7 is an endeavour to provide machinery for doing so.

In order to meet the argument that any such legislation involves an undue interference with the liberty of the subject, the clause contains certain safeguards to ensure that no person will be interfered with unless he is unfit to enjoy the exercise of full liberty.

Shortly stated, the machinery is as follows:—A relative or the legal guardian of the person has to commence the proceedings, and in the first place has to satisfy the sheriff or two magistrates or justices of the peace that there is a *prima facie* case for asking that the person complained of should be sent to an inebriate reformatory. He then presents a petition to the sheriff, who may order the person complained of to be cited to appear for trial. If after trial the sheriff is satisfied that the person is a habitual drunkard, and by reason of his conduct and habits of life is a fit and proper subject for treatment in an inebriate reformatory, he may order him to be sent to such a reformatory. The person is further protected by provision being made (1) for any of the relatives appearing in opposition to any application to send him to a reformatory, and (2) for the person himself, after he is in a reformatory, applying to the sheriff of the county in which the reformatory is situated for his release.

Clause 8 adds to the list given in the First Schedule to the Act of 1898 several offences which are specified in the Second Schedule to the Bill.

Clause 9 provides for the parish, burgh, or county council of any district which is responsible for the maintenance of an inebriate reformatory being heard in opposition to any application for a license to establish another inebriate reformatory for the maintenance of which the same ratepayers would also be liable.

Clause 10 gives to parish councils the same power as town and county councils already possess to establish and maintain, or to contribute to the establishment and maintenance of, inebriate reformatories.

A question has been raised as to whether two authorities should have equal powers for the same purpose. The reply to this question is simply this, that there are different classes of people who fall to be treated in such reformatories. There are those persons who if they were not in an inebriate reformatory, would fall to be maintained by the parish council, and there is no reason why the parish council should not have the power of contributing towards their maintenance when they find their way to an inebriate reformatory.

Again, if habitual drunkards are to be effectually dealt with, a much larger scheme must be undertaken than has hitherto been attempted, and parish councils should be equally able to deal with these persons. It has been suggested that where, for instance, two or three parish councils are each maintaining a separate poorhouse they might combine and arrange for the buildings being used not only for ordinary poorhouse inmates but for the purposes of an inebriate reformatory.

It must be kept in mind that although town and county councils have since 1898 had the power to establish inebriate reformatories, only the Corporation of Glasgow and the county council of the county of Lanark have established such institutions.

Clause 11 is an attempt to deal with the difficult problem of the habitual drunkard who is also a habitual pauper, having no regular occupation or means of subsistence, and who does not want to work if he can help it. What is proposed to be done is to give a parish council power to ask the sheriff to send such a person for compulsory detention either in an inebriate reformatory or in a poorhouse.

The class of persons aimed at in the clause are what are commonly known as "ins and outs," and the parish councils have long felt that they should have some power of detention in connection with such persons.

Clause 12 removes a doubt which exists as to whether town and county councils can carry on inebriate retreats, to which habitual drunkards may, with their own consent, be sent for detention. It is merely a permissive power to a town or county council to establish a retreat, and the town or county council would be under no obligation to start such a place unless they saw good cause to do so.

If, however, such retreats were established, Clause 7 of the Bill, or a similar clause, if passed, might be found of great service in inducing persons who were addicted to drink, and who were able to pay for their own maintenance, to go voluntarily to such retreats instead of running the risk of being sent compulsorily to an inebriate reformatory.

Clause 13 deals with persons detained in a reformatory who unfortunately become lunatics.

Clause 14 provides that where a person who commits an offence leaves a pledge and fails to appear at the court, the declaration of the forfeiture of the pledge shall have the same force and effect as a conviction.

Clause 15 provides for proceedings being taken for any of the offences therein set forth.

Clause 16 meets a difficulty which has arisen in practice; for instance, where a person has been remitted from a police court to the sheriff court for trial under the Inebriates Acts there is no power to detain such person until the date of his trial. He can only be cited to appear before the sheriff, and not infrequently such a person fails to appear and cannot be afterwards found.

Clause 17 provides for the wife or husband of the person complained against being a witness.

Clause 18 amends Section 12 of the Act of 1898, which provides for the cost of maintenance of a person being recovered from such person if he happens to have more than sufficient to maintain his family. This new clause provides that the husband or wife of an inmate may also be compelled to contribute towards the maintenance of the inmate if he or she has sufficient funds to do so.

Clause 19, which consists of two sub-clauses, amends two sections of the Act of 1879. The amendments may be referred to as follows—

Sub-Clause (1) alters the definition of "habitual drunkard" so as to make the expression mean a person who, not being amenable to any jurisdiction in lunacy, is notwithstanding, by reason of habitual intemperate use of intoxicating liquor or drugs, at times dangerous to himself or herself or to others, or incapable of managing himself or herself, and his or her affairs, provided that a person who commits any of the offences mentioned in the first schedule to the Act of 1898, and who within the twelve months immediately preceding the date of the commission of the offence has been convicted at least three times of any of the offences so mentioned, shall be deemed to be a habitual drunkard, unless the contrary is proved by such person to the satisfaction of the court.

Sub-clause (2) repeals so much of the Act of 1879 as requires a person holding a licence for a retreat to pay for each such licence and each renewal thereof a stamp duty of £5 in addition to a further duty of 10s. for every patient above ten whom it is intended to admit into a retreat. The payment of these duties has been stated to be one of the reasons why the owners of retreats do not place themselves under license, and it is now sought to remove these duties altogether.

A. W. Myles, *Town Clerk*, Glasgow.
Wm. H. Blyth Martin, *Town Clerk*, Dundee.
Thos. Munro, *County Clerk of Lanarkshire*, Hamilton.

Draft of a Bill to amend the Inebriates Acts 1879 to 1900 in their Application to Scotland.

Whereas it is expedient that the Inebriates Acts 1879 to 1900 should be amended by the amendment or repeal of the sections or portions of sections of those Acts specified in the Schedule to this Act.

And whereas it is expedient to empower parish councils to establish and maintain certified inebriate reformatories.

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same, as follows:

mmence- nt of Act.

1. This Act shall come into operation on the first day of January, One thousand nine hundred and seven.

ort title l con- uction.

2. This Act may be cited as the Inebriates Amendment (Scotland) Act, 1906, and shall be read and construed as one Act with the Inebriates Acts, 1879 to 1900, and those Acts and this Act may be cited together as the Inebriates Acts, 1879 to 1906.

plication.

3. This Act shall apply to Scotland only.

finitions.

4. The several words and expressions used in this Act shall, unless there be something in the subject or context repugnant to such construction, have the same meaning as in the Inebriates Acts 1879 to 1900:

And in this Act the following words and expressions have the meanings hereby assigned to them:—

"The Act of 1879" means the Habitual Drunkards Act, 1879.

"The Act of 1898" means the Inebriates Act, 1898.

"Habitual pauper addicted to drink" means a person who, having no regular occupation or means of subsistence, is known to be addicted to drink whereby he becomes a charge on the rates.

"Inebriate Reformatory" means an inebriate reformatory certified or intended to be certified under the Act of 1898, and any Act amending the same.

"Inebriates Acts" means the Inebriates Acts 1879 to 1906, and any Act amending the same.

"Magistrate" means a magistrate of a royal, parliamentary, or police burgh, and includes any judge entitled to officiate in any court for the trial of police offences under the provisions of any local or general Police Act.

iminal bitual unkards.

5. Section 23 of the Act of 1898 is hereby repealed, and the following provisions shall have effect in lieu thereof:—

(1) Where a person is convicted before a high court of justiciary or in any sheriff court, whether under summary jurisdiction or under indictment, of an offence punishable with imprisonment or with penal servitude, if the court is satisfied from the evidence that the offence was committed under the influence of drink or that drunkenness was a contributing cause of the offence and that the offender is a habitual drunkard, the court may, in addition to or in substitution for any other sentence, order that he be detained for a term not exceeding three years in any State inebriate reformatory or in any inebriate reformatory, the managers of which are willing to receive him.

(2) This section shall be substituted in Scotland for Section 1 of the Act of 1898.

abitual unkards ur times nvicted of unkenness, c.

6. Section 24 of the Act of 1898 is hereby repealed, and the following provisions shall have effect in lieu thereof:—

(1) Any person who commits any of the offences mentioned in the First Schedule to the Act of 1898, and who within the twelve months immediately preceding the date of the commission of the offence

(*a*) Has been convicted at least three times of any of the offences so mentioned, and who is a habitual drunkard, or

(*b*) has, under an order of detention under the Inebriates Acts, been an inmate of a State inebriate reformatory or an inebriate reformatory

may be tried summarily by the sheriff, or, with his own consent, by any two magistrates or justices of the peace, and shall be liable, on conviction, to be detained for a term not exceeding three years in

(*c*) any State inebriate reformatory,

(*d*) any inebriate reformatory, the managers of which are willing to receive him, or

(*e*) the poorhouse of the parish in which the offence was committed if, in the opinion of the court, such person is, in consequence of physical or mental incapacity or old age, or by reason of his habits and conditions of life, a fit subject for treatment in a poorhouse, provided that the parish council to whose poorhouse such person may be sent shall have a right of relief for any expenses in respect of the maintenance of such person against the parish council of the parish of his settlement, and provided further that in the event of such person not having a parish settlement such expenses shall be charged against the parish council of the parish in which the offence in respect of which the order of commitment is made has occurred.

(2) When any person charged under this section and convicted as aforesaid is not, in the opinion of the court, a fit subject for treatment in a State inebriate reformatory, an inebriate reformatory, or a poorhouse, the court may, in lieu of an order for the detention of such person in a reformatory or poorhouse as aforesaid, order him to be imprisoned for a term not exceeding one year.

(3) This section shall be substituted in Scotland for Section 2 of the Act of 1898.

Habitual drunkards fit subjects for inebriate reformatory.

7. (1) It shall be lawful for the parent, husband, wife, son, daughter, brother, sister, or legal guardian of any person, after satisfying either the sheriff or any two magistrates or justices of the peace officiating in any court, by the sworn testimony of the petitioner, and at least one credible witness as to the truth of the averments contained in the petition hereinafter in this section referred to, that there is reasonable ground for proceeding with such a petition, to present a petition to the sheriff of the county in which such person may for the time being reside, setting out that such person is a habitual drunkard and that he is by reason of his conduct and habits of life a fit and proper subject for treatment in an inebriate reformatory, notwithstanding the fact that he has never been convicted of any of the offences mentioned in the First Schedule to the Act of 1898, and such sheriff may, after such inquiry, if any, as he deems necessary, grant a warrant to cite such person by personal service to appear for trial before him, and if the sheriff is satisfied that such person is a habitual drunkard and is a fit and proper subject for treatment in an inebriate reformatory as aforesaid the sheriff may order him to be detained for a term not exceeding three years in any inebriate reformatory, the managers of which are willing to receive him.

(2) The decision of the sheriff or the magistrates or justices in connection with any proceedings under this section shall be final and not subject to review, and it shall not be competent to present a new petition against the same person until after the expiry of a period of at least three months from the date of any decision dismissing or otherwise finally disposing of a petition.

(3) In the event of a petition being presented as aforesaid by a person who is a minor, the sheriff, on the application of either party, may appoint a curator *ad litem*.

(4) Any person who under this section is entitled to present a petition to the sheriff as aforesaid shall also be entitled to appear in support of or in opposition to any such petition presented by any other person.

(5) It shall be lawful for the sheriff

(*a*) to adjourn from time to time the proceedings in connection with any petition under this section for such period as he may think fit, and

(*b*) to determine all questions of expenses in connection with any such petition and by whom the same shall be paid.

(6) Any person admitted into an inebriate reformatory under this section may at any time during the currency of an order of detention apply to the sheriff of the county in which the reformatory is situated for his discharge, and if after such inquiry, if any, as the sheriff deems necessary it shall appear to him to be reasonable and proper he may grant the application and order the discharge and liberation of such person accordingly.

Additional offences under Act of 1898.

8. The offences mentioned in the first column of the Second Schedule to this Act shall be deemed to be offences mentioned in the First Schedule to the Act of 1898.

Parish council may establish, etc., inebriate reformatory.

9. (1) A parish council shall have the same powers with regard to the establishment and maintenance of an inebriate reformatory as are conferred upon the council of any county or burgh by Sections 5 and 9 of the Act of 1898, and the said Sections shall be read and construed accordingly.

(2) Any expenditure incurred by a parish council under this Section may be defrayed out of the poor rate, and a parish council shall have power with the consent of the Local Government Board for Scotland to borrow money for the purposes of this Section on the security of the poor rate.

(3) Any money borrowed by a parish council under this Section shall be repaid within such period, not exceeding forty years, as the said Board may determine.

(4) A parish council shall pay off money so borrowed either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund set apart and applied in accordance with the regulations which may from time to time be made on that behalf by the Secretary for Scotland.

Establishment of additional inebriate reformatories for same district.

10. In the event of an application for a licence to establish an inebriate reformatory being made to the Secretary for Scotland by the parish, burgh, or county council of any district, the ratepayers of which are already liable to be assessed for the maintenance of an inebriate reformatory, the Secretary for Scotland shall, before dealing with such application, cause intimation thereof to be made to the managers of any inebriate reformatory at the time established by the parish, burgh, or county council of such district who, if they think fit, shall be entitled to appear before the Secretary for Scotland and show cause why such application should not be granted.

Habitual drunkards frequently in receipt of relief from parish council.

11. It shall be lawful for a parish council to present a petition to the sheriff, setting out that a person is

(*a*) a habitual drunkard, or

(*b*) a habitual pauper addicted to drink

and that within the twelve months immediately preceding the date of such petition he has received relief from any parish council not less than four times, and the sheriff after such intimation of the petition to such person as he may direct and after such inquiry, if any, as he deems necessary, if he is satisfied that the person is an habitual drunkard or a habitual pauper addicted to drink and has received relief as aforesaid, may order him to be detained for a term not exceeding three years in

(*c*) any inebriate reformatory, the managers of which are willing to receive him, or

(*d*) the poorhouse of the parish if, in the opinion of the court, such person is, in consequence of physical or mental incapacity or old age, or, by reason of his habits and conditions of life, a fit subject for relief from the parish council.

Establishment and maintenance of retreats.

12. It shall be lawful for the council of any county or burgh to apply for and to hold a licence to keep a retreat under the Inebriates Acts, and any expenditure incurred by them in the establishment or maintenance of such a retreat shall be defrayed in the same way as expenditure incurred by them in connection with the establishment or maintenance of an inebriate reformatory.

Lunatic in inebriate reformatory

13. When any person detained in an inebriate reformatory is certified to be a lunatic, in terms of Sections 14 or 15 of the Lunacy (Scotland) Act, 1862, it shall be lawful for the managers of such reformatory to give notice to the inspector of poor of the parish in which the inebriate reformatory is situated, of their intention to discharge such person, and after seven days from the date of such notice it shall be lawful for the managers to discharge him, and on his discharge the said inspector of poor shall be bound to provide for such person as a lunatic found in the said parish.

Offenders failing to appear at court.

14. When any person charged with any of the offences mentioned in the First Schedule to the Act of 1898 shall have been taken into custody and liberated on bail or pledge and shall fail to appear in court at the calling of the case and the court shall think fit to declare such bail or pledge forfeited, such declaration of forfeiture shall for the purpose of any proceedings under the Inebriates Acts have the same force and effect as a conviction of the charge in respect of which such bail or pledge was taken and forfeited as aforesaid.

Penalty for offences.

15. Any person who commits any of the following offences (that is to say)—

(*a*) Knowingly sells, gives or supplies, or allows any person to sell, give or supply to any person during the period of his detention in an inebriate reformatory any intoxicating liquor or sedative narcotic or stimulant drug or preparation.

(*b*) Without the authority of the managers or the medical officer of an inebriate reformatory brings of attempts to bring into any such reformatory any intoxicating liquor or sedative narcotic or stimulant drug or preparation.

(*c*) Induces or knowingly assists directly or indirectly a person detained in an inebriate reformatory to escape therefrom; or

(*d*) Knowingly harbours, conceals, or prevents from returning to an inebriate reformatory, or assists in harbouring, concealing, or preventing from returning to such reformatory, any person who has escaped therefrom—

shall be liable on summary conviction to a penalty not exceeding twenty pounds, or at the discretion of the court to be imprisoned for any term not exceeding three months with or without hard labour.

Offenders may be apprehended and detained

16. When any person is charged—

(*a*) With any of the offences mentioned in the First Schedule to the Act of 1898.

(*b*) With any of the offences mentioned in the immediately preceding section of this Act.

(*c*) With any offence against any of the regulations made under the Inebriates Acts, or

(*d*) Under Section 5, Section 6, or Section 11 of this Act—

it shall be lawful for the court to grant warrant for his apprehension by any constable or officer of court, or if already in custody, for his detention in prison or in any police office or police cell or other convenient place for any term during the interval between the institution of proceedings against him and the completion of the trial unless he finds caution to the satisfaction of the court for such amount, not exceeding twenty pounds, as the court may fix, for his appearance at all or any of the diets of the court.

Wife or husband may be witness.

17. In any proceedings under the Inebriates Acts the wife or husband of any person complained against may be sworn and examined as an ordinary witness in the case.

Recovery of expenses of detention of inebriates.

18. The provisions of Section 12 of the Act of 1898 as to the recovery from the estate of an inebriate of the expenses incurred in relation to his detention in a State inebriate reformatory or inebriate reformatory, shall extend to the recovery of such expenses from the wife or husband of such inebriate, and the said section shall be read and construed accordingly.

Amendment of Act of 1879.

19. (1) Section 3 of the Act of 1879, shall be read and construed

(*a*) As if the words "use of intoxicating liquor or drugs" were substituted for the words "drinking of intoxicating liquor" where they occur in that section, and

(*b*) As if the following proviso were added to the definition of the expression "habitual drunkard" as amended by this Act—"provided that a person who commits any of the offences mentioned in the First Schedule to the Act of 1898, and who within the twelve months immediately preceding the date of the commission of the offence has been convicted at least three times of any of the offences so mentioned, shall be deemed to be a habitual drunkard unless the contrary is proved by such person to the satisfaction of the court."

(2) Section 14 of the Act of 1879, is hereby repealed, and the following provision shall have effect in lieu thereof:—"All expenses incurred by the local authorities in connection with any application for the granting, renewing, or transferring of a license, under the Act of 1879, shall be borne by the applicant."

SCHEDULES

FIRST SCHEDULE.

(*Referred to in the Preamble of this Act.*)

I.—List of Sections of Acts Repealed by this Act.

Title of Act.	Extent of repeal.	Sections of this Act authorising repeal.
The Habitual Drunkards Act, 1879 - -	Section 14.	Section 19 (2).
The Inebriates Act, 1898 - - - -	Section 23.	Section 5.
Do. - - - -	Section 24.	Section 6.

II.—List of Sections of Acts Affected by this Act.

Title of Act.	Sections amended.	Sections of this Act authorising amendment.
The Lunacy Act, 1862 - - - -	Sections 14 and 15.	Section 13.
The Habitual Drunkards Act, 1879 - -	Section 3.	Section 19 (1).
The Inebriates Act, 1898 - - - -	Sections 5 and 9.	Section 10 (1).
Do. - - - -	Section 12.	Section 18.

SECOND SCHEDULE.

(*Referred to in the Section of this Act of which the marginal note is "Additional offences under Act of 1898."*)

Description of Offence.	Common Law, or Statute, enacting Crime or Offence.
Being guilty, while in a state of intoxication, of committing any of the following crimes, viz.: assault, breach of the peace, malicious mischief, or theft.	Common Law.
Being a common prostitute or night walker, and guilty, while in a state of intoxication, of loitering about or importuning passengers for the purpose of prostitution.	Burgh Police (Scotland) Act, 1892, Section 381, Sub-Section 22.
Being guilty, while in a state of intoxication, of begging -	Burgh Police (Scotland) Act, 1892, Section 408.
Being guilty, while in a state of intoxication, of cruelty to children.	Prevention of Cruelty to Children Act, 1904, Section 1.
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14.—STATEMENT SUBMITTED BY THOMAS MUNRO, Esq., CLERK TO THE COUNTY COUNCIL OF LANARKSHIRE.

County Offices, Hamilton,
9th June, 1906.

SIR,

Care and Control of the Feeble-minded.

I was instructed by this county council to offer myself as a witness to give evidence before the Royal Commission appointed on this subject, but I find that the days fixed by the Commission to hear evidence in Edinburgh clash with an important engagement which I have in London on Parliamentary business. I accordingly send this communication to you in the hope that you may be good enough to submit it to the Commissioners as expressing the views of this county council in the matter.

I append a statement containing information which has been supplied to me by the Chief Constable of the County as to the number of persons in this county who may be classed as persons to which the reference to the Commission is intended to apply.

Hartley B. N. Mothersole, Esq.
Royal Commissions' House,
Old Palace Yard, Westminster, S.W.

That statement shows that there are in the county, including the Burghs of Lanark, Biggar, Motherwell, Wishaw, and Rutherglen, 254 persons of feeble-mind, 169 of these being males and 85 females.

In the majority of the cases referred to in the statement the persons no doubt are under the charge of relatives or guardians, but as a general rule such relatives or guardians are not in a position to give them the attention which their mental state renders it necessary should be bestowed upon them, with the result that they are allowed to wander about the highways—in some cases in a state of uncleanliness—to the annoyance and danger of the community and to the grave risk of injury to themselves.

My constituents are of the opinion that the present state of matters is most unsatisfactory, and calls for some action being taken with a view to better provision being made for their proper care and control.—I am, Sir,

Your obedient servant,
(*Signed*) THOS. MUNRO,
County Clerk.

COUNTY OF LANARK.

STATEMENT CONTAINING INFORMATION AS TO THE NUMBER OF PERSONS OF FEEBLE MIND RESIDENT IN THE COUNTY.

——	Male.	Female.	Total.
Upper Ward District - - - - -	43	20	63
Middle Ward District - - - - -	97	50	147
Lower Ward District - - - - -	12	11	23
BURGHS:			
1. Wishaw - - - - - - - -	6	–	6
2. Motherwell - - - - - - -	5	–	5
3. Lanark - - - - - - - -	2	2	4
4. Biggar - - - - - - - -	–	1	1
5. Rutherglen - - - - - - -	4	1	5
	169	85	254

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ROYAL COMMISSION ON THE CARE AND CONTROL OF THE FEEBLE-MINDED.

MINUTES OF EVIDENCE

RELATING TO ENGLAND AND WALES UNDER THE EXTENDED REFERENCE DATED 2nd NOVEMBER, 1906,

TAKEN BEFORE THE

ROYAL COMMISSION

ON THE

CARE and CONTROL of the FEEBLE-MINDED

WITH APPENDICES AND INDEXES.

VOLUME IV.

QUESTIONS 25073 TO 35004.

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103—IV. 1,750. Wt. T.L. 290. 8/08. Wy. & S. 3072*r*.

Royal Warrant.

EDWARD R. and I.

Edward the Seventh, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, to—

Our right trusty and right well-beloved Cousin Jacob, Earl of Radnor; and

Our trusty and well-beloved:—

William Patrick Byrne, Esquire, Companion of Our Most Honourable Order of the Bath, Principal Clerk in the Office of Our Secretary of State for the Home Department;

Charles Edward Heley Chadwyck-Healey, Esquire, Companion of Our Most Honourable Order of the Bath, one of Our Counsel learned in the Law;

Charles Edward Henry Hobhouse, Esquire;

Frederick Needham, Esquire, Doctor of Medicine, one of the Commissioners in Lunacy;

Horatio Bryan Donkin, Esquire, Doctor of Medicine, one of the Commissioners under the provisions of the Prison Act, 1877;

James Craufurd Dunlop, Esquire, Doctor of Medicine, Fellow of the Royal College of Physicians (Edinburgh), Superintendent of Statistics in the Office of the Registrar-General for Scotland, Inspector under the Inebriates Acts, Assistant to the Medical Adviser to the Prison Commissioners for Scotland;

Henry David Greene, Esquire, one of Our Counsel learned in the Law;

Harold Nelson Burden, Clerk, Manager of Brentry and other Certified Inebriate Reformatories;

Willoughby Hyett Dickinson, Esquire, Chairman of the National Association for promoting the welfare of the Feeble-Minded;

Charles Stewart Loch, Esquire, Secretary to the Council of the London Charity Organization Society; and

Ellen Frances Pinsent. Greeting!

Whereas We did by Warrants under Our Royal Sign Manual, bearing date the ninth day of September and the seventh day of October, one thousand nine hundred and four, and the twenty-seventh day of February and the sixth day of March, one thousand nine hundred and five, authorise and appoint certain persons therein respectively named, or any three or more of them, to be Our Commissioners to consider the existing methods of dealing with idiots and epileptics, and with imbecile, feeble-minded, or defective persons not certified under the Lunacy Laws; and in view of the hardship or danger resulting to such persons and the community from insufficient provision for

their care, training, and control, to report as to the amendments in the law or other measures which should be adopted in the matter, due regard being had to the expense involved in any such proposals and to the best means of securing economy therein;

And Whereas We have deemed it expedient that the scope of the said Commission should be enlarged, and that the Commissioners appointed for the purposes aforesaid should also be authorised to enquire into the constitution, jurisdiction, and working of the Commission in Lunacy and other Lunacy Authorities in England and Wales, and into the expediency of amending the same or adopting some other system of supervising the care of lunatics and mental defectives; and to report as to any amendments in the law which should, in their opinion, be adopted:

Now know ye, that We, being advised that a new Commission should issue for this purpose, have revoked and determined, and do by these presents revoke and determine, the said several Warrants, and every matter and thing therein contained.

And We do by these presents nominate, constitute and appoint you the said Jacob, Earl of Radnor (Chairman); William Patrick Byrne; Charles Edward Heley Chadwyck-Healey; Charles Edward Henry Hobhouse; Frederick Needham; Horatio Bryan Donkin; James Craufurd Dunlop; Henry David Greene; Harold Nelson Burden; Willoughby Hyett Dickinson; Charles Stewart Loch; and Ellen Frances Pinsent to be Our Commissioners to consider the existing methods of dealing with idiots and epileptics, and with imbecile, feeble-minded or defective persons not certified under the Lunacy Laws; and in view of the hardship or danger resulting to such persons and the community from insufficient provision for their care, training and control, to report as to the amendments in the law or other measures which should be adopted in the matter, due regard being had to the expense involved in any such proposals and to the best means of securing economy therein; and also to enquire into the constitution, jurisdiction, and working of the Commission in Lunacy and of other Lunacy Authorities in England and Wales, and into the expediency of amending the same or adopting some other system of supervising the care of lunatics and mental defectives; and to report as to any amendments in the law which should, in their opinion, be adopted.*

And for the better effecting of this Our Commission, We do by these presents give and grant unto you, or any three or more of you, full power to call before you such persons as you shall judge likely to afford you any information upon the subject of this Our Commission; and also to call for, have access to, and examine all such books, documents, registers and records as may afford you the fullest information on the subject, and to inquire of and concerning the premises by all other lawful ways and means whatsoever.

And We do by these presents authorize and empower you, or any of you, to visit and personally inspect such places as you may deem it expedient so to inspect for the more effectual carrying out of the purposes aforesaid.

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* The portion underlined shows the extended terms of the Reference to which the Evidence in this Volume relates.

And We do by these presents will and ordain that this Our Commission shall continue in full force and virtue, and that you Our said Commissioners, or any three or more of you, may from time to time proceed in the execution thereof, and of every matter and thing therein contained, although the same be not continued from time to time by adjournment.

And We do further ordain that you, or any three or more of you, have liberty to report your proceedings under this Our Commission from time to time if you shall judge it expedient so to do.

And Our further will and pleasure is that you do, with as little delay as possible, report to Us under your hands and seals, or under the hands and seals of any three or more of you, your opinion upon the matters herein submitted for your consideration.

And for the purpose of aiding you in your enquiries We hereby appoint Our trusty and well-beloved Hartley Brinkley Newton Mothersole, Esquire, Barrister-at-Law, to be Secretary to this our Commission.

Given at Our Court at *St. James's*, the second day of *November*, one thousand nine hundred and six, in the sixth year of Our Reign.

By His Majesty's Command,

H. J. Gladstone.

THE ROYAL COMMISSION ON THE CARE AND CONTROL OF THE FEEBLE-MINDED.

LIST OF WITNESSES ARRANGED ALPHABETICALLY.

Name.	Description.	Date.	Question.	Page.
Ambrose, William, K.C.	Master in Lunacy	Fifty-Eighth Day: 6th December, 1906.	29370	153
Baker, William Frederick	Taxing Master of the Supreme Court Taxing Office.	Sixty-Fourth Day: 20th December, 1906.	33164	313
Brooks, Samuel, J.P.	Chairman of the Surrey County Asylums Committees of "Brookwood" and "Netherne."	Sixtieth Day: 10th December, 1906.	31091	225
Buist, R. C., M.A., M.D.	Late Chairman of Medico-Political Committee of the British Association, and of the Special Lunacy Committee.	Sixty-First Day: 13th December, 1906.	31420	241
Burney, Charles, M.A.	Master of the Supreme Court	Sixty-Fourth Day: 20th December, 1906.	32993	300
Clare, Harcourt E.	Clerk to the Lancashire Asylums Board.	Sixty-Fifth Day: 21st December, 1906.	33640	340
Cleaver, Richard Stewart	Solicitor, Liverpool, on behalf of the Incorporated Law Society, Liverpool.	Sixty-Sixth Day: 14th January, 1907.	34256	368
Clouston, T. S., M.D.	Superintendent of the Royal Asylum, Edinburgh.	Sixtieth Day: 10th December, 1906.	30930	219
Cooke, E. Marriott, M.B.	Commissioner in Lunacy	Fifty-Third Day: 16th November, 1906.	25744	31
Cooper, George, M.P.	Member of Parliament for the Division of Bermondsey, of the Parliamentary Borough of Southwark. Member of the St. Olave's Board of Guardians, 1886 to 1890, and a Member of the London County Council from its constitution in 1889 to February 27th, 1906. Chairman of the Public Health Committee of the County Council for several years.	Sixty-Seveth Day: 1st March, 1907.	34329	375
Coupland, Sidney, M.D.	Commissioner in Lunacy	Fifty-Fourth Day: 19th November, 1906.	26780	66
Cozens-Hardy, The Right Hon. Lord Justice.	Judge in Lunacy	Fifty-Sixth Day: 26th November, 1906.	28373	116
Crichton-Browne, Sir James, M.D., LL.D., F.R.S.	Lord Chancellor's Visitor in Lunacy.	Fifty-Eighth Day: 6th December, 1906.	29580	161
Crowther, Alderman Benjamin	Chairman of the Asylums Committee for the West Riding of Yorkshire.	Sixtieth Day: 10th December, 1906.	30520	204

Name.	Description.	Date.	Question.	Page.
Cunynghame, H. S., C.B.	Assistant Under-Secretary of State in the Home Department.	Sixty-Fifth Day: 21st December, 1906.	33307	319
Davis, David	Chairman of the City of Birmingham Lunatic Asylums Committee of Visitors.	Sixty-Third Day: 17th December, 1906.	32322	276
Davy, J. S., C.B.	Chief General Inspector and Assistant Secretary of the Local Government Board.	Sixty-Sixth Day: 14th January, 1907.	33764	348
Dorington, The Right Hon. Sir John.	Commissioner in Lunacy	Fifty-Second Day: 15th November, 1906.	25388	18
Fischer, Thomas H., K.C.	Master in Lunacy	Fifty-Ninth Day: 7th December, 1906.	29985	180
Giffard, H. F.	Commissioner in Lunacy	Fifty-Fifth Day: 22nd November, 1906.	27080	77
Hine, George Thomas	Consulting Architect of His Majesty's Commissioners in Lunacy.	Sixty-Fourth Day: 20th December, 1906.	32606	285
Hodgson, William, J.P., L.R.C.P.I., L.M.	Chairman of the County Asylum, Chester.	Sixty-Second Day: 14th December, 1906.	31938	260
James, Christopher	Barrister-at-Law, Secretary in Lunacy to the Lords Justices.	Fifty-Ninth Day: 7th December, 1906.	30296	193
Keely, T. Southwell	Chief Clerk to the Masters in Lunacy.	Fifty-Sixth Day: 26th November, 1906.	27823	103
Kekewich, The Right Hon. Sir Arthur.	Judge in Lunacy	Sixty-Fifth Day: 21st December, 1906.	33527	334
Kershaw, Noel T., C.B.	An Assistant Secretary of the Local Government Board.	Sixty-Third Day: 17th December, 1906.	32013	265
Mercier, Charles, M.D., F.R.C.P., F.R.C.S.	Representative of the Royal College of Physicians.	Fifty-Eighth Day: 6th December, 1906.	29888	175
Muir-Mackenzie, Sir Kenneth, K.C.B., K.C.	Permanent Secretary to the Lord Chancellor and Clerk of the Crown.	Sixty-Eighth Day: 27th March, 1907.	34600	391
Needham, F., M.D.	A Member of the Commission and a Commissioner in Lunacy.	Fifty-Fourth Day: 19th November, 1906.	26892	69
Nicolson, David, C.B., M.D.	Lord Chancellor's Visitor in Lunacy.	Fifty-Fifth Day: 22nd November, 1906.	27376	87
Palmer, R. C.	Lord Chancellor's Visitor in Lunacy.	Fifty-Fifth Day: 22nd November, 1906.	27703	98
Pasmore, Edwin Stephen, M.D., M.R.C.P.	Physician and Superintendent, Croydon Mental Hospital, Warlingham, Surrey.	Sixty-Third Day: 17th December, 1906.	32463	280
Pennant, P. P.	Chairman of the Visiting Committee of the North Wales Counties Lunatic Asylum, Denbigh.	Sixty-Second Day: 14th December, 1906.	31858	257

Name.	Description.	Date.	Question.	Page.
Savage, G. H., M.D. - -	On behalf of the Parliamentary Committee of the Medico-Psychological Association of Great Britain and Ireland.	Fifty-Seventh Day: 3rd December, 1906.	28875	134
Shadwell, Lionel Lancelot -	Commissioner in Lunacy - -	Fifty-Fourth Day: 19th November, 1906.	27001	74
Shaw, T. Claye, M.D., F.R.C.P.	Medical Superintendent of the Leavesden Asylum at Watford for seven years; about twenty-five years after that Medical Superintendent of the Banstead Asylum.	Fifty-Ninth Day: 7th December, 1906.	30375	197
Spence, J. B., M.D. - -	Medical Superintendent of the Staffordshire County Asylum, Burntwood, near Litchfield -	Sixty-Second Day: 14th December, 1906.	31727	252
Straton, C. R., L.R.C.P., F.R.C.S.	Chairman of the Lunacy Committee of the British Association.	Sixty-First Day: 13th December, 1906.	31619	248
Trevor, A. H. - - -	Barrister-at-law, Secretary to the Lunacy Commission.	Fifty-Second Day: 15th November, 1906.	25073	1
Tuke, Sir John Batty, M.P., M.D., F.R.C.P., F.R.S., etc.	Visiting Physician to Saughton Hall Private Asylum. Morison Lecturer on Insanity, R.C.P. (Ed.) and on Mental Disease, R.C.S. (Ed.), etc., etc.	Fifty-Seventh Day; 3rd December, 1906.	28564	124
Urmson, G. H. - - -	Commissioner in Lunacy - -	Fifty-Fourth Day: 19th November, 1906.	26320	52
Vickers-Edwards, Joseph -	County Architect to the West Riding of Yorkshire.	Sixtieth Day: 10th December, 1906.	30863	216
Walker, Edmund William -	Senior Master in the Chancery Division.	Sixty-Fourth Day: 20th December, 1906.	33143	313
Whitaker, J. Smith, M.R.C.S., L.R.C.P.	Medical Secretary of the British Medical Association.	Sixty-First Day: 13th December, 1906.	31347 and 31600	236 and 246
White, Ernest William, M.B., M.R.C.P., M.R.C.S.	A Graduate in Medicine of the University of London and a Member of the Royal College of Physicians of London; Professor of Psychological Medicine at King's College, London, since 1890, and seventeen and a half years Medical Superintendent of the City of London Asylum, and prior to that for nine and a half years Senior Assistant Medical Officer of the Kent County Asylum at Chartham.	Sixty-First Day: 13th December, 1906.	31186	231
Whitwell, James R., M.D. -	Medical Superintendent, County Asylum, Melton, Suffolk.	Fifty-Ninth Day: 7th December, 1906.	30480	202
Winterbotham, W. H., M.A.	Official Solicitor - - -	Fifty-Seventh Day: 3rd December, 1906.	29107	142

THE ROYAL COMMISSION ON THE CARE AND CONTROL OF THE FEEBLE-MINDED.

LIST OF WITNESSES IN ORDER OF EXAMINATION.

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Fifty-Second Day: 15th November, 1906.	A. H. Trevor - - -	Barrister-at-Law, Secretary of the Lunacy Commission	25073	1
	The Right Hon. Sir John Dorington - -	Commissioner in Lunacy	25388	18
Fifty-Third Day: 16th November, 1906.	E. Marriott Cooke, M.B.	Commissioner in Lunacy	25744	31
Fifty-Fourth Day: 19th November, 1906.	G. H. Urmson - -	Commissioner in Lunacy	26320	52
	Sidney Coupland, M.D.	Commissioner in Lunacy	26780	66
	F. Needham, M.D. - -	A member of the Commission and a Commissioner in Lunacy	26892	69
	Lionel Lancelot Shadwell - - - - -	Commissioner in Lunacy	27001	74
Fifty-Fifth Day: 22nd November, 1906.	H. F. Giffard - -	Commissioner in Lunacy	27080	77
	David Nicolson, C.B., M.D. - - - - -	Lord Chancellor's Visitor in Lunacy	27376	87
	R. C. Palmer - - -	Lord Chancellor's Visitor in Lunacy	27703	98
Fifty-Sixth Day: 26th November, 1906.	T. Southwell Keely -	Chief Clerk to the Masters in Lunacy	27823	103
	The Right Hon. Lord Justice Cozens-Hardy	Judge in Lunacy	28373	116
Fifty-Seventh Day 3rd December, 1906.	Sir John Batty Tuke, M.P., M.D., F.R.C.P., F.R.S., etc. - - -	Visiting Physician to Saughton Hall Private Asylum, Morison Lecturer on Insanity, R.C.P. (Ed.), and on Mental Disease, R.C.S. (Ed.), etc., etc.	28564	124
	G. H. Savage, M.D. -	On behalf of the Parliamentary Committee of the Medico-Psychological Association of Great Britain and Ireland	28875	134
	W. H. Winterbotham, M.A. - - - - -	Official Solicitor	29107	142
Fifty-Eighth Day: 6th December, 1906.	William Ambrose, K.C.	Master in Lunacy	29370	153
	Sir James Crichton-Browne, M.D., LL.D., F.R.S. - - - - -	Lord Chancellor's Visitor in Lunacy	29580	161
	Charles Mercier, M.D., F.R.C.P., F.R.C.S. -	Representative of the Royal College of Physicians	29888	175

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	J. Smith Whitaker, M.R.C.S., L.R.C.P. -	Medical Secretary of the British Medical Association	31347 and 31600	236 and 246
	R. C. Buist, M.A., M.D.	Late Chairman of the Medico-Political Committee of the British Association, and of the Special Lunacy Committee	31420	241
	C. R. Straton, L.R.C.P., F.R.C.S. - - -	Chairman of the Lunacy Committee of the British Association	31619	248
Sixty-Second Day: 14th December, 1906.	J. B. Spence, M.D. - -	Medical Superintendent of the Staffordshire County Asylum, Burntwood, near Litchfield	31727	252
	P. P. Pennant - -	Chairman of the Visiting Committee of the North Wales Counties Lunatic Asylum, Denbigh	31858	257
	William Hodgson, J.P., L.R.C.P.I., L.M. - -	Chairman of the County Asylum, Chester	31938	260
Sixty-Third Day: 17th December, 1906.	Noel T. Kershaw, C.B.	An Assistant Secretary of the Local Government Board	32013	265
	David Davis - - -	Chairman of the City of Birmingham Lunatic Asylums Committee of Visitors	32322	276

Date.	Name.	Description.	Question.	Page.
Sixty-Third Day —*cont.*	Edwin Stephen Pasmore, M.D., M.R.C.P. - -	Physician and Superintendent, Croydon Mental Hospital, Warlingham, Surrey	32463	280
Sixty-Fourth Day: 20th December, 1906.	George Thomas Hine -	Consulting Architect of His Majesty's Commissioners in Lunacy	32606	285
	Charles Burney, M.A. -	Master of the Supreme Court	32993	300
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	The Right Hon. Sir Arthur Kekewich -	Judge in Lunacy	33527	334
	Harcourt E. Clare -	Clerk to the Lancashire Asylums Board	33640	340
Sixty-Sixth Day: 14th January, 1907.	J. S. Davy, C.B. - -	Chief General Inspector and Assistant Secretary of the Local Government Board	33764	348
	Richard Stewart Cleaver - - -	Solicitor, Liverpool, on behalf of the Incorporated Law Society, Liverpool	34256	368
Sixty-SeventhDay: 1st March, 1907.	Cooper, George, M.P. -	Member of Parliament for the Division of Bermondsey of the Parliamentary Borough of Southwark. Member of the St. Olave's Board of Guardians 1886 to 1890, and a Member of the London County Council from its constitution in 1889 to February 27th, 1906. Chairman of the Public Health Committee of the County Council for several years.	34329	375
Sixty-Eighth Day: 27th March, 1907.	Sir Kenneth Muir-Mackenzie, K.C.B., K.C.	Permanent Secretary to the Lord Chancellor, and Clerk of the Crown.	34600	391

MINUTES OF EVIDENCE

TAKEN BEFORE

THE ROYAL COMMISSION

ON THE

Care and Control of the Feeble-Minded.

AT ROYAL COMMISSIONS HOUSE, OLD PALACE YARD, WESTMINSTER S.W.

FIFTY-SECOND DAY.

Thursday, November 15th, 1906.

PRESENT.

The Right Hon. The Earl of Radnor (Chairman).

W. P. Byrne, Esq., C.B.
F. Needham, Esq., M.D.
H. D. Greene, Esq., K.C.
C. E. H. Chadwyck-Healey, Esq., C.B., K.C.
The Rev. H. N. Burden.
W. H. Dickinson, Esq., M.P.
C. S. Loch, Esq., D.C.L.
Mrs. Pinsent
H. B. Donkin, Esq., M.D.
J. C. Dunlop, Esq., M.D.

Hartley B. N. Mothersole, Esq., M.A., LL.M. (*Secretary*).
E. A. H. Jay, Esq., M.A., LL.B. (*Assistant Secretary*).

A. H. Trevor, Esq., called; and Examined.

25073. (*Chairman.*) Will you kindly tell us how long you have been Secretary to the Lunacy Commission?—Since November, 1904; two years.

A. H. Trevor, Esq.

15 Nov. 1906.

25074. You have been so kind as to prepare a very interesting statement for us about the Lunacy Commission, may we put it on the notes?—I should be very pleased.

Statement of the Evidence proposed to be given by A. H. Trevor, Esq., Barrister-at-Law, Secretary of the Lunacy Commission.

Accommodation for Pauper Lunatics.

A.D. The earliest statutes upon the subject of pauper lunatics, viz., 17 Edward II., c. 9 & 10, relate to idiots and lunatics in general, and are said by Lord Coke to have been declaratory of the common law.

They vest the custody of their lands and tenements expressly, and of their persons impliedly, in the King; but the Royal authority under these Acts having been exercised by the Lord Chancellor, and not without a previous inquisition before a jury to find the idiocy or lunacy of the party, it is evident that the forms and expenses requisite were not calculated for the case of paupers; so that they were generally left to the protection of their friends and relations or to the overseers of the poor.

A.D. The first Act dealing expressly with pauper lunatics is 17 Geo. II., c. 5, which was really a Vagrants Act. Section 20 ("Lunatics—how to be disposed of"), after reciting that "there are sometimes persons who by lunacy or otherwise are furiously mad, or are so far disordered in their senses that they may be dangerous to be permitted to go abroad . . ." provides that "it shall be lawful for any two or more justices of the peace where such lunatick or mad person shall be found by warrant under their hands and seals directed to the constables, churchwardens, overseers of the poor of the parish, town or place, or some of them, to cause such person to be apprehended and kept safely locked up in some secure place . . . and, if such justices find it necessary, to be there chained." The section further provided that the goods and estates of lunatics should be seized to pay the charge of their maintenance.

The statute 48 Geo. III., c. 96—Mr. Wynne's Act— 1808 A.D.
which resulted from the Report of a Select Committee appointed in 1807 to enquire into the state of lunatics, and was entitled an "Act for the better care and maintenance of lunatics, being paupers or criminals in England," repealed 17 Geo. II., c. 5, s. 20, and, after reciting that the practice of confining such lunatics and other insane persons as are chargeable to their respective parishes in gaols, houses of correction, poor houses and houses of industry, was highly dangerous and inconvenient, enabled justices in quarter sessions to provide for the erection of lunatic asylums, and to unite with other counties for the purpose, and conferred on them powers to contract, to appoint visiting committees, and to mortgage the rates for the expenses incurred. This statute, it will be noticed, was merely permissive and not compulsory.

Amending Acts were passed in 1811 (51 Geo. III., c. 79), 1815 (55 Geo. III., c. 46), 1819 (59 Geo. III., c. 127), 1825 (5 Geo. IV., c. 71).

The above statutes were amended and consolidated in 1829 by the statute 9 Geo. IV., c. 40 which remained law till 1845, when it was repealed, and to a large extent re-enacted by the statute 8 & 9 Vict., c. 126.

A. H. Trevor, Esq.

15 Nov. 1906.

With Regard to the Care and Treatment of Lunatics.—

1774. In 1774 a statute, 14 Geo. III., c. 49, entitled "An Act for regulating madhouses," was passed. The preamble states, "that many great and dangerous abuses frequently arise from the present state of houses kept for the custody of lunatics for want of regulations with respect to the persons keeping such houses, the admission of patients into them, and the visitation . . . by proper persons of the said houses and patients, and that the law as it now stands is insufficient for preventing or discovering such abuses." The statute then provided that from and after November 20th, 1774, if any person concealed more than one lunatic without a licence he should forfeit a sum of £500 (Section 1).

Section 2 provided that in order that proper persons should be appointed for visiting such houses as should be licensed and kept for the reception of lunatics within the cities of London and Westminster, and within seven miles of the same, and within the county of Middlesex, the Royal College of Physicians in London may elect five Fellows to act as Commissioners for granting licences, to visit and inspect licensed houses and to examine the persons confined as lunatics therein (Section 14), such visits to be without notice to the keeper of the house (Section 5). Outside the Metropolitan area similar powers were conferred on the justices of the peace at quarter sessions.

This Act, which was to continue in force for five years, was continued for seven years by 19 Geo. III., c. 15, and made perpetual by 26 Geo. III., c. 91.

1828. In 1828 was passed a statute, 9 Geo. IV., c. 41, which was entitled "An Act to regulate the care and treatment of insane persons in England," and after reciting that the laws then existing for regulating houses for the reception of insane persons were ineffectual, and that it was expedient that some other provision should be made for licensing and regulating such houses, and for improving the treatment of insane persons, proceeded to repeal the previous Acts, and substituted further and better provisions in their place. Section 2 provided for the appointment by the Secretary of State for the Home Department of fifteen Commissioners within the cities of London and Westminster, and seven miles thereof, and the county of Middlesex, for licensing and visiting all houses within that district for the reception of two or more insane persons. Of these Commissioners, who were appointed for a year, five at least were to be physicians and were entitled to charge for their services at the rate of £1 an hour; the rest were unpaid. In all other parts of England similar powers were conferred on the justices of the peace assembled in quarter sessions within their own jurisdiction. Of the visitors appointed by the justices three or more were to be justices themselves, and one or more a physician, a surgeon, or an apothecary. The Commissioners appointed under this Act styled themselves "Metropolitan Commissioners in Lunacy." This Act was amended in certain particulars by 10 Geo. IV., c. 18.

1832. In 1832 was passed the statute 2 and 3 William IV., c. 107, to regulate for the period of three years the care and treatment of the insane.

Metropolitan Commissioners in Lunacy. Under this Act the Commissioners were called "The Metropolitan Commissioners in Lunacy." Their appointment was placed in the hands of the Lord Chancellor; not less than four nor more than five were to be physicians and two were to be barristers. All the Commissioners were allowed their travelling expenses, but only the physicians were to be paid for their services.

1842. This statute was from time to time amended and continued up to 1842, when by the statute 5 and 6 Vict., c. 87, the powers of visitation possessed by the Metropolitan Commissioners in Lunacy were extended to asylums and licensed houses all over England and Wales.

By Section 2 provision was made for the addition as Commissioners of two more physicians or surgeons and two more barristers, and by Sections 40–41, in addition to their travelling expenses, medical and legal Commissioners alike were to be allowed and paid £1 an hour while visiting in the Metropolitan district and five guineas a day while engaged in visiting in the country. By Section 30 the duty was imposed on the Commissioners of visiting county asylums, and, by Section 31, of reporting in writing whether the provisions of the law had been carried out as to the construction of every such asylum and as to its visitation and management, the regularity of the admissions and liberations of patients therein and therefrom. They were also to report on such other matters as (*a*) any system of non-coercion practised; (*b*) classification of patients; (*c*) indoor and outdoor amusements and occupations and their effect; (*d*) the condition of pauper patients when received into the asylum, and dietary; and (*e*) generally. They were also required to visit and report on the military and naval hospitals.

Report of Metropoli Commissioners in Lunacy, 18

In the year 1844 the Metropolitan Commissioners presented a Report to the Lord Chancellor on the various matters entrusted to their care.

At the commencement of the report the Commissioners stated that as their duties had been materially increased by the provisions of 5 and 6 Vict. c. 87 (already referred to), which had enabled them to inspect the condition of the various public and private asylums throughout England and Wales beyond, as well as within, the Metropolitan area, they thought it right to report to the Lord Chancellor the result of their experience in a more minute and specific way than they had heretofore been accustomed to do. After dealing with the various statutes then in force relating to lunatic asylums, the Report proceeded to state the number of lunatic asylums of all classes which they had been authorised to visit, which amounted to 166.

After enumerating the nature of the enquiries made by the Commissioners, the Report proceeds to deal with the following heads:—

I. The different classes of lunatic asylums, their construction, condition, management, and visitation.
II. Condition of paupers, on admission.
III. Forms of disease, medical treatment, diet, and classification.
IV. Occupations and amusements.
V. Restraint.
VI. Religious services.
VII. The admission and liberation of patients.
VIII. Statistics of insanity.
IX. Criminal lunatics.
X. Wales.

The Report concludes with various suggestions for the amendment of the law:—

1. "That there be provided for the insane poor of every county some proper and convenient hospital or hospitals for the reception of all the recent cases."

2. "That the provisions of the law, enabling counties to unite for the formation of asylums, be extended to parts of counties, towns, and places with separate jurisdictions; and also to the unions of counties and districts having no asylums with others possessing such institutions."

3. "That the 15th section of the Act 9 Geo. IV. c. 40, be amended by enabling a majority, being not less than two-thirds, of the justices of the peace present at any general or quarter sessions, to direct or authorise tenants at rack-rent to detain out of their rent one-half of the full amount of all or any rates hereafter to be levied for building, enlarging, and repairing county asylums or in reference thereto."

4. "That in any county asylum or hospital hereafter to be erected, into which curable lunatics (either alone, or together with incurable patients, shall be received, the number of patients shall not exceed 250 in the whole." (*See* pp. 23, 24 of the Report).

5. "That some provision be made for the removal from time to time of incurable paupers from county asylums, in order to make room for such as are curable."

6. "That in the more populous counties, such as Middlesex and Lancashire, separate receptacles be established for chronic cases; to be conducted in a manner adapted for the wants of the patients, but upon a less expensive scale than the present county asylums."

7. "That if it be deemed a matter of necessity, under present circumstances, to confine some incurable pauper lunatics elsewhere than in the receptacles expressly established for the purpose, they shall be kept, not in all workhouses indiscriminately, but in some one specified workhouse, or part of a workhouse, within each district; and that every such workhouse, or part of a workhouse, be properly adapted and exclusively appropriated to the reception of lunatics, and be regularly inspected by competent visitors, and have regular medical officers."

8. "That all pauper lunatics, confined elsewhere than in asylums, be periodically visited, and that periodical reports be made upon their condition."

9. "That the sites, plans, and estimates for every county asylum hereafter to be erected, be referred to some board or authority, constituted for the visitation and supervision of lunatics, for the purpose of receiving suggestions, previously to the final adoption thereof by the magistrates."

10. "That the orders and medical certificates for the admission of pauper patients into any asylum, or other place of confinement, be the same as are now required for their admission into licensed houses, and that no order be given unless the party signing has previously seen the patient."

(*Note.*—"At present, a pauper is sent to an asylum on one certificate, and it does not appear necessary that the magistrate or other person signing the order for his confinement should previously see the patient.")

11. "That the orders and medical certificates for the admission of private patients into any asylum, or other place of confinement, be the same as are now required for their admission into licensed houses." (*See* p. 163 of the Report.)

12. "That no person certifying as to a patient's insanity sign an order for his confinement."

(*Note.*—"In one or two cases we have found that the brother or father of the patient, being a medical man, has signed the order for confinement, and also certified as to the lunacy.")

13. "That with a view, amongst other things, to the formation of a complete register of the insane, notice of the admission, discharge, and death of every certified patient, private as well as pauper (excepting only those patients of whom 'private returns' ought to be made), be sent to the Metropolitan Board within two days after every such admission, discharge, and death; and that in every notice of admission, the day on which the patient was received shall be stated, such day also to be endorsed upon the original order and certificate."

(*Note.*—"This will also facilitate the examination of the orders and certificates upon the admission of private patients into asylums, and dispense with the necessity of referring to the register of admissions in order to ascertain that the patient was received within the period limited by law.")

14. "That every county and public asylum or hospital shall have a resident medical officer."

15. "That the orders and medical certificates for the admission of patients be a sufficient authority for the retaking them, in case of escape, at any time within eight days after such escape."

16. "That all asylums and hospitals for the insane be subject to official visitation." (*See page* 33 *of the Report.*)

17. "That the official visitors have power, at their discretion, to give an order for the admission of any relation, trustee, or friend, to visit a certified patient, wherever confined." (*See page* 75 *of the Report.*)

18. "That the official visitors have power to fix and alter the dietary of pauper patients in all lunatic asylums." (*See page* 49 *of the Report.*)

19. "That the Lord Chancellor be empowered, upon the representation of the Board of Metropolitan Commissioners, to suspend the license of any house licensed for the reception of the insane."

20. "That it be lawful for the proprietor or superintendent of an asylum, with the permission in writing of the official visitors, to take or send a patient to any specified place, for a limited time, for the benefit of his health."

21. "That, in the event of any proprietor quitting a licensed house for another licensed to him, it shall be lawful for him, with the previous permission, in writing, of the official visitors, to transfer his patients from the one to the other, without fresh orders and medical certificates."

22. "That licenses be granted, in all cases, to the *proprietors* of licensed houses, and not, as now, in some instances, to the resident superintendents." *A. H. Trevor Esq.* 15 Nov. 1906.

23. "That no dangerous lunatic be removed from any licensed house against the advice of the medical attendant of the house, without the previous sanction of the official visitors." (*See page* 171 *of the Report.*)

24. "That a full statement be published annually, by every county asylum, of all receipts and disbursements; also of the property of the asylum, the sources and amount of income, and the application of the same." (*See page* 26 *of the Report.*)

25. "That in all asylums, public and private, registers and medical records be required to be kept, in a specified and uniform shape; and that annual statements of admissions and discharges, in a form to be prescribed, be made up to the 31st of December in each year, and transmitted to the Metropolitan Board." (*See page* 179 *of the Report.*)

That the order of commitment to the county asylum should be made without requiring any adjudication of settlement, so far as the asylum is concerned.

That the Union to which the pauper is chargeable should be liable to the weekly payments for pauper lunatics, until an order of payment shall have been made by justices upon another district or parish, upon application of the Board of Guardians.

This Report led up to the legislation of the year 1845, which resulted from the initiation and exertions of the Earl of Shaftesbury, then Lord Ashley. 1845.

In the year 1845, two Acts of Parliament were passed, the one, 8 & 9 Vict. c. 100, to regulate the care and treatment of lunatics generally, and the other, 8 & 9 Vict. c. 126, for the provision and regulation of lunatic asylums for counties and boroughs, and the maintenance and care of pauper lunatics therein.

The first of these statutes established a permanent Lunacy Commission consisting of eleven members, five of whom were unpaid, and six, three being medical men and three barristers, at salaries of £1,500 a year each; the second made compulsory, instead of, as under the Act of 1808, permissive, provision for the establishment of county and borough asylums.

Special reference should be made to the Report to the Lord Chancellor, made in the year 1847 by the Commissioners in Lunacy appointed under the Act. The Report deals very fully with the working of the new Acts, and sets out *in extenso* the duties imposed on the Commissioners and how they had endeavoured to fulfil them. Report of Commissioners in Lunacy 1847.

Further legislation in the matter was passed in 1853 by 16 & 17 Vict. c. 96, and 16 & 17 Vict. c. 97. 1853.

A Select Committee was appointed in 1859 to enquire into the operation of the Acts of Parliament and regulations for the care and treatment of lunatics and their property, to whom three Bills then before Parliament—The Lunatics Care and Treatment Bill, The Lunatic Asylums Bill, and The Lunacy Regulation Act, 1853 (Amendment) Bill were committed.

This Committee reported the evidence received by them, with their observations thereon, to the House. As a result the Lunacy Law Amendment Act, 1862 (25 & 26 Vict. c. 111) was passed, which contained numerous additional safeguards against the improper admission of patients into institutions for the insane. Report of Select Committee, 27 July, 1860.

In 1877, another Select Committee of the House of Commons, known as the Dillwyn Committee, was appointed to enquire into the operation of the Lunacy Law so far as regards the security offered by it against violations of personal liberty, and presented a full Report on the subject to the House on March 28th, 1878. 1877.

This Report formed the basis of the Lunacy Acts Amendment Act, 1889, which never came into operation, as it was repealed and re-enacted by the Lunacy Act, 1890, which was passed to consolidate the enactments relating to lunatics, and came into operation on the 1st of May, 1890. Certain minor amendments were contained in the Lunacy Act, 1891. 1890.

The Lunacy Act, 1890, and the Lunacy Act, 1891, and the Rules of the Commissioners made thereunder with the consent of the Lord Chancellor, contain the general law at present in force relating to lunatics in England and Wales.

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1891–1905.

From 1891 to 1905 various Bills have been introduced into one or other House of Parliament, having as their object:—

(1.) The amendment of the principal Acts on various points which experience of their working has shown to be desirable.

(2.) To introduce a system of dealing for a limited period with cases of incipient insanity, without requiring a full reception order under the Lunacy Acts.

(3.) An extension of the boarding-out system without the limitations and restrictions imposed by s.57, of the Lunacy Act, 1890.

(4) An increase in the number of the Commissioners in lunacy to enable them to cope with their ever-increasing duties.

None of these Bills, however, have been passed into law.

Sir G. Jessel M.R. Committee, 1882

In 1882 a Committee was appointed by Lord Chancellor Selborne, under the Chairmanship of Sir George Jessel, M.R., to enquire into the desirability of maintaining the present system of visiting Chancery lunatics or of transferring the duties now performed by the Lord Chancellor's Visitors to the Lunacy Commission.

Report, para. 3.

This Committee reported by a majority that it would not be desirable in the interests of the Chancery lunatics to transfer the Lord Chancellor's Visitors to the Lunacy Commissioners.

Power to amalgamate the Lunacy Departments was, however, conferred on the Lord Chancellor, if it should seem expedient to him so to do, by s. 337 of the Lunacy Act, 1890.

Effect of legislation from 1845–1890.

The legislation from 1845 to 1890 may be summarised as follows:—

Its main objects were to put an end to the cruelties to which patients had been subjected in institutions for the insane, to ensure that no patients should be improperly detained, and to provide throughout the country asylums for the accommodation of pauper patients. The Commissioners in Lunacy were appointed to visit all patients detained under the Lunacy Laws with the object of seeing for themselves that those in charge of the insane complied with the provisions of the law in relation to their detention, care, and treatment. From the reports of the Select Committees since 1845, it is clear that frequent visitation by the Commissioners had resulted in a very considerable amelioration of the treatment of the insane. The Committee of 1877, it will be noted, was only appointed to enquire into the operation of the Lunacy Law so far as regards the security afforded by it against violation of personal liberty, and in one of the early paragraphs of the Report the Committee state that the copious evidence which had been received led them to the conclusion that, though the system then in force was not free from risks, which might be lessened, though not wholly removed by amendments in the existing law and practice, yet assuming that the strongest cases against the present system had been brought before them, allegations of *mala fides* or of serious abuses were not substantiated. Much of the evidence, which was extended to a great length, amounted to little more than differences of opinion among medical men, questions of liberality or parsimony in the arrangement of asylums, suggestions with reference to the letters of patients and visits of friends, or complaints of hesitation amongst superintendents and relatives to believe in the perfect recovery of patients. The Report continues: "The Committee observe that the jealousy with which the treatment of lunatics is watched, and the comparatively trifling nature of the abuses alleged, present a remarkable contrast to the horrible cruelty with which asylums were too frequently conducted less than a half century ago, to the apathy with which the exposure of such atrocities by successive Committees of the House of Commons were received, both by Parliament and the country, and to the difficulty with which remedial enactments were carried through the legislature, while society viewed with indifference the probability of sane people being in many cases confined as lunatics, acquiesced in the treatment of lunatics as if they were outside the pale of humanity, and would scarcely have considered a proposal to substitute for chains and ill-usage the absence of restraint and the occupations and amusements which may be said to be the universal characteristics of the system in this country at the present day."

The constitution of the Commission of eleven members, of whom only three were practising medical men, clearly shows that the object of the legislature was not to create a board of medical experts, but to provide a sort of quasi-judicial tribunal whose duty it should be to see that those engaged in the care and treatment of the insane complied in all respects with the provisions of the law on the subject.

The Commissioners in Lunacy are dealt with in Part V of the Lunacy Act, 1890, ss. 150 to 162.

PART V.

The Commissioners in Lunacy.

Constitution of the Commission.

The Commissioners in Lunacy.

150. (1) There shall continue to be Commissioners in Lunacy, and such of them as are qualified for appointment by being medical practitioners or barristers, shall be entitled to receive salaries.

(2) The salaries of the paid Commissioners and the expenses of the Commissioners to the amount sanctioned by the Treasury, shall be paid out of moneys provided by Parliament.

(3) A Commissioner shall not, so long as he remains Commissioner and receives any salary in respect of his office, accept, hold, or carry on any other office or situation, or any profession or employment from which any profit is derived.

Vacancies among the Commissioners may be filled.

151. (1) As often as a Commissioner dies, or is removed from his office, or is disqualified, or resigns, or refuses or becomes unable through illness or otherwise to act, the Lord Chancellor may appoint a person to be Commissioner in his place.

(2) Every person appointed in the place of a medical practitioner shall be a medical practitioner, and every person appointed in the place of a barrister shall be a practising barrister of not less than five years' standing, and every person appointed in the place of any other Commissioner shall be neither a medical practitioner nor a practising barrister. Provided that a medical or legal Commissioner may, upon resigning his office, be appointed to fill any vacancy among the unpaid Commissioners, and if so appointed, he may, upon the request of any four of the Commissioners, perform any duty which he might have performed before his resignation. Provided also that the secretary for the time being of the Commissioners shall be eligible to be a Commissioner in the place of a barrister.

(3) In case of the temporary illness or disability of a medical or legal Commissioner, the Lord Chancellor may, on the recommendation of the Commissioners, appoint a person qualified to be a medical or legal Commissioner to be his substitute so long as the illness or disability continues, and the substitute may exercise all the powers of the person for whom he acts.

(4) The Commissioners for the time being may act notwithstanding any vacancy in their body.

(5) Every Commissioner hereafter appointed shall, before he acts as Commissioner, make before the Lord Chancellor, or before any three Commissioners qualified to act, the declaration to be made by a Commissioner set forth in the first schedule.

Licenses and instruments to be sealed.

152. (1) All licenses, orders, and instruments, granted, or made, or issued, or authorised by the Commissioners in pursuance of this Act, except such orders or instruments as are to be made or signed and sealed by one Commissioner or two or more Commissioners, shall be sealed with the seal of the Commission.

(2) All such licences, orders, and instruments, or copies thereof, purporting to be sealed with the seal of the Commission, shall be received as evidence of the same respectively, and of the same respectively having been granted, made, issued, or authorised by the Commissioners, without any further proof thereof.

(3) A license, order, or instrument, or copy thereof, shall not be valid, or have any effect, unless it is so sealed.

Appointment of permanent chairman and mode of voting.

153. (1) There shall be a permanent chairman of the Commissioners.

(2) It a permanent chairman dies, or declines, or becomes incapable to act as chairman, or ceases to be a Commissioner, the Commissioners or any five of them, at a meeting specially summoned for the purpose, shall select a member of their body, not being a paid Commissioner, to be a permanent chairman.

(3) If the chairman is absent from a meeting, a majority of the members present may elect a chairman for that meeting.

(4) Questions shall be decided by a majority of votes.

(5) The chairman of the meeting shall have a vetc, and in the event of an equality of votes he shall have a casting vote.

esecretary he Com- sioners.

154. (1) There shall be a secretary to the Commissioners.

(2) The secretary for the time being may be removed by the Lord Chancellor on the application of the Commissioners.

(3) If the office of secretary is vacant, the Commissioners, with the approbation of the Lord Chancellor, may fill the vacancy.

(4) The secretary shall, in the performance of his duties, be subject to the inspection, direction, and control of the Commissioners. His salary shall be of such amount as the Treasury, with the concurrence of the Lord Chancellor, determines.

(5) Every person appointed secretary shall be a barrister of at least seven years' standing, and shall for all purposes be deemed to be a permanent civil servant of the State.

rks ommis- ners.

155. (1) The Commissioners may appoint such number of Clerks as the Treasury sanctions.

(2) The Clerks to the Commissioners shall be paid such salaries as the Treasury assigns. The salaries of the Commissioners, secretary, and clerks, and their expenses to the amount sanctioned by the Treasury, shall be paid out of moneys provided by Parliament.

perannua- allow- es. 22 t., c. 26, & 51 Vict., 57.

156. As respects superannuation allowances, the paid Commissioners, and the secretary and clerks shall be subject to the provisions of the Superannuation Act, 1859, and the Superannuation Act, 1887.

retary clerks make a laration.

157. Every secretary or clerk shall, before he acts, make before any one of the Commissioners the declaration to be made by the secretary and clerks of the Commissioners set forth in the first schedule.

qualifica- n of Com- sioners their retary and rks.

158. (1) A person shall not be qualified to be a Commissioner or secretary or clerk of the Commissioners if he is, or within one year prior to his appointment has been, interested in a licensed house.

(2) If any Commissioner or the secretary or any clerk of the Commissioners becomes interested in a licensed house, he shall be disqualified to hold his office.

(3) Any disqualified person continuing to act shall be guilty of a misdemeanour.

Meetings and Procedure.

mmis- ners to d meetings granting nces.

159. (1) The Commissioners, or some five of them, shall hold quarterly meetings at their office, or at such other place as the Lord Chancellor may direct, on the first Wednesday in the months of February, May, July, and November in every year, to receive applications for licences for houses for the reception of lunatics within the immediate jurisdiction of the Commissioners.

(2) In case on any such occasion five Commissioners are not present, the meeting shall take place on the following Wednesday, and so on weekly, until five Commissioners assemble.

(3) The Commissioners assembled at every such meeting shall have power to adjourn the meeting from time to time, and to such place as they think fit.

(4) Any five of the Commissioners may, at any other time, at a meeting duly summoned, receive applications for licences.

ovision calling etings.

160. (1) If a Commissioner by writing under his hand requires the secretary to call a meeting of the Commissioners for a purpose specified in the writing, or for general business, the secretary shall call a meeting.

(2) The secretary shall give to the Commissioners, or such of them as are in England, and have an address known to the secretary, twenty-four hours' notice of the place, day, and hour of the meeting, and of the purpose for which it is to be held.

(3) Any three Commissioners assembled at a meeting shall be a quorum, and shall constitute a board, except where by this Act five Commissioners are required to be present at any meeting.

(4) Every meeting shall, as far as circumstances admit, be held at the office of the Commission.

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161. (1) The Commissioners, or any five of them present at any quarterly or other meeting, may, by resolution sealed with their seal or entered in a book kept for the purpose, and signed by five at least of the Commissioners present at the meeting, make orders and rules for regulating the duties of the Commissioners and of their secretary, clerks and servants, and for the transaction of the business of the Commission.

Power to make orders and rules to regulate procedure.

(2) The secretary shall give to each Commissioner, so far as circumstances admit, not less than seven days' notice of a meeting for the purpose of making orders or rules, and shall state in the notice the purpose of the meeting.

Reports and Records.

162. (1) The Commissioners shall, at the expiration of every six months, report to the Lord Chancellor the number of visits they have made and the number of patients they have seen.

Reports to be made to the Lord Chancellor.

(2) They shall also, in or before the month of June in every year, make to the Lord Chancellor a report made up to the end of the preceding year, of the condition of the institutions for lunatics, and other places visited by them, and of the care of the patients therein with such other particulars as they think deserving notice.

(3) They shall lay copies of the reports to be made under this section before Parliament within one month after the same have been made if Parliament is then sitting, and if not, within twenty-one days after the commencement of the next session.

These are substantially re-enactments of the provisions of Sections 3 to 16 of 8 and 9 Vict. c. 100. One of the chief differences is that in place of the eleven gentlemen specifically named in Section 3 of the Act of 1845, it is now provided by Section 150 that there shall continue to be Commissioners in Lunacy, and such of them as are qualified for appointment by being medical men or barristers shall be entitled to receive salaries. This has alwa s been taken to mean that there may be five unpaid Commissioners and six receiving payment, three of whom are to be medical men and three barristers. At present, however, there are only two honorary Commissioners.

The permanent Chairman of the Commissioners has always been one of the honorary Commissioners.

Board Meetings.

The Commissioners, three of whom form a quorum, except for licensing matters, when five must be present, hold board meetings every week on Wednesday. On the first Wednesday in February, May, July, and November in every year, a quarterly meeting is held when necessary to receive applications for licences for houses for the reception of lunatics within the immediate jurisdiction of the Commissioners.

Since 1890 the licensing business of the board has been very considerably diminished, as by Section 207 of the Lunacy Act, 1890, the power to grant new licences has been abolished.

The business of the Board consists, in addition to licensing, of:—

(1) Receiving and considering entries made by members of the Board on the occasion of their visits to the various institutions which it is their duty to visit, reports on workhouses, and single patients.

(2) Considering and discussing all matters of importance in connection with the policy of the Board, or any of the innumerable subjects which may from time to time arise in connection with any of the insane or of the establishments in which they are detained.

(3) Any matters for which a board order is required—such as dispensations in medical visits, orders to visit, changes of holders or petitioners, permissions to receive more than one single patient, property reports to the Lord Chancellor, prosecutions, deaths occurring in any establishment if in any way the result of violence or accident, the reception of deputations, and interviews, and any other matter

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on which the Commissioners for the time on duty or the secretary may think it advisable to obtain the opinion of the Board.

(4) Plans, contracts, and estimates are reported to the Board and referred to the special consideration of individual Commissioners.

Lunacy Commission work in 1845.

At the time when the Lunacy Commission was started in 1845 the number of the insane to be visited was about 25,000. They were detained in :—

Asylums, some being county asylums receiving only paupers, others being county and subscription asylums receiving both private and pauper patients - - - - - -	21
Hospitals receiving lunatics - - - - - -	11
Houses, licensed by the justices in session which receive private patients only, private and pauper patients, or pauper patients only -	96
Houses licensed by the Commissioners in Lunacy which receive private patients only, pauper as well as private patients, or pauper patients only - - - - - - - - - -	48
Total - - - - - - -	176
Workhouses in Unions and parishes estimated at -	750
Gaols containing lunatics, say - - - - - -	20
Bethlehem Hospital and Naval and Military Hospitals	3

Lunacy Commission work at present time. Visitation.

On the 1st of January, 1906, from the Returns made to the Commissioners, the number of persons in England and Wales certified as insane and under care, was 121,979.

The county and borough asylums are now ninety-one in number and six more are in the course of construction. In addition to these, there are fourteen registered hospitals, eight idiot establishments, three State institutions, twenty-one Metropolitan licensed houses, and forty-four provincial licensed houses, and in houses scattered over the country, many of them remote and inaccessible, are 409 single patients. All the county and borough asylums, the State and idiot asylums, are visited once a year. Many of the former are of huge size, containing from 1,800 to 2,700 patients, and involving from two to three days' visitation, every patient being seen and afforded full opportunity of speech and complaint, of which large numbers avail themselves. The increase which has taken place of late years in the size of individual asylums is an important item in the growth of the Commissioners' work, and adds materially to its trying nature.

The hospitals and country licensed houses not licensed by the Commissioners are visited by them twice a year, the Metropolitan licensed houses always six and generally eight times a year, and at each statutory visit to all these institutions the Commissioners see every patient, and carefully satisfy themselves both that his or her continued detention is justifiable and necessary, and that the treatment is such as to promote recovery and comfort. With the same objects they visit the single patients invariably once, and frequently twice a year. In 1905, of the 409 single patients 52 were visited twice, and 357 visited once. The Commissioners also annually visit the large asylums of the Metropolitan Asylums Board, which are five in number, and a third at least of all the workhouses in which there are any lunatics or imbeciles. The workhouses thus visited annually average about 250, and the inmates seen about 14,000.

On every visit to a county or borough asylum, hospital, licensed house, or branch establishment of any of these, to an institution for idiots, naval or military hospital, criminal lunatic asylum, workhouse, Metropolitan district asylum, or single patient, a written entry in the books or a report has to be prepared. The reports of Commissioners visiting institutions in 1905 are set out at length in Appendices C, E, F, G, H, I, and K, of the Sixtieth Annual Report of the Commissioners to the Lord Chancellor, presented on the 28th of June, 1906.

The visits to all classes of institutions except workhouses are prescribed by statute to be paid by two Commissioners, one of them being medical and the other legal. It is obvious that in the event of one Commissioner being temporarily incapacitated by illness, the services of the other become equally unavailable, and this particular class of work is unable to be proceeded with, thus causing great inconvenience.

To carry out so large a programme of visitation, it is necessary to make very complete arrangements in advance. England and Wales have for this purpose been divided up into six circuits.

These are allocated to pairs of Commissioners, each Commisioner going on two circuits in each year, with the result that every Commissioner visits every institution in England and Wales in the course of three years.

Single patients outside the Metropolitan area are visited by one or other of the Commissioners of the circuit in which such patients reside.

The Metropolitan houses, and single patients in the Metropolitan district, are visited by the Commissioners in turn

Work at office.

But the duties of visitation are supplemented by others which have to be undertaken at the office.

Whenever a patient is admitted to an institution for lunatics or as a single patient, copies of the reception order, medical certificates, medical statements, etc., are sent to this office, where they are carefully scrutinised. Subsequently a portion of them are examined by the secretary and the rest by the Commissioners on duty or one of them, with the object of seeing whether they justify the detention of the patients concerned and whether, if defective in form, they are capable of amendment under Section 34 of the Lunacy Act, 1890. The Commissioners also see and examine personally the reports on the condition of private patients sent at the end of a month after admission (first required by Section 39 of the Act of 1890), and any further reports which they think it necessary to call for in regard to any patients whether as the result of a visit paid or otherwise. A new class of reports and certificates was introduced by the Lunacy Act, 1890, Section 38, which are sent in at the end of the first and second years after admission of every patient, and afterwards at longer intervals while he remains under detention. All these are examined by the Commissioners personally.

Notice of the death of every certified patient, and of every serious casualty, is given to the Commissioners. The medical Commissioner on duty takes charge of these matters, calling for any information he requires, reports by medical officers, case book entries, post mortem notes, statements of witnesses, coroners' depositions, etc., himself drafting any letters which require technical medical knowledge.

Annual Report.

The annual report to the Lord Chancellor under Section 162 (2) of the Lunacy Act, 1890, imposes a considerable amount of labour upon the Commissioners, especially those portions of it which deal with the statistics and the county and borough asylums.

PLANS, CONTRACTS AND ESTIMATES.

The Commissioners are required to examine and report to the Secretary of State upon all plans, contracts, and estmates of asylums, and with regard to hospitals and licensed houses, to determine themselves as to the propriety and fitness of the erection, additions to, and alterations of these various buildings. The examination and consideration of plans by the Commissioners themselves are rendered necessary by the special nature of the work, which requires to be dealt with by asylum experts, who are familiar with the requirements of patients both in health, and as mental and physical invalids, and with the special construction and appliances which experience has shown to be necessary for their safety and treatment.

The duty of considering plans and contracts for the purchase of land or of erection of buildings for the purposes of asylum accommodation was imposed on the Commissioners by Section 45 of the Lunatic Asylums Act, 1853. This section also provided that estimates of the cost and expense of carrying such plans into execution were to be submitted direct to the Secretary of State. Under Section 5 of the Lunacy Acts Amendment Act, 1862, such estimates were also to be submitted to the Commissioners. This section is the first indication of the intention of the legislature to impose upon the Commissioners the duty of safeguarding the interests of other people than the patients themselves.

16 & 17 Vict. c. 97

25 & 26 Vict. c. 111.

The two sections already quoted are embodied in Section 272 of the Lunacy Act, 1890.

"For the purpose of procuring the approval of a Secretary of State to any agreement, contract, or plan requiring approval under this Act, the agreement, contract or plan, with an estimate of the probable cost of carrying it into effect, shall be submitted to the Commissioners and to the Secretary of State, and the Commissioners shall make such enquiries as they think fit, and shall report thereon to the Secretary of State, who may approve the agreement, contract, or plan, with or without modification, or may refuse his approval."

The consideration of plans, contracts, and estimates under Section 272 is one of the most difficult and onerous duties imposed upon the Commissioners, and has been especially so since 1890, as so many new asylums have been erected since that year, involving the expenditure of very large sums of money.

ASYLUMS ERECTED AND OPENED SINCE 1890.

Name of Asylum.	Cost of Land.	Cost of Buildings.
	£	£
1. Brecon and Radnor -	11,632	130,182
2. Herts. - - - -	10,704	177,003 *(1)
3. Lancs. (Winwick) - -	22,250	422,630 *(1)
4. Lincs. (Kesteven) - -	6,262	138,682
5. London (Bexley) - -	24,485	431,616
6. „ (Claybury) - -	39,415	493,235
7. „ (Manor) - -	3,710	121,842
8. „ (Horton) - -	7,920	468,564
9. „ (Epileptic Colony)	4,384	94,999
10. Middlesex (Napsbury) -	57,150	(Buildings not yet completed).
11. Notts. - - - -	6,880	147,296
12. Somerset (Cotford) - -	13,520	202,678
13. Staffs. (Cheddleton)- -	12,750	253,614
14. Sussex, E. - - -	16,179	367,186
15. Sussex, W. - - -	24,746	220,475
16. Wight, Isle of - - -	4,916	59,211
17. Yorks (Scalebor Park) -	13,249	89,173
18. „ (Storthes Hall) -	44,098	237,530 *(1)
19. Canterbury - - - -	10,124	67,883
20. Croyden - - - -	4,298	212,954
21. Middlesborough - -	9,385	131,572
22. Plymouth - - -	4,690	90,873
23. Sunderland - - -	17,400	115,661
24. West Ham - - -	21,319	322,149
25. Newport - - - -	15,400	102,033
26. York City - - -	13,653	96,724

ASYLUMS NOW IN COURSE OF CONSTRUCTION.

† (2) Essex 2nd. Asylum (Colchester) - - -	10,350	440,000
Leicester and Rutland Asylum (Narborough)	19,200	180,000
London County 10th. Asylum (Long Grove)	—	490,000
Surrey 2nd. Asylum (Netherne) - -	21,300	300,000
Worcestershire 2nd. Asylum (Barnsley Hall) -	17,000	195,000
† (2) Yorkshire, West Riding (Storthes Hall) - -	—	440,000
Cardiff - - - -	38,000	250,000

* (1) Payments not complete.
† (2) Complete plans not yet approved.

Apart from new asylums, the alterations, additions, and improvements to county and borough asylums already existing have of late years also involved a large capital expenditure, plans and estimates for which have also to be examined by the Commissioners. The amount of such estimates in 1905 exceeded £170,000. There were also minor additions and alterations, which amounted in 1905 to over £20,000.

The Commissioners at present employ the services of an architect of large experience in asylum construction, who is consulted on all plans and estimates of importance. The Commissioners derive great assistance from his advice, but feel that this system is not sufficient to enable them to prevent unnecessary expenditure or to obtain as full a criticism and amendment of plans and specifications as is desirable. What is really required is that an experienced salaried architect should be attached to the office, to devote the whole of his time to the work. The Commissioners are fully alive to the burden that the vast expenditure on asylum accommodation has imposed upon the ratepayers, and they are most anxious to do all in their power to check unnecessary outlay and extravagance. At present, plans, contracts, and estimates, in addition to being examined by the Commissioners, have to be submitted to the Home Office for the approval of the Secretary of State, and they also have to be submitted to the Local Government Board, under Section 274 of the Lunacy Act, 1890, whose consent is necessary before the local authority can borrow money upon the security of the county or borough funds. It appears to the Commissioners that one thorough examination would be more effective than three incomplete ones.

At any rate, if the Commissioners are to co-operate effectually with the Home Office and the Local Government Board in checking extravagant expenditure on asylum accommodation, it is essential that they should have an expert of experience permanently attached to the office to assist them. Under present conditions they have not themselves the expert knowledge which is necessary to make their examination of estimates effective, and, even if they had, they have not the time at their disposal to deal in detail with the items which amount in the aggregate to such a large figure in every year.

The Secretary.

The Secretary to the Commissioners must be a barrister of seven years' standing, and is appointed by the Commissioners with the approbation of the Lord Chancellor. In the performance of his duties he is subject to the direction, inspection, and control of the Commissioners. His salary is to be of such amount as the Treasury, with the concurrence of the Lord Chancellor, determines. The present amount is £800 a year, rising by annual increments of £50 to £1,000 a year.

The duties of the Secretary are the usual ones connected with the conduct of the business of a Government Department. To him is left the control and management of the office, and he is also accounting officer. In addition to the ordinary routine work it is his duty:—

(1) To deal with the very considerable daily correspondence.

(2) To interview any callers at the office, who in the course of a year are very numerous.

(3) The advice of the Commissioners is requested on every sort of subject, legal, medical, and general, and is always very freely given. The practice is for the Secretary to deal with all applications in the first instance, subsequently, if necessary, referring them to the Commissioners in residence, or, if involving any point unusual or difficult, to the Board for its decision.

(4) To deal with all legal questions which arise from time to time, where necessary after consultation with the legal Commissioners.

(5) To deal with communications from other Government Departments, special enquiries from Ministers and Members of Parliament, which are especially numerous when a new Government comes into office, and when Parliament is sitting.

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(6) To prepare all returns called for by the Lord Chancellor or any Secretary of State.

(7) To prepare reports to the Lord Chancellor under Section 100 of the Lunacy Act, 1890, where there is reason to think that a patient's property is not duly protected or the income not duly applied for his benefit, and to institute inquiry as to a patient's means whenever necessary.

It is also his business to edit and prepare for publication the annual Report made by the Commissioners to the Lord Chancellor.

He has also to deal with all documents concerned with the detention of patients which are in any way irregular, and as to which further enquiry is necessary.

When, as occasionally happens, owing to stress of the visitation duties, no Commissioner is at the office, his work is considerably increased.

He is removable from his office by the Lord Chancellor on the application of the Commissioners.

Clerical staff.

Section 11 of 8 and 9 Victoria, c. 100, empowered the Commissioners to appoint during pleasure two clerks with not more than £200 a year between them, and, with Treasury consent, to appoint one or two other clerks with aggregate salaries not exceeding £200 a year. It was soon found, however, that more clerks than four were needed, and that £40 a year was insufficient to pay them; and the deficiency had then to be made good out of license fees, or, since 1854, by vote.

The increasing work of the Commission has from time to time required that the clerical staff should be increased, and the present staff is as follows:—

		Annual increment.	Maximum.
1 Chief Clerk at -	£500	£20	£650
3 Higher Division Clerks at -	£150	{ (£15) (£20)	(£350) (£500)
1 Clerk at - -	£260	£10	£350
1 2nd Division (Higher Grade) Clerk at - -	£250	£10	£350
8 2nd Division Clerks at -	£70	(£5) (£7 10s.)	£250
1 Shorthand Writer and Typist at -	£100	£10	£200
1 Shorthand Writer and Typist at (weekly)	30s.	2s.	60s.
1 Abstractor at -	£55	(£4) or (£5)	£100

There is also an office-keeper, a hall keeper, and an under-messenger.

The official day was extended to seven hours from May 1st, 1890.

While all departments of the Office have quite as much work as they can do, it may be pointed out that the new legislation contained in Section 38 of the Lunacy Act, 1890, as amended by Section 7 of the Lunacy Act, 1891, has imposed upon the Registry Department of the office very considerable extra work. In 1905 the number of special reports received amounted to 30,531, and it is estimated that next year when another series of reports becomes due that the number will amount to 34,000.

About 100 cases are annually discovered in which no report has been sent, and the patients have to be re-certified.

There are still some 18,000 reception orders in force made before 2nd February, 1890. These have to be continued every five years; the next special reports will be due in April, 1907.

The Commission are temporarily housed in two floors of 66, Victoria Street, premises which are singularly ill-adapted for the work of the Department.

This temporary change was rendered necessary by the fact that their old premises at 19, Whitehall Place, were required for the purposes of the new War Office.

The Office of Works has been approached with a view to the provision of a separate house for the Commission, a step which it is much to be hoped will soon be taken.

It appears to be univerally recognised that the time has come when some steps must be taken to enable the Commissioners to keep pace with their almost daily increasing duties.

Up to the present time the Commissioners have succeeded in performing all their visitation duties, but only at very high pressure, with great inconvenience to themselves, and at too high a rate of speed for efficiency, and it is clearly impossible for them at their present strength to undertake any increase of work.

The chief difficulty would appear to be to decide upon the form that any relief to be given could take. It has been suggested that the difficulty might be met by the appointment of deputy Commissioners.

The Commissioners see considerable objection to the appointment of deputy Commissioners or inspectors to undertake their general visitation duties. They would not have the knowledge and experience, and therefore influence, of the Commissioners, who dealing with all matters connected with asylums and patients, going from one to another, seeing things for themselves, and not taking ideas at second hand, are recognised as experts on all points with reference to asylums and the insane.

Moreover, deputy Commissioners or inspectors, less generally experienced and less paid than the Commissioners, would be at a serious disadvantage with the highly-paid and skilled medical superintendents and other medical experts. The Commissioners entirely agree with the evidence given by Lord Shaftesbury before the Select Committee of 1877. At the time when Lord Shaftesbury gave his evidence the number of the insane was about 70,000, and at that time his Lordship was not in favour of increasing the number of the Commissioners. It was, however, suggested by one of the Committee that it might be advisable to employ deputy Commissioners for the purpose of visiting, who would simply report; to which his Lordship replied:—

"That would destroy the whole system upon which we have acted from the very beginning, namely, that the Commissioners should see the things with their own eyes and not depend upon reports and upon secondhand evidence. We have found it work admirably, and I am quite sure that if we destroyed that system we should destroy our efficiency altogether. We go all over the country, every Commissioner seeing the whole of the country in the course of the year or in two years, consequently they acquire an enormous amount of experience and judgment in dealing with these matters, which enable them to speak with very great authority. In licensed houses we have power, but when we go to county asylums and borough aslyums we have nothing but the influence arising from our great experience, and the authority with which we can speak. All that would be taken away from us if it were done by inspectors who could know nothing but what was done in their own district. Again, it is of inconceivable advantage that the persons who go upon these visitations go with positive authority, not with authority that is derived from simply making a report, but authority in their own persons. They make reports to the Board, and then they come up to the Board very often to give effect to their recommendations. I cannot conceive anything that would so completely destroy our efficiency as reducing us to a mere council sitting in London with a number of inspectors."

To these important arguments of Lord Shaftesbury it may be added that vicarious visitation by inspectors or sub-Commissioners would be entirely contrary to the root principle of the lunacy legislation of this country, which is based on the opportunity given to the insane to be brought into personal and individual contact with those in whom is vested the administration of the law by which their liberty is curtailed.

25075. (*Mr. Greene.*) You are the person in charge, if I may say so, of the Lunacy Commission?—Of the office. With regard to a question you put to Sir John Dorington

to which he replied that the office was in charge of the Commissioner in attendance, that is not so; the office is in the charge of the Secretary, who is responsible for it.

25076. And you have the management of the office?—Of the staff.

25077. The unpaid Commissioners, as far as I understand, are practically non-existent?—I should not like to say that; they do not attend very regularly.

25078. Can you give me an idea how often the Chairman attends?—I think he has attended three times since I have been Secretary.

25079. You have recently lost one gentleman?—Sir Charles Bagot, whose death we all very much deplored. As long as his health permitted, after he retired, he attended with the greatest regularity and gave the greatest assistance.

25080. When was it he retired?—I think it was about 1903. I can only speak since I have been Secretary. He was attending then regularly every week and if there was anything to be done he was always willing to come in and assist.

25081. So that his death was a very considerable loss?—A very considerable loss.

25082. Has any attempt been made to fill up any of these vacant unpaid honorary Commissionerships; because there ought to be five?—There is a possibility of there being five. I am not sure whether the Commissioners are entirely agreed as to the advisability of having five honorary Commissioners.

25083. Is there any difficulty in getting honorary Commissioners?—I think there would be great difficulty in getting honorary Commissioners who would be prepared to give as much time to the office as is required; one of the honorary Commissioners being Chairman it is essential as Chairman that he should be in touch with the business of the office; if he is not, when he attends and takes the chair it is practically a waste of time.

25084. At present may I take it the constitution of the Commission is not by any means satisfactory?—So far as board meetings are concerned I think I may admit that—I would say not entirely satisfactory.

25085. About the appointment of persons to act instead of a Commissioner in case of illness, under Section 151—"In case of the temporary illness or disability of a medical or legal Commissioner the Lord Chancellor may, on the recommendation of the Commissioners, appoint a person qualified to be a medical or legal Commissioner to be his substitute so long as the illness or disability continues, and the substitute may exercise all the powers of the person for whom he acts"?—That is so.

25086. Has that been put into force?—Yes.

25087. How often?—Since I have been Secretary it has been put into force at least four times. I would like to point out that it is a little hard when a Commissioner is laid up through illness that if this power is put into force he has to pay the deputy himself.

25088. It does not say so in the statute?—That is a fact.

25089. Has the Secretary acted as a substitute?—The Secretary is not able to act as a substitute. The provision of the section is that the Secretary is eligible to be appointed a Commissioner. So far as I know there is no provision in the Act which says that the Secretary can be appointed as deputy Commissioner.

25090. There is nothing to exclude a person who is qualified to be a "medical or legal Commissioner" and he is qualified to be a Commissioner if he is a barrister?—May I point out that, if that, were done, in addition to having the Commissioners perhaps reinforced with a person who is not fully qualified, you would leave the office absolutely unattended and I should like to add that the business of the Secretary at the office is very considerable.

25091. It has been put into force four times since you have been there?—At least four times.

25092. For what purpose?—That is a little difficult to say. I can tell you this, that when Mr. Inderwick was a Commissioner in Lunacy I had not then any knowledge at all of lunacy affairs, and I know that for two months—the month of May and the month of July, 1904—Mr. Inderwick was ill and he got me to act. That was before I was made Secretary. Since I was made Secretary it has happened certainly three or four times for periods of about a month.

25093. And it has been found to answer?—The business has been carried on. You will understand it is rather difficult either to get a medical man or a Barrister who is willing for a period of a month to give up his regular practice to do the job, and there is this to be borne in mind that he cannot be of much assistance to his colleagues because he is quite new to the work.

25094. No assistant Commissioners can be appointed, can they?—No, not at present.

25095. Do you see any practical difficulty or any objection to appointing people to act as inspectors?—Of course to answer that question hardly comes within my province. I am the Secretary of the Commission and I have not the experience that the Commissioners have. I think you ought to address that question to a Commissioner. I know they have expressed their opinion.

25096. I thought you were to be the voice of the Commission?—If you ask me, I know that it is the opinion of the Commissioners, as is stated in the *précis* of my evidence, that they do not approve as a general rule of the appointment of assistant Commissioners.

25097. Can you tell me whether the question has ever arisen of appointing female inspectors to inspect asylums in which women are confined?—The question has never arisen.

25098. Does the Commission employ anyone to make any sort of special investigation at any time, who is not a Commissioner—an investigation into asylums or hospitals or anything of that kind?—Certainly not.

25099. So that the inspection of women is entirely left to the Commissioners?—Yes, entirely.

25100. The Commissioners do appoint doctors to visit patients in institutions, do they not?—They have power.

25101. But do they exercise the power?—Yes, very often when they are unable to act themselves, for the purpose of what is known as the month-end reports, under Section 39, if they are unable to visit single patients—a new single patient.

25102. (*Mr. Byrne.*) Or a private patient?—A single patient would be a private patient.

25103. Or a private patient who is not a single patient?—Yes.

25104. (*Mr. Greene.*) So that they do send them sometimes?—Yes.

25105. That is in the nature of being an inspector, is it not?—They report on the mental condition of the patient.

25106. And the Board acts on that report?—Very frequently.

25107. Is there any difference between that and an ordinary inspector who might be appointed by the year instead of by the job?—I suppose the person who is selected is generally selected because he is a suitable person to do the work.

25108. The Board apparently are quite satisfied to act on such materials?—Yes. There is also the power under Section 204 to appoint a person to inquire into cases requiring immediate investigation. Of course the Commissioners would sooner do these things themselves, but they are so pressed for time that they cannot do it.

25109. How are those paid for?—The question of their payment comes up in this way; the gentleman who visits reports to the Board what his expenses have been and also the number of hours he has spent on the visit; the Board then decides what is the proper fee and orders me to pay the fee to him. The Board makes an order to pay the fee to him.

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25110. How often is this power exercised in the course of the year ?—I am speaking rather at random, but I should think perhaps a dozen times—two dozen times it may be.

25111. Have you any idea what amount has to be paid for these inspections ?—It is generally calculated from the time that he is on it ; about a guinea an hour is the right fee.

25112. Is that not something equivalent to having a system of inspectors ?—Not the least ; they are quite different cases.

25113. Where is the difference ?—The difference is that they are cases in which you go and report on a particular person, to comply with the section of the Act of Parliament, which requires that a medical report should be presented on the matter. A properly qualified medical man is of course competent to report on the condition of the patient and so far as he can on the mental condition.

25114. He looks at the buildings too ?—No, he never looks at the buildings, he looks at the person.

25115. He does not see what the surroundings are ?—No.

25116. Has your Commission any duties to perform with reference to any matters requiring special knowledge such as architecture, accounts, sanitation, and so on ?—Do you mean so far as plans are concerned ?

25117. Anything which requires special knowledge. I have given three illustrations—sanitation, accounts, architecture, and so on ?—They from time to time issue instructions to architects which involve a certain amount of architectural instruction as to what class of building they consider desirable. With regard to criticising any particular form of architecture when the plans come up, unless they thought it was too expensive, I do not think they would consider that it was within their province to say that one form of architecture was preferable to another, except that one probably might be a great deal too expensive. On that they would comment. If there were any involved question of drainage they would employ a special person to report to them.

25118. And if they had got any matters of account to deal with ?—Of course the estimates are submitted to them, but you will readily understand that the cost of modern asylums is very considerable.

25119. Is there any professional person in the office or any outside person, like the architect of whom we have heard, who is consulted in reference to any of the technical details of these different matters that come before the Board ?—You know the consulting architect is consulted on pretty nearly every big scheme, and he is also asked to advise on the cost, but apart from that there is no one in the office.

25120. Are your accounts published at the end of the year ?—Yes, every year. I have a paper here which will show you the expenses ; if not, I can furnish you with the accounts of the office. I am not quite sure in what form they are published ; they are published in a volume with the returns from all the other Government departments.

25121. Are they made public so that the public can get at them ?—Yes.

25122. Are your accounts audited ?—They are not audited in our department. Of course they are audited. I am accounting officer and am responsible for the returns made from our office.

25123. Is there anybody to check or audit your expenditure ?—Yes, there is a branch which is very vigilant in its overhauling.

25124. Do not suppose I am suggesting that it is not all proper ; I only want to follow what the practice is, because if we are going to suggest that there is to be an amalgamation of the two departments one would like to see what audit system there is with reference to you, and what there is with reference to other people who are to swallow you up or whom you are to swallow ?—If I might deal with that account, there is a certain Parliamentary Grant which amounts to something like £15,000 every year. Against that you may take salaries and travelling and other incidental expenses. All those expenses have to be signed by the Commissioner when he sends his expenses in, and vouched for, and any questions that the Exchequer and Audit Office may have to ask, they ask him, and they are explained ; they are audited very strictly.

25125. Where would the architect come in ?—The architect is included in that.

25126. In "salaries and wages" ?—Yes. He is paid for the work he does—no regular salary per annum.

25127. It is under the head "salaries and wages, £14,340" ?—That would include the architect.

25128. Would his charges come before anyone to be audited ?—They are checked by the Commissioners.

25129. That means by you ?—No, by the Commissioners. The plans of each particular place are attended to by the individual Commissioners and they give instructions for what is to be done, and whatever they require they send to the consulting architect to be looked at. Then the Commissioner who is dealing with one particular lot of plans sees the architect's charges and forms his own view as to whether they are proper. I do not know that the architect's charges actually go in to be audited by the Exchequer and Audit Office.

25130. Are the charges of these doctors who go down as special visitors checked or looked after ?—I should see whether they were proper. The Commissioners take good care that they shall be proper charges.

25131. I am not suggesting that is not so ; I only want to know what the system is.

25132. (*Dr. Needham.*) The charges for the architect and the charges for this visitation are very small sums in the aggregate ?—Comparatively small sums.

25133. The architect is about what ?—It averages something between £250 and £300 a year.

25134. (*Chairman.*) Are not your accounts audited just the same as in every Government department ?—Yes.

25135. (*Mr. Greene.*) They are voted, I see, but I did not know whether they were audited by the Treasury auditor ?—Yes.

25136. Is there any expenditure on your part for law costs ?—None.

25137. How are prosecutions conducted ?—They are conducted by the Public Prosecutor.

25138. Can you tell me how often during the last year the Commissioners have been delayed by reason of one of them not being able to join his colleagues on a visitation ?—Do you mean when they had once started on a circuit ?—

25139. I suppose so, because the paragraph in your Statement of Evidence says : "It is obvious that in the event of one Commissioner being temporarily incapacitated by illness, the services of the other one become equally unavailable, and this particular class of work is unable to be proceeded with, thus causing great inconvenience" ?—That happened only the other day.

25140. Does it often happen ?—Not very often ; twice this year it has happened.

25141. Do the Commissioners take anybody with them to travel round on these visitations, or do they do all their clerical work themselves ?—They do all the clerical work themselves, and the long entries at the conclusion of the visiting are a very considerable labour for the legal Commissioner ; he always writes the entries.

25142. There is an allusion in your evidence I am not quite able to follow—a suggestion that at present "plans, contracts and estimates in addition to being examined by the Commissioners, have to be submitted to the Home Office for the approval of the Secretary of State, and they also have to be submitted to the Local Government Board under Section 274 of the Lunacy Act, 1890, whose consent is necessary." In what cases is that ?—In every case where a public body proposes to borrow money to pay for their asylums.

25143. Where does it say in Section 274 that there is any necessity to submit these plans ?—They do not have to approve the plans; they have to approve the general scheme.

25144. The paragraph seems to be dealing with the assistance of the architect being necessary because of the plans having to be submitted to both the Home Office and the Local Government Board under Section 274. I have looked at Section 274, and I do not see anything about submitting plans ?—Do you think the Local Government Board are likely to make up their minds as to the advisability of any scheme for a new asylum without seeing the plans and the estimates ? I am not sufficiently conversant with the practice of the Local Government Board, but I am told that the plans are submitted to them. It is a subject on which they have a great deal to say.

25145. Can you tell us what salary it is estimated should be given to the architect ?—That would be a very great difficulty. I think it is clear that an architect is needed, and it is also clear that you must have a competent man; a beginner or a person without any weight would be practically useless; it would be merely throwing money away. It must be a man with an adequate salary, in my view of the matter.

25146. An "adequate salary" may be differently estimated ?—I do not think you would get a person to do the class of work we require under £1,000 a year.

25147. The suggestions that were made to us on behalf of the Commission would entail £1,000 a year for an architect, and they suggest the addition of two Commissioners ?—I think the appointment of a competent architect would be a most tremendous saving to the ratepayers.

25148. We will assume that. We are now on the question of finance. The suggestion put forward by the Commissioners would involve two Commissioners at £1,500 a year each, that would be £3,000; and an architect at £1,000, that would be £4,000 ?—I do not think you can possibly do it for less.

25149. Is there anything else you think would have to be borne by the public, any other expenses, if we adopted the suggestion of the Board ?—That would depend so much on your report and what your advice is and how much is adopted of your report with regard to looking after the feeble-minded.

25150. I gather the exigency of the present state of affairs requires two additional Commissioners to be appointed who should be both medical practitioners ?—That is the view of the Commissioners.

25151. That is inevitable, and that is £3,000 a year. Then "Assistant Commissioners are to be appointed in such number as may be required in view of the increased duties that may be imposed on the Commission." I quite agree that you cannot tell how many are wanted until our recommendations are known and adopted. Anyhow, that is £3,000; then the architect makes it up to £4,000 a year to put the present Commission in a state of efficiency as it should be now ?—That is the view.

25152. Then practically they suggest, not filling up the unpaid Commissionerships, adding two to the number, and an architect, and increasing the cost by £4,000 a year—that summarises the scheme ?—Yes.

25153. If there is to be any additional work put upon the Commission that would have to be provided for in addition ?—Yes.

25154. (*Dr. Needham.*) Is it the view of the Commissioners that the honorary Commissionerships should not be filled up ?—No, I do not know that it is the view of the Commissioners.

25155. (*Mr. Greene.*) I thought you said just now that they did not think it desirable to fill them up ?—They do not fill them up.

25156. No, but they do not think it desirable ?—That is a wrong impression I have conveyed. They have not been filled up; I think the opinions of the Commissioners rather vary on the matter. I am informed that application has been made to the permanent secretary of the Lord Chancellor with a view to filling them up. Whether there was difficulty experienced or not I do not know, but they have not been filled up.

25157. For many years there have been two vacancies ?—Some years—from before my time.

25158. I think it is 1887. The clerks you mention in your Report fall entirely under your inspection, but are not appointed by you ?—That is so.

25159. Was there any increase in the number of clerks resulting from the Commission of 1878 ?—I really do not know; there must have been.

25160. Has there been any increase in the number during recent years ?—Not since I have been Secretary.

25161. Would the appointment of these two additional Commissioners and the architect involve any addition to the clerical staff that you require ?—I think not.

25162. Not even if the Commissioners act singly instead of in pairs; it would not increase the work, copying so many more reports ?—I think not. That would have to be considered; I cannot say off-hand as to that; it is impossible.

25163. (*Dr. Needham.*) So that there has been no increase in the number of clerks in the last two years. Has there been any recent increase in the number of clerks ?—No.

25164. Was there any increase of the number of clerks when the Lunacy Act, 1890, was passed ?—Yes, I believe there was.

25165. (*Mr. Greene.*) Do you know how many ?—really cannot say.

25166. Has there been any application for an increase of the staff ?—I have never applied for an increase of the staff.

25167. You are not aware that there has been ?—I am not personally aware, but I am informed that there have been some. There must have been from time to time. The Act of 1890 increased the work of the office.

25168. Perhaps you will kindly clear up a difficulty I see in following the report. The only alterations which are recommended by the Commissioners are the increase of their number by two, and the addition of an architect. How is it they have not suggested that the number of clerks should be increased ?—We have not felt the need yet.

25169. You do not think they will be wanted ?—I do not say that; I am not in a position to judge; I will wait till the occasion arises.

25170. I mean according to affairs as they at present are ?—They have quite enough to do.

25171. I see as part of the justification of the opinion of the Commissioners (*vide* page 8, col. 1) the Commissioners say they see considerable objection to the appointment of deputy Commissioners or inspectors to undertake their general visitation duties. Then you refer to Lord Shaftesbury's opinion. That was given to a Royal Commission which was not enquiring into that subject at all ?—That Commission, as I have mentioned in my statement, was enquiring into whether people were improperly detained. He was asked this question and he expressed his opinion.

25172. But it was not the only opinion ?—I am not prepared to say; I have not had time to read all the evidence.

25173. Someone adopted another view ?—I do not know.

25174. Did the Commissioners adopt it ? That Commission was dealing with something totally different from what we have to deal with; one must look at the scope of the reference to them to see whether this piece of evidence is of any value to us. They were enquiring

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not into the work and jurisdiction of the Lunacy Commissioners at all, they were enquiring into the subject of people improperly detained ?—Yes, but like so many other Commissions, they carried their enquiries a little bit further; they seemed to have thought they would like Lord Shaftesbury's views as to the adequacy of the Commission then, to perform its work. He expressed the view that if the work did not increase the Commission as then constituted was sufficient to perform the work. At that time there were 70,000 certified lunatics who had to be visited. One member of the Commission went a little further and asked him this question about deputy inspectors or deputy Commissioners, and Lord Shaftesbury gave that answer to that question. Whether it was germane to the question which the Select Committee was trying I really am unable to say.

25175. Can you tell us whether the Commissioners in their Report dealt with that or adopted it, or is it only that we have got a piece of evidence before us of a very distinguished man ?—They did not adopt it; they did not appoint the deputy Commissioners; the Board did not want them.

25176. I mean the Royal Commissioners did not concur in this ?—They did not deal with it.

25177. Do you find yourself at any time in any difficulty with local authorities; do they complain of you or do you find everything passes smoothly with them ?—I think everything passes smoothly; that they always get what they want I do not for a moment suggest, but there is no friction.

25178. Do they make any grievances either that you have not sufficient power or that you do not exercise your powers promptly and adequately ?—No, I have not heard that. They may make complaints to others.

25179. They have not to you ?—No.

25180. If they have not made complaint to you, you have a right to assume they have no cause of complaint ?—That answer must not be taken as saying that in all cases we see eye to eye with the local authorities.

25181. Do you have any communication with the visitors in Chancery ?—Occasionally we have communication with them in this way; when the same patient is visited by both I dare say the Commissioners like to know the view of the Chancery Visitor, and the Chancery visitor may like to know the view of the Commissioner; sometimes they differ. I have known a case in which they differed, until they got into consultation with each other.

25182. As to the sanity of a person or the propriety of the detention ?—As to something about the arrangements; I forgot exactly what the case was. I am reminded that it was as to whether the provision which was made as to the particular place where the single patient was living was suitable or not, but there is never any friction between them. I have found since I have been secretary that difficulties have always been got over by the Commissioners seeing the Chancery Visitor, or the Chancery Visitor seeing the Commissioners. In that one case there was a difference of opinion between a Commissioner and a Master, and the Master was seen and the matter was settled.

25183. Is there any relation between Masters in Lunacy and the Commission. Do they have to act together in any matters ?—No, not together at all; there are many patients who are under certificates and who are within the jurisdiction, so far as their persons are concerned, of the Commissioners in Lunacy who are also possessed of property and in those circumstances an application has to be made to the Master under Section 116 for the appointment of a receiver and the receiver is appointed and accounts to the Master and to the Master alone. The difficult cases are cases of small amounts when it is essential that a receiver should be appointed. The Commissioners perhaps find out that there are private means and then they are almost obliged to suggest that application be made for the appointment of a receiver to the Master; and they know that the property is small and that the cost of the application to the Master is considerable. It has to be made by a solicitor. I believe it is very difficult to get out of an application to the Master for the appointment of a receiver, under £20.

25184. What is the medium of communication between the Lunacy Commission and the Chancery department, whether it is Visitors or the Master ?—The ordinary medium.

25185. You do not have to do it through the registrar ?—No, it is direct; either I go and see them, or they come and see me, or their clerk comes and sees me; there is never any difficulty.

25186. Suppose there were an amalgamation, would that facilitate matters ?—Do you mean an amalgamation between all three ?

25187. Yes ?—I am not sufficiently informed to express an opinion about that.

25188. At all events if the same body had to deal with everything there might be less cost—the solicitor for instance—the cost of £20 would not be incurred ?—I do not suppose that if you were starting a new system of lunacy administration you would ever start such a system as is in vogue now.

25189. With reference to the liberation and discharge of patients does that fall within the province of the Commissioners ?—In certain cases, yes.

25190. Which cases ?—All cases except asylums and workhouses.

25191. All private patients ?—All private patients; of course not Chancery patients.

25192. How often do your Board meet to consult ?—The ordinary board meetings are once a week, on a Wednesday. It does sometimes happen that we cannot get a quorum together, owing to visitation, but there is always a quorum board about once a month.

25193 Is a record kept of attendance ?—Yes.

25194 There are certain quarterly meetings prescribed ?—That is for licensing.

25195. You have to have five ?—If you are dealing with a licensing matter you must have five Commissioners.

25196. Licensing matters are very rare now. ?—Yes; of course licensees die or wish to have some fresh person included in the license; those are considered but there is not very much licensing work.

25197. (*Dr. Donkin.*) I should like to know if possible the collective opinion of the Commissioners on Section 158: "A person shall not be qualified to be a Commissioner or secretary or clerk of the Commissioners if he is or within one year prior to his appointment has been interested in a licensed house." I should like to know whether the Commissioners generally think the provision "or within one year prior, etc.," is desirable ?—That matter has been thoroughly investigated. The Medico-Psychological Society approached the Commissioners to know what their views were on the matter and they put theirs before the Board, and the Board concurred with them that it was very hard to require this provision to be insisted on because they felt that it would compel the person who was interested in the licensed house perhaps to divest himself of his livelihood before he knew whether he would be made a Commissioner and they have expressed themselves to that effect to the Medico-Psychological Society and have approached the Lord Chancellor.

25198. The Lunacy Commissioners would advise that this disqualification should be taken out ?—Yes.

25199. You would rather not answer any question concerning the desirability of appointing inspectors or deputy Commissioners ?—I think you had better ask the Commissioners about that.

25200. (*Mr. Dickinson.*) You have only been Secretary for two years ?—Yes.

25201. You heard the questions* I asked Sir John Dorington with regard to the attitude the Board takes on the question whether it should, if I may use the expression, "set the pace" of lunacy administration, that is to say, give any guidance in that direction under modern requirements. I asked him, and I rather understood him to say

* The evidence of Sir John Dorington was given *before* that of Mr. Trevor, but for the purposes of the Commission it was found more convenient to print it *after* Mr. Trevor's evidence.

that he was not quite in a position to give me a full answer. I do not know whether you are ?—Any questions of new forms of buildings and asylums are considered and dealt with by the Commissioners, but it is not for them to lay down that any particular form is to be insisted on to the exclusion of every other. They may have their views on it, I do not mean to say they have not; all these matters are of the greatest interest to them and they consider them as far as possible; but they have not, at any rate in their instructions to architects, ever laid down that one particular form of asylum is to be insisted on and no other. The individual Commissioners take the greatest interest in all these improvements in asylums which go on abroad. I know one has been to Germany and studied the different systems there. Dr. Cooke has to my knowledge; and, with regard to the new asylums at Aberdeen even, I had to go to the Treasury to inquire whether the expenses of a Commissioner would be allowed to enable him to go and visit this asylum, it being essential that the Commissioners should be thoroughly in touch with everything of the sort which is good, all over the world. That was allowed, of course.

25202. The view of the Commissioners is that as a Commission it is not their work to originate ideas as regards either buildings or apartments ?—I think that is so but they would always be most willing to offer their opinion if they were asked.

25203. I think we ought to know before this inquiry is concluded what is the explanation of the Commissioners of what I believe to be the fact, namely, that six or seven years ago the London County Council proposed to work the villa system of asylums and it was not until after some years of persuasion that the Commissioners were induced to assent to it. I do not say that is a fact but I should be glad if we could know what the facts were ?—It happened before my time; I would rather you asked the Commissioners themselves.

25204. Perhaps the one who does know will look up the particulars of it ?—Yes. Are you sure of the fact ?

25205. Of course I cannot give any evidence on the matter, but I have always understood that the difficulty in carrying this through was due to the fact that the Commissioners had to be persuaded first of all ?—If you believe everything which is put down as being due to the action of the Lunacy Commissioners to be true there is a very great deal about which you will have to undeceive yourself.

25206. That is what I wish to put to you, that you may be able to give the facts of the case. There is another question; two or three witnesses have represented to us, I think Mr. Willis Bund especially, that the action of the Commissioners with regard to plans has been to increase the cost rather than to tend towards the reduction of it. I should like an opportunity of finding out how far that is true ?—I can only say generally that I feel sure that is not so; but with regard to dealing with the particular points raised by Mr. Willis Bund I would rather you asked the Commissioner who was, I think, attacked by Mr. Willis Bund.

25207. I do not know that there was any Commissioner attacked ?—The incident is well known.

25208. I think we ought to have the explanation of it ?—Perhaps the Commissioner will give it.

25209. I have noticed that in the statement which you make you give us that important report which was presented long ago in which there is a special recommendation that there should be an attempt made to have asylums constructed in a less expensive style for chronic cases. I should like to know whether the Commissioners have ever done more than express a pious opinion that that should be kept in view ?—I do not know that they have been able to do more than express a pious opinion. All the plans which are submitted to them are submitted by properly elected representatives; ever since the Local Government Act they come up from the county councils; the Commissioners can only express their views on the plans which are submitted to them. But I do know this that there have been, since I have been Secretary, two applications to the Commissioners to know whether it would be possible to have a combination of counties for pathological purposes (I think that is the correct medical term), and the Commissioners regretted to say that there was no power under the Act to enable them to sanction any such union between the counties, though they thought themselves certainly it was very desirable it should be done.

25210. There are other counties where union would not be necessary ?—Yes Lancashire or London. Applications have not come from either of those. I was alluding to another case.

25211. With regard to the subject of boarding out I should like to know whether the system of boarding out lunatics as adopted in Scotland is advisable for England. Has that question ever been considered or have the Commissioners thought it was not their work ?—For the last year I have heard of it incessantly; they have been considering it almost every day, not in a regular formal way before the Board, but they are perfectly alive to the fact that Section 57 of the Lunacy Act, 1890, which allows boarding out is a section which is bounded with many limitations which make it very doubtful whether it could be done; in fact it would be almost impossible to act on it to any large extent. They have made up their minds that there does not seem to be any strong opinion in England in favour of the boarding-out system and they have a somewhat practical knowledge of the equivalent of a boarding-out system in the extremely anomalous case of those 5,000 patients referred to; they are not lunatics included in our returns, they are not visited by the Commissioners, but they live with relations or friends and the only knowledge that the Commissioners have of them is that reports are sent by the medical officer of the neighbourhood quarterly. They are really in receipt of outdoor relief; they are lunatics in receipt of outdoor relief; they are a sort of registered lunatics, but there is no registration; it is an extremely anomalous case.

25212. I understand that this matter has been considered by the Commissioners in the course of last year with the result that they are rather against it ?—No, I should not like to say that they had made up their minds at all. If you take the Scotch Report which deals with it you find that even in Scotland only certain parts are willing to go in for the boarding-out system; there has not been sufficient enquiry over England to enable the Commissioners definitely to say whether there are any parts of England which would welcome it.

25213. What caused the Commissioners to take up this question this year, and not earlier ?—They have always had it in their mind, but it has become more acute, since what one has heard has taken place before this Commission.

25214. Whatever the view at present of the Commission may be, they have not considered they had the function to advise on this sort of question ?—If they were asked they would advise, but it is not their business to suggest.

25215. One question about the architect. At the present moment you have a consulting architect who is an architect outside, who has his own business ?—He is an architect in a general way of business.

25216. He constructs a great number of asylums ?—Yes.

25217. I suppose that is not a desirable condition of affairs ?—Except in so far as he has very considerable knowledge of what asylums ought to be, it cannot be pretended that it is satisfactory.

25218. That is why you advocate that you should have your own architect ?—That is so.

25219. (*Dr. Dunlop.*) Is it the case that your consulting architect has to report on his own plans ?—No, of course he does not, but it is the fact that no one else reports on them. He is supposed to know, and he does know entirely, the views of the Commissioners with regard to checking expenditure. I have already said the system does not commend itself.

25220. (*Dr. Needham.*) You see the drafts of the Commissioners with reference to plans and things like that; you sign them ?—Yes, I sign them.

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25221. Have you seen frequently drafts of letters written by the Commissioners in which they have endeavoured to cut down, and have succeeded in cutting down, expenditure on asylums which was contemplated by local authorities?—Frequently, and to a very large extent.

25222. (*Dr. Dunlop.*) You were quoting Lord Shaftesbury's opinion, and I think you stated that the Committee had not dealt with it?—That was my impression—they had not recommended deputy Commissioners in their report.

25223. But have they dealt with the opinion itself—expressed any opinion?—If you have found out that they have, I will not contradict you.

25224. Perhaps you have overlooked it; it is at page 6 of the Report:—"though it may be true that the lunacy of the majority of patients in an asylum is self-evident, yet it seems physically impossible that with the present strength of the Lunacy Commission minute supervision of those who require it can be sufficiently exercised." That was in 1878, when there were only 70,000 certified lunatics. They did not apparently agree with Lord Shaftesbury that the Lunacy Commission at that time did not want increasing—if that is the point.

25225. That is the point—that the Lunacy Commission was not sufficiently strong to discharge its duties. If that was true in 1877 we may assume it is equally true in 1906?—Yes.

25226. With the addition of 50 per cent. of lunatics?—Yes.

25227. In your statement (*page 4, col. i*) you make a remark that the Commission is not intended to be a board of experts but to be a sort of *quasi*-judicial tribunal. I would like you to explain that a little bit. The Commissioner this morning told us their strength lay in their power of advising as experts. You, in your statement, say very much the same thing, that the whole strength of the Commission lies in their being experts in lunacy?—I do not think you will find that I say that. That is as regards asylums, buildings, and visitations.

25228. Would you like to alter that statement?—No, certainly not.

25229. Do you say they are useful, not as experts?—I think they are most useful as experts, what I have said is not as medical experts. I have already said the Board was never intended to be a board of medical experts.

25230. As a *quasi* judicial tribunal, what judicial powers have the Commission?—The judicial powers are to make up their minds as to what is the best course to adopt under the ever-varying circumstances of each particular case that comes before them; they have no power; that is why I use the word *quasi*.

25231. But would not experts in lunacy be able to make up their minds as to that?—That is hypothetical.

25232. Why must they be judicial?—If you saw the work of the Commission you would see that it is not entirely medical or even very preponderatingly medical, and there are innumerable other questions.

25233. Are they judicial?—Many of them judicial.

25234. Many medical?—Many medical.

25235. And a great many common sense?—I should think a very great number.

25236. What would you put down as the primary object of the Commissioners in Lunacy?—The primary object of the Commissioners is to carry out the duties imposed upon them by the Lunacy Acts 1890 and 1891.

25237. That is more or less begging the question?—I deny that entirely.

25238. Is it not the fact that they are essentially an inspecting body?—Certainly.

25239. And that the inspection of the institutions is their primary and principal duty?—I entirely agree.

25240. And what is more, I think, according to the statement of the Commissioner this morning and according to your own statement here, they are experts in lunacy, never mind in what form, whether medical or judicial experts, and in that fact of being experts lies their strength?—I have not said so.

25241. The Commissioner this morning said so?—I cannot say what the Commissioner said. Of course it is undoubtedly the fact that they have had a very great deal of experience, and their knowledge of the institutions for the insane and of the insane themselves is very valuable.

25242. You are familiar with the duties of the inspectors of asylums?—I did two months' visitation as deputy.

25243. You know the terms of the Act?—I think I do.

25244. The duties as laid down by the Act and as laid down in the rules. Would you look through those duties and tell me any one of those duties which requires special legal knowledge?—Do you mean Section 187?

25245. Yes?—I think, as was said this morning, with regard to visitation, that after anybody knows what is the proper way in which an asylum ought to be run, whether that person be a legal Commissioner, or a medical Commissioner, or an ordinary man of common sense, he can carry out most of those duties satisfactorily. He could not do the classification of patients and the number of attendants on each class.

25246. Is there any one of those duties that requires a legal qualification. I do not deny that a legal man can learn them all; I want to know, is there a single one that requires a legal qualification?—No, I should think not.

25247. Dual inspections are the rule, are they not?—In certain establishments.

25248. Does that mean dual inspection of each patient?—In a large asylum it is impossible, to the fullest extent, that there can be dual inspection by both, but there is in fact inspection by both of each patient. Suppose a patient comes up and speaks to one Commissioner, if he has got a grievance, and the Commissioner thinks there is anything in it, he will probably call his colleague, whether legal or medical, and they will consider the matter together. When the Commissioners walk through the wards happily only a small proportion have these grievances and wish to speak to them, but they have the opportunity.

25249. The patients are not all seen by both Commissioners?—Yes, they are, indeed.

25250. Every patient in the asylum?—Every patient.

25251. Does that apply all round?—In every asylum and hospital.

25252. And idiot asylums?—Yes.

25253. The two Commissioners go round together?—They are always in the room at the same time.

25254. I was in an asylum lately, it was an idiot asylum and I asked what the procedure was when the Commissioners went down, and I was told one went to the male side and the other to the female side?—I am informed that that is so in an idiot asylum.

25255. Does that never take place in a lunatic asylum?—No.

25256. They must essentially go round together?—Yes. I would rather you asked the visiting Commissioners questions of that sort.

25257. I notice you say nothing in your statement about duties under the Idiots' Act?—No.

25258. Is that accidentally or purposely?—Neither the one nor the other. They visit the idiot establishments.

25259. Presumably they grant licences under the Idiots' Act?—Yes, they have done so.

25260. Can they do so at present?—Do you mean new licences?

25261. Yes?—That is a question.

25262. Would you like to give an opinion on that question?—Of course you know that the opinion of the law officers has been obtained on the question. The law officers consider that there is still the power of granting a new license for an idiot establishment.

25263. The duties of the Lunacy Commission under the Idiots' Act are not satisfactory, are they? Can you tell me in what way they are unsatisfactory?—I do not think they are unsatisfactory. You state the fact to me, and then ask me in what way.

25264. I said that because it has been stated many times in evidence?—I should not agree.

25265. Have they sufficient control under the Idiots Act?—I believe so, but I would rather you put these questions to the visiting Commissioners.

25266. You say there are three State Asylums, are there not, at the present moment?—There are only two State Asylums, Broadmoor and Parkhurst.

25267. Regarding these circuits, you say all the provincial asylums are inspected in six circuits?—Yes.

25268. How long does each circuit last?—You can say three weeks to a month—twice a year.

25269. How many working days is that?—Will you address the Commissioners themselves on these points, because I cannot give you the particulars.

25270. As an accounting officer I may ask you a question about the age limit not applying to the Commissioners?—I understand the Commissioners themselves are not civil servants except for the purposes of a pension.

25271. (*Dr. Needham.*) They are appointed during good behaviour?—Yes; and that being so they are only civil servants for the purposes of a pension; there is no compulsory retirement at sixty-five.

25272. (*Dr. Dunlop.*) Is there any ruling or minute in which this information could be seen?—Not that I know of.

25273. Has the matter been raised?—Not since I have been secretary.

25274. Do you consider, from your experience in the office, that they should be retained after sixty-five?—I know one Commissioner who I believe is over that age, and I think he does his work as well as any of them.

25275. Let us take a man of seventy-four or seventy-five?—It all depends on the man; how can I talk generally on such a matter?

25276. Having regard to the evidence this morning in favour of the 65 rule, have you any opinion to give?—No, I have none.

25277. (*Mr. Burden.*) Referring to the licensing under the Idiots' Act, supposing a license were applied for for a new institution now, would it be granted?—How can I possibly answer that? It depends on all the circumstances of the case. Whether it would be entertained is another question.

25278. Could it be granted; may I put it that way?—I have already said that the law officers of the Crown have expressed the opinion that it could.

25279. (*Dr. Needham.*) I see you mention in your statement (*vide* page 7, col. 2) that Section 11 of 8 and 9 Victoria empowers the Commissioners to appoint two clerks, and so on, and that it was soon found that more clerks than four were needed, and that £400 a year was insufficient to pay them, and so on, and that "the increasing work of the Commission has from time to time required that the clerical staff should be increased, and the present staff is at present as follows." It is in reference to something you said in answer to Mr. Greene; on looking at the table which you have given I see there are seventeen clerks?—Yes.

25280. That means there has been a vast increase of late years in the number of clerks?—Yes.

25281. Because of the vast increase in the work of the office the last few years?—Yes.

25282. I suppose even now these clerks are not redundant—there is quite enough work to occupy the whole of them through the whole of their working hours, working as efficiently as clerks ought to work?—I have quite satisfied myself on that.

25283. You are quite sure that the staff is not larger than the requirements of the office?—Certainly.

25284. (*Mr. Byrne.*) The staff is settled in the same way as in any other Government office, by negotiation with the Treasury?—Yes.

25285. You have no complaint to make about that?—No.

25286. You have sufficient staff?—Yes.

25287. They are appointed in the ordinary way, as any other civil servants are, are they not?—Yes.

25288. Just a few questions about the office, and about the work coming specially before you. You heard Sir John Dorington say this morning that he was satisfied, on the whole, with the adequacy of the powers at present enjoyed by the Lunacy Commissioners, and their ability to carry out their duties. Do you as Secretary come across many cases in connection with the general correspondence of the office in which additional powers seem to be required?—Only as regards plans and estimates.

25289. What would be the nature of the additional powers desirable?—I think it would be very desirable to have a more effective criticism, and with regard to dealing with plans and estimates the present position is really almost one of absurdity, to expect either a medical or a legal Commissioner to criticise effectively the sort of plans and estimates and specifications involving the expenditure of half a million of money.

25290. But the additional power would be one in the nature of technical assistance rather than of further legal powers?—Certainly, I do not think further legal power is required.

25291. The Annual Report of the Commissioners contains, as we know, a very great deal of valuable information. Could you tell us whether in recent years or within the last fifteen years there have been any suggestions made as to desirable modifications in the Commissioners' powers or mode of procedure? Would it be possible to have them investigated in your office? Could you have a list of suggestions made?—I think you will find the chief suggestions deal with the inadequacy of the Commission in its present strength to deal with the work they have to get through.

25292. I remember a good many suggestions. It would be convenient if we could have all the reports searched for a complete list?—From what time?

25293. I should say since 1890—suggestions as to desirable modifications in the powers and procedure of the Commission?—I do not myself know any.

25294. They have referred more than once to their powers as regards the property of patients and other things; it would be convenient to have a list?—I do not know any suggestions they have made with regard to dealing with property.

25295. Your description of the work of the Commission shows that some of it has to be done by a board. Do you agree that there is nothing now that has to be done by a board that might not be done by an individual? Could you simplify the work, do you think?—I think so far as the boards orders it is not really essential in many cases that three Commissioners should be there.

25296. One person could do it?—A great many of the things that require that quorum could be done just as effectively without. I should not like to say that of all.

25297. But still a large amount of routine work could be done as it would be in a department not conducted in the way yours is by a single individual by a stroke of his pen?—Yes.

25298. I see you have to go through rather a cumbersome procedure before these meetings; you have to summon the Commissioners if you happen to know their addresses and so on?—I do not think I have put that.

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25299. "The Secretary shall give the Commissioners or such of them as are in England and have an address known to him"?—But that is as provided by the Act of Parliament.

25300. Would you like to have all that got rid of?—It does not do any harm or any good.

25301. Do you do it?—No.

25302. It has all died out, I should think?—For special meetings that would be done.

25303. With regard to the architect, supposing you had a gentleman to occupy that position permanently, would he be able to give you the necessary advice with regard to such matters as electric lighting, drainage, farm buildings, and so on, or would you require something more?—I think it would be most desirable if he could. Whether you could get such a man for such a salary is another question.

25304. Could you get a man for any salary?—It is a very big order, I quite agree.

25305. Have the Commissioners made up their minds definitely whether they would rather have one person as architect or whether they would have some money equal to or greater than the salary of that architect to be used by them for the employment of architects to be remunerated by fees?—They have made up their minds that they would like an architect for this reason; they want to have a man always at hand whom they can always be sure of finding when plans require to be dealt with in detail

25306. Is it the view of the Commissioners that at present they cannot deal with specifications which affect the cost of asylums, and that an architect would be of great use in investigating the specifications?—That is entirely the point, because the specifications are of enormous size and the Commissioners have neither the time nor knowledge to read through these specifications.

25307. A permanent architect attached to the staff would be always available for the examination of those things?—Yes.

25308. As you have sixty or seventy cases a year it would be impossible for one architect to do it all, if he had to do the work of a quantity surveyor as well as an architect?—I do not know, quite, what an architect can do.

25309. My object in asking these questions is to elicit whether you think that, even if you had an architect, there would be additional matters for which you would want outside assistance?—Very likely.

25310. If you asked for an architect and the Commission said you should have one, then you might want something else?—That might be so. That is not a reason against our having an architect.

25311. As regards the three things I mentioned—drainage, farm buildings, and electric lighting and power—you have several times felt that you would like to have had more power of summoning technical assistance?—Yes.

25312. That is necessarily so with modern buildings?—Yes, even farm buildings sometimes.

25313. Is there any considerable amount of routine work which has to be done in your office by the Commissioners, or under your supervision, which might be omitted without loss to the public?—I should not like to say that. I am only speaking for myself in this instance. My view is that a number of the reports and certificates are examined by the Commissioners themselves at the office, might be examined by the Secretary. I do not know whether the Commissioners would agree.

25314. I was thinking of some more trifling things. The Commissioners have to report to the Lord Chancellor every six months how many miles they have travelled and how many people they have seen, there is no use whatever in that?—I do not know that there is.

25315. Of course it must cause a lot of trouble to the clerks and so on?—They do it themselves.

25316. It must cause a lot of trouble to them, and their time is much more valuable than that of the clerks. Is there anything to be gained by keeping up that?—I do not think the Commissioners have ever complained of it.

25317. Perhaps they would not like to?—I do not know whether they would or would not. I am informed that the mileage is not taken. I have not heard them complain of it.

25318. They do not make any suggestion about it?—No.

25319. It wastes a good deal of Government paper?—There might be a saving in that way. At one time the Commissioners were paid by mileage; that is not so now.

25320. As regards the copies of reception orders and certificates that come in, are there fifty or sixty of them per diem?—A great deal more than that. I should think that on an average I myself see fifty, and those are only cases which have been marked by the clerk where there is something defective.

25321. Could you give us a statement of the amount of work done in your office which affects you and the Commissioners—I do not mean the mere routine work; for instance, how many reception orders and certificates there are, how many continuation orders, and so on?—I tried to give it as far as I could find out from the office. I gave a good deal in my evidence.

25322. (*Dr. Needham.*) Was not a return made embodying these particulars to the fullest possible degree to two successive Lord Chancellors?—That is so.

25323. Have you got that paper here?—Yes, I might put that in. I will let you have a copy to-morrow.

The witness subsequently sent in the return above referred to, which is as follows:— See Q. 26458.

The following table shows the estimated number of the orders, certificates, etc., personally examined by Commissioners in 1902:

	Total for year.	Average per diem.
Reception orders (including urgency)	23,800	76
Medical certificates - -	28,100	89
Medical statements - -	23,200	74
Month end reports - -	2,400	8
Continuation reports and certificates.	32,375	103
		350

The actual number of continuation reports and certificates was, in 1902, 50,870, but this included 23,119 quinquennial reports on patients admitted before 1890, one fifth only of which are included in the total, 32,375, given in the table.

Notice of the death of every certified patient and of many serious casualties is given to the Commissioners. The Medical Commissioner on duty takes charge of these matters, calling for any information he requires, such as reports by medical officers, case book entries, post-mortem notes, statements of witnesses, coroners' depositions, himself drafting any letters which require technical knowledge. The number of deaths of which notice was received in 1902 was 9,535, or an average of 30 per diem.

25324. (*Mr. Byrne.*) As regards the examination of reception orders and the documents accompanying them, they are examined, I suppose, by the permanent clerks in your office?—In the first place.

25325. The bulk of them will be passed and will never go higher?—No; they are all laid before the Commissioners, and those which are marked are laid before the Secretary; those involving any point on which correspondence is necessary.

25326. When you say "laid before the Commissioners" do you mean one of them or more than one of them examines the particulars of every lunatic in this country?—I believe I am right in saying that they read through every single one.

25327. Do the Commissioners think there is any necessity for that—that is not a statutory requirement?—I do not know. The whole of these documents are most important—what justifies the detention, which is a medical question.

25328. But that is not done even in the case of prisoners ?—You must not compare lunatics with prisoners.

25329. As regards the liberty of the subject prisoners are very much more important ?—It is a matter of opinion.

25330. There is no doubt about it. A prisoner may be kept in penal servitude for life. A lunatic, at any rate, has to be discharged as soon as he recovers sufficiently. A prisoner once committed for life is not discharged. The document committing a prisoner possibly for life wants as much care, or more, than a document committing a lunatic. I presume you do not think the Home Secretary looks at each warrant ?—Possibly not.

25331. (*Dr. Needham.*) Is it the fact, or is it not the fact, that the question about which the Commissioners principally concern themselves is not the conformity of the document to legal requirements only, but especially the sufficiency of the facts indicating insanity ?—Certainly.

25332. As to which clerks would not be competent to judge ?—They might very easily not be; the facts on the certificate might be a thing on which the clerk's opinion would not be of any use whatever.

25333. Is it the case that, if the facts are not considered sufficient to justify the detention of the person, attention is drawn to that ?—Yes.

25334. (*Mr. Byrne.*) So we may take it that the Commissioners deem it their duty to personally read these 100 or 200 documents every day ?—I would not like to say that they are as many as that, but they do read them.

25335. I suppose the ordinary ones received every day are disposed of in a short time ?—Yes.

25336. Are they dealt with day by day practically ?—Yes.

25337. By the Commissioner on duty ?—Yes.

25338. So the Commissioner on duty has to read at least 100 reception orders and certificates ?—Yes.

25339. Are they prepared for him in any way ? Does he actually read each one or does he merely read one to which attention is called ?—They are all placed on the desk before him and he not only reads them but initials them.

25340. Are any on which questions arise separated from those on which no questions arise ?—Yes, excepting matters which are purely medical, and they would be submitted probably to a medical Commissioner direct.

25341. A certificate with its accompanying documents is a very long thing now-a-days; it would cover many lines of writing ?—A certain number of lines, not a very long thing.

25342. It would take a very quick and competent man two hours to read over 100 of these things, applying his mind to them ?—I did not say 100 reception orders; continuation reports are much shorter.

25343. Still, they have to contain the reasons ?—I think it is doubtful; there are a very great number of them. It is very doubtful how far the whole legislature instituted under Section 38 is really valuable.

25344. As being unnecessary, do you mean, or as being ineffectual ?—As being unnecessary.

25345. Every patient, when he is received into an asylum, is received with his papers; they are examined in the asylum ?—Yes.

25346. This is then a duplicate examination of the warrant for detention ?—Of the copies.

25347. In pursuance of what Mr. Dickinson was asking this morning, do you think it is necessary ?—I think it is very desirable that it should all be checked by a central office.

25348. Could you let us know how many cases are sent back for correction on an average ?—I could tell you that as far as I personally am concerned. In a day there are something between ten and fifteen; the clerks have to mark everything that is deficient. I rule out a lot of them. My principle in the matter, on which I try to work, is that I never send them back unless the omission is something which effects the validity of the reception document.

25349. And knowing that behind you there will be the Commissioner who will read the facts observed ?—He will not read what I have done.

25350. If you check one of these things the Commissioner will not see it ?—Probably not.

25351. So that the amount of work the Commissioner does on these documents is rather less than I thought it was ?—I do not know; there are a good number of them.

25352. You look at some of them and the Commissioner does the others ?—Yes.

25353. (*Dr. Needham.*) What is the number of documents to which Mr. Byrne refers ?—I do not know whether Mr. Byrne refers to reception orders.

25354. Mr. Byrne, I think, is understanding that you refer to the whole of the documents which are examined by the Commissioner, not only the reception documents ?—I understood Mr. Byrne as referring also to continuation reports.

25355. (*Mr. Byrne.*) Most of my questions have done so.

25356. (*Dr. Needham.*) The continuation reports and certificates come to many more than one hundred a day ?—Yes, I should think they did.

25357. And death statements ?—Yes.

25358. (*Mr. Byrne.*) I presume notifications of deaths are not sent to the Commissioners ?—Yes.

25359. With what object ?—So that all the circumstances may be considered; it is by the Act of Parliament.

25360. An ordinary death ?—Why should the Act of Parliament say that it is to be sent into the office to be pigeon-holed if it is not to be looked at by the Commissioner ?

25361. There are many degrees between pigeon-holeing and being seen by the head of a department. I am one of the steps or degrees between a pigeon-hole and the Home Secretary. We receive many important documents at the Home Office, and very few of them to the Home Secretary ?—You are perhaps engaged in much more important duties.

25362. Not at all; yours is as important. Why should these things go to the Commissioners ? Not one out of ten discloses suspicious circumstances ?

25363. (*Dr. Needham.*) Is it a fact that of the deaths which are examined a considerable number of the notices are sent back and inquiries are made in reference to them from asylums because either the cause of death is not satisfactory or the facts relating to it are not stated sufficiently explicitly ?—That is so; also they very often disclose a condition of epidemic disease as to which inquiry has to be made.

25364. (*Mr. Byrne.*) But all those an official could do ?—A medical official might.

25365. In our offices, both in the Reformatory Office and the Prison Department, a very subordinate clerk can do that sort of thing. I am merely asking for information. This discloses a very much heavier amount of work imposed on the Commissioners, and even on you, than we thought ?—You may take it that mine does not take more than half an hour a day—the documents before me.

25366. Even to read 100 reception orders would take at least two minutes each ?—I do not look at anything like 100.

25367. There are several hours on reception orders alone ?—There are nothing like 100 put before me; they go to the Commissioners.

25368. Just one question, summing up; so far as you have seen the work of the office, do you think that everything that is done in that way should properly be so done; you would not recommend improvements in procedure ?—I am trying to recommend improvements every day of my life. Nothing is ever as good as it could be.

25369. The secretary to the Commission is a high statutory officer and he has very great experience in all these things. The decision of the Board or of individual Commissioners on cases coming before them are known to him day by day: surely he would be competent to do a great deal of this work if he had time ?—That is a question on which I, being secretary, would not care to express an opinion; I may have one.

25370. But we value your opinion ?—Well, I think I could do it.

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25371. We are quite sure you could?—I mean I could easily do it, reserving any point which I did not know for the Commissioners.

25372. (*Dr. Dunlop.*) The rules issued by the Lunacy Commissioners are statutory, are they not?—Yes.

25373. Do they apply inside workhouses as well as asylums and hospitals?—Where workhouses are mentioned.

25374. Only where workhouses are mentioned and not as a general system?—I think a workhouse would have to be specifically mentioned.

25375. And all the requirements that are named in these rules are carried out?—They do not really apply to workhouses so much as they do to other institutions.

25376. Are there other rules for workhouses?—Except as regards mechanical restraint I think those are the only rules the Commissioners have in workhouses.

25377. The one against mechanical restraint is not included in these statutory rules?—No.

25378. Is it issued separately?—Yes.

25379. Could we get a copy of these regulations for workhouses?—There are no regulations for workhouses; the workhouses are under the Local Government Board. I am informed what happened was this: the Lunacy Commissioners made this regulation as to mechanical restraint, and a copy of the regulation was sent to the Local Government Board, who distributed it to the workhouses.

25380. Independently of that regulation for mechanical restraint, there is no rule issued by the Lunacy Commission which applies to the management or treatment of a lunatic in the workhouse?—So far as I am aware, none.

25381. You would know it?—I think I should.

25382. (*Chairman.*) What is the total cost of the Lunacy Commission?—This is an account of the sum expended last year; it is an exact copy of the Appropriation Account for 1904–1905. (*Table was handed in and is as follows.*)

LUNACY COMMISSION, ENGLAND.

ACCOUNT OF THE SUM EXPENDED, COMPARED WITH THE SUM GRANTED. YEAR ENDED 31ST MARCH, 1905.

Service.	Grant.	Expenditure.	Expenditure compared with Grant.	
			Less than Granted.	More than Granted.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
A.—Salaries and wages - -	14,635 0 0	14,340 7 1	294 12 11	—
B.—Travelling - - - -	1,650 0 0	1,398 19 7	251 0 5	—
C.—Incidental expenses - -	86 0 0	48 7 8	37 12 4	—
Gross total - - -	16,371 0 0	15,787 14 4	583 5 8	—
			Surplus of gross estimate over expenditure.	
			£583 5 8	
Deduct—	Estimated.	Realised.	Deficiency of appropriations in aid realised.	
D.—Appropriations in aid (cash paid for licences) - -	1,112 0 0	1,035 5 0	£76 15 0	
			Net surplus to be surrendered.	
Net total - - -	15,259 0 0	14,752 9 4	£506 10 8	

25383. (*Dr. Needham.*) There is nothing in the Lunacy Act, is there, to prevent an application being made to the Commissioners for the applicant to establish an institution for the care and treatment of idiots?—No.

25384. If so applied to, the Commissioners would, I suppose, consider all the facts of the case, and the accommodation which is intended to be provided, and would register or not register as they think proper?—I suppose so.

25385. There is no reason why a new idiot asylum should not be established at any moment on proper application?—It is a question, of course, how far it is desirable, the idea having prevailed for so long that fresh licensed houses were not desirable.

25386. I am talking about institutions for idiots. I am not talking about licensed houses. There is nothing, is there, to prevent an application being made to the Commissioners to register a certain place as an institution for idiots and that registration being effected and an idiot institution started?—Nothing.

25387. (*Chairman.*) Is there anything you would like to add?—I think not.

*The Right Hon. Sir JOHN DORINGTON, called; and Examined.

The Right Hon. Sir John Dorington.

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25388. (*Chairman.*) You were a Member of Parliament for a considerable number of years and I think took considerable part in the consideration of certain Lunacy Bills, which have become Acts, which have been from time to time before Parliament?—That is so.

25389. Would you be so kind as to tell us how long you have been a Commissioner in Lunacy?—In 1892 the Lord Chancellor asked me to become an Honorary Commissioner and I assented.

25390. You have seen, of course, the statements which the Commissioners in general have given us of their evidence?—Yes.

25391. You agree with them?—Generally, yes.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY THE COMMISSIONERS IN LUNACY.

CONSTITUTION OF THE LUNACY COMMISSION.

The Commissioners think that any fundamental change in the constitution of their body is not desirable, but that

* The evidence of Sir John Dorington was given *before* that of Mr. Trevor, but for the purposes of the Commission it was found more convenient to print it *after* Mr. Trevor's evidence.

its efficiency would be best promoted by preserving its essential features and introducing certain modifications necessary to enable it to perform its vastly increased duties present and prospective. They would accordingly most strongly deprecate the substitution for the Commission as it now exists, of a small board confining itself to office duties and relying on the reports of subordinate inspectors for its information as to the institutions and patients under its jurisdiction. They concur entirely with the views expressed on this point by Lord Shaftesbury in his evidence before the Select Committee on Lunacy Law in 1877, and think that it would be a fatal mistake for the Board to be deprived of the advantage which it now possesses by its members acquiring by frequent visitation first-hand knowledge with regard to the matters which come before it, The Visiting Commissioners, too, can speak with more weight at their visits as actual members of the Board, not mere subordinates.

Question 11592 set out in the Secretary's evidence.

At the same time it is recognised that any large increase in the number of Commissioners would be injurious to their efficiency for the reason given by Lord Shaftesbury, that there would be danger of the Board's time being often wasted in fruitless discussion. What is required is a board numerous enough to allow of its members visiting with sufficient frequency to keep up their personal knowledge of the matters with which they have to deal as a board, yet leaving always available three at least to form a quorum at the weekly meetings. It should be borne in mind that for some time past it has not been found possible to fill up the vacancies among the honorary Commissioners, of whom there should be five, but are at present only two, who are unable to attend the meetings with regularity. It is therefore only the paid Commissioners upon whom reliance can be placed for carrying on those office duties which can only be discharged by the Commissioners personally.

The Board think that six Commissioners are not sufficient for the purposes aforesaid, and would suggest that the number should be increased to eight, but that this should be regarded as the maximum, and that any further addition to their visiting strength which may be necessary should be provided by means of assistant Commissioners. They believe that eight Commissioners would be able to cope with the existing work of the Commission if the obligation now imposed on them to visit in pairs were relaxed as hereinafter proposed.

If, however, additional duties are to be imposed on them in relation to incipient insanity, mental defectives, and boarded-out patients, a further strengthening of the Commission will be necessary. The Commissioners have no information as to the amount of additional work which would be thrown upon them in connection with these matters, but it would no doubt be very considerable, not only in respect of visitation, but also, especially at first, in the passing of plans, framing of regulations, and other office work. They would suggest, therefore, that in this event assistant Commissioners, not members of the Board, should be appointed to relieve the Commissioners of a portion of the visitation duty.

The paid members of the Board at present consist of medical and legal Commissioners in equal proportions. The Board are convinced of the value of the services performed by the legal Commissioners and would much regret their abolition or a diminution of their number. They would not, however, press for an increase in their number, but would be content that the two additional Commissioners for whom they ask, and the assistant Commissioners, should be exclusively of the medical profession.

The Commissioners think that such assistant Commissioners should not have appropriated to them any particular branch of visitation, *e.g.*, workhouses, single patients, or boarded-out patients, nor be confined to particular districts; but that they should be subject to the control of the Board, and discharge such duties in regard to visitation as the Board may from time to time assign to them.

The visit of an assistant Commissioner should be for legal purposes equivalent to the visit of a Commissioner.

The Commissioners are of opinion that it would be desirable that they (the Commissioners) should have power to visit singly in all cases where now they are required to pay double visits, but they are not yet convinced that it would be wise to discontinue the double visitation of at least the county and borough asylums, some of which are now of enormous size. The advantage of the power to visit singly would be found especially in the case of the smaller institutions, and in emergencies, as when one of the visiting Commissioners is taken ill or is called away suddenly.

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The above recommendations may be summed up as follows:—

1. Two additional Commissioners to be appointed who may both be medical practitioners. No other change to be made in the Board.

2. Assistant Commissioners (medical) to be appointed in such number as may be required in view of the increased duties that may be imposed on the Commission.

3. In all cases where visits are now required to be paid by two or more Commissioners, a visit by one or more to be sufficient.

4. Assistant Commissioners to be able to visit in the place of Commissioners as and when directed to do so by the Board, to be attached to the London office, not to any local district.

Finally, in order to promote efficiency and economy in the building of asylums, the Commissioners regard it as essential that an addition should be made to their ordinary staff by the appointment of a salaried architect, who should devote his whole time to the duties of his office.

25392. (*Mr. Byrne.*) The Lunacy Commissioners are partly an independent body having a final authority in certain portions of their duties?—Yes.

25393. And in some respects they are subject to the direction of the Lord Chancellor?—I should say wholly.

25394. Or the Secretary of State, or sometimes either of them?—Yes.

25395. Do you think the existing laws are satisfactory in that respect?—I think, so far as the Commissioners are concerned, the laws are satisfactory, except that the *personnel* of the Commission is not adequate for the increased duties they have now to perform.

25396. But as regards the extent of their jurisdiction they are content at present with the state of affairs?—Yes, I think so.

25397. They do not wish to have their independent authority extended or diminished?—I would not speak on behalf of the Commission to that extent, but I should say myself that their powers are sufficient.

25398. Does any practical difficulty, delay, or trouble arise from the fact that in some respects their authority is not final?—No, I think not.

25399. You personally would prefer to leave things as they are?—So far as our jurisdiction is concerned.

25400. Do any inconveniences arise from the somewhat old-fashioned regulations with regard to meetings of the Commissioners sitting as a board for certain business?—Yes, I think so.

25401. Would you like to see that swept away?—I do not want to sweep them away. They are to appoint a chairman, who is not to be one of the paid Commissioners, and if he is not present those Commissioners who are present at the meeting elect a chairman for the day who may be one of the paid Commissioners. I think they should have a permanent chairman. It is not adequately provided for by the existing arrangements of honorary Commissioners.

25402. That would bring them more into analogy with other existing departments, say the Prison Commission and every other Commission?—Yes.

25403. You would like to see that?—Yes.

25404. That would add to your efficiency?—That would add to our efficiency—a permanent chairman upon the Board.

25405. I notice that the Commissioners, or five of them, have at certain quarterly meetings to grant licences to private asylums—private houses. Surely that is quite unnecessary, is it not? They are merely renewing an existing licence?—Those renewals when they come up sometimes require discussion and sometimes, although most of them are formal, the attendance of the licensees is required for explanations. I think it is desirable that the Board should have a full quorum on those occasions.

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25406. They sit in a judicial capacity ?—Yes.

25407. Like the Committee of the London County Council granting dancing licences, they have the persons concerned before them ?—Yes.

25408. How often ?—I have had experience on several occasions, and I have been sitting as chairman when we have had the persons before us.

25409. Once a year would it happen ?—Oftener than that.

25410. Could it not be done in writing ? At present to have five Commissioners in Lunacy for business like that, which is usually trivial, must take them away from more important work, must it not ?—Yes, no doubt it does, but you have to consider that this question of licensing affects very important interests.

25411. Yes, but in other departments licensing is done by one person with a stroke of his pen, having full information before him in writing. The Home Secretary licenses inebriate institutions ; they are done by an inspector or other officer reporting on the institution, its working during the year, the character of the proprietor, the caretakers, inmates, and so on. They are just licensed by a stroke of the pen. Could not the Lunacy Commissioners do that ?—They could, but I do not think it is desirable.

25412. It should be a formal body sitting for the purpose ?—It should be a formal body sitting for the purpose.

25413. Is there any other business for which the Commissioners have to meet as a board which you think might be simplified ?—There has to be a quorum of three on all occasions ; it is hardly a board unless there are three persons.

25414. If there were a chairman, would you like to retain a quorum of three ?—No, I think if there were a permanent chairman you might say that two sitting together would be sufficient.

25415. The chairman and another ?—The chairman and another.

25416. So the mere fact of making a permanent chairman would in many important respects increase the efficiency of the Commission by giving them greater freedom ? —It would preserve a continuity of practice. The Board now consists sometimes of certain men and sometimes of other men, but if there were a permanent chairman then there would be a continuity of principle in the Board.

25417. Surely there is that continuity now, is there not ? —Yes, but not to the extent which is desirable, I think.

25418. How does that shew itself practically ? Could you give us any instances ?—Every now and then our attention has been drawn to a conclusion at which a board is proposing to arrive which is in contradiction to conclusions arrived at on some other occasion, If they had had a permanent chairman the probability is that that would not have arisen.

25419. That happens in other Government Departments. It is the duty of the clerks to remind the Head of previous decisions, so continuity is now secured by a very simple process. Would not that be possible in regard to the Lunacy Commissioners' work ?—It should be ; but I go back to what I said before, I think it is desirable that there should be a permanent chairman to ensure continuity of practice.

25420. Are the Commissioners, roughly speaking, practically unanimous in their views and their ideas of the method which should be adopted in respect of almost the whole of their work ?—Generally.

25421. Are there any currents of opinion which make in different directions ?—It is rather in small details with regard to what is best to be done in asylums. An order has been given which is to be followed out in all institutions. Then a change of ideas comes before the Board and somebody sees that there is a difficulty in the previous order and they want to amend it or to alter it. Then attention is drawn to the fact that we have given an order precisely the contrary to what we wish to order now. But those are only small matters ; on general matters of principle I do not think there is any disagreement at all.

25422. Is the examination of orders and certificates and criticisms with a view of having them amended if necessary a matter for the Board or a matter for the Commissioners at the office ?—For the Commissioners at the office.

25423. Such a thing would rarely come before the Board ?—I do not think I have known of a case with regard to a certificate being in order or not so coming before the Board although they are carefully examined when they come in, and I have had no difficulty in getting any certificate I wanted to see in a few minutes and finding that in order. I wanted something last week and I got the particulars directly.

25424. As regards the jurisdiction of the Commissioners with respect to institutions, do you think the Commissioners have adequate authority over asylum authorities, say ?—I think they have sufficient authority. I think the administration by the Visitors of the asylums in general is very satisfactory and I would not check their sense of responsibility by giving greater powers to the Commissioners. At the present time the powers are largely advisory and they are received very kindly indeed. I do not think I should like to make them masters. If you made them masters of the situation the authority of the Visitors would disappear and they would cease to pay the attention which they now do to their institutions and become slack. I should leave them with the whole responsibility subject to the present powers of the Commissioners to advise them and to advise them pretty strongly if they like.

25425. A Visitor cannot help noticing that the powers of the Commissioners extend to some things and do not extend to others of almost a similar nature. The Commissioners have powers to advise on the plans of alterations of an asylum and drainage and so on and yet they have no powers to deal with dietaries or with the number of the staff. The staff is entirely beyond their jurisdiction, is it not ?—I think it is. They constantly make this observation : " We notice that the staff in this institution is very permanent and few changes have taken place ; we regard that as satisfactory ; " or the other way : " We regard the changes of staff as being much too frequent and we think in certain wards the attendance is inadequate." That is the sort of statement given to the Committee of Visitors and the Committee of visitors generally consider them and take notice of them. It strengthens the hands of the Visitors as regards medical superintendents ; sometimes the medical superintendents may be in fault and sometimes the Visitors may be in fault, but the responsibility lies within the walls of that institution, and if the Commissioners took the whole responsibility I think it would not be so satisfactory.

25426. As a matter of fact they can get their wishes observed by throwing their weight on the side they think is right ?—Yes.

25427. You would not care to see that changed ?—No.

25428. Would you apply that to the dietary as well as the staff ?—Yes, I would apply it to the dietary too.

25429. As regards the county asylums there is no point on which you would like to see the powers of the Commissioners strengthened ?—No.

25430. Would you like them strengthened in the matter of provision of asylum accommodation ?—Surely that clause is sufficient.

25431. The clause under which they can report to the Secretary of State that accommodation is not provided and the Secretary of State can take steps ?—Yes.

25432. That clause has been of very little use, has it not ?—Because the authorities have generally kept up to the requirements.

25433. After a long delay which has amounted to a serious evil ?—No, I should not say a serious evil, because at a somewhat greater expense the asylum authorities can always provide accommodation for their lunatics elsewhere.

25434. That is a particular evil to the ratepayers of that particular county, is it not ? Londoners are not particularly happy at having to pay anything from 15s. to 25s. a week for a large number of their lunatics who are boarded in other counties ?—There is another view possible with regard to that, in that the delay has taken place owing to regard for the ratepayers and

to the alarming increase of the necessary provision for the lunatics with which they cannot keep pace.

25435. Even though the motive is excellent the evil may exist ?—Yes; but I do not think you will cure it by a more summary method.

25436. Do you think the advisory powers of the Commissioners are sufficient in the matter of securing provision of asylums for different types of drunkards and for classification of the general asylums—are they entirely sufficient ?—No, they are not sufficient. For instance, only last year we and certain other counties, with the full assent of the Commissioners, arranged to provide tentatively an asylum for children, and that broke down on a legal point, that we could not raise the money in accordance with the provisions of the Acts. I forget exactly the precise legal difficulty. A great deal of trouble had been taken, but the scheme broke down at the last moment simply on account of the legal difficulty that we could not contribute. I think one county might have set up the asylum and we might all have contributed, but that was not the intention; the intention was that all the Committees of Visitors of the several asylums should be joint owners of the building and should jointly raise the loan. That we had no power to do.

25437. That is lack of power in the local authority rather than in the Commissioners ?—That is lack of power in the local authority; or you may say in the Lunacy Act generally.

25438. The Lunacy Commissioners have referred to that matter in their report; the desirability of classification ?—Yes.

25439. I rather inferred that they seemed to think further powers should be required, or at any rate a more direct duty imposed on them to attend to this matter—to press it on the local authorities. Have I put your view correctly ?—No, there I think you clash with what I said before, that I would not increase the direct powers of the Commissioners over the local authorities; their powers had better be advisory than mandatory.

25440. Come to the matter of fact. Are such powers as they have exercised to their own satisfaction in that matter ? Are the Lunacy Commissioners content with the present state of things, with the extent to which, having regard to both efficiency and economy, asylums are distinguished from each other and the patients are classified ?—As an honorary Commissioner I think I would rather not express an opinion upon that point.

25441. It is a matter of importance ?—It is a matter of importance, certainly.

25442. With regard to the other classes of institutions for lunatics, the hospitals and licensed houses, do the Commissioners find any lack in their power ?—I think I would give them more power over the hospitals.

25443. In what respect are they deficient ?—In the power of direction, I think.

25444. Are there unsuitable places in existence ?—No, I think not.

25445. The regulations, for instance, cannot be altered by the Lunacy Commissioners for the hospitals ?—Not adequately, I think.

25446. You would like the clause carried which has been inserted in the Lunacy Bill recently introduced ?—Yes.

25447. As regards their authority over these places, when once erected, in the matters of dietary, staff, treatment, and so on, do you think their powers are sufficient ?—That comes under the Board's regulation. I think their powers with regard to hospitals want strengthening.

25448. Not to any extent in other matters ?—No.

25449. (*Mr. Greene.*) How many Commissioners are there ?—Six paid and nominally five honorary Commissioners, of whom only two exist now.

25450. How long has there been a vacancy of three unpaid Commissioners ?—Sir Charles Bagot died the other day. We were three up to then. He was one of the paid Commissioners. On his resigning he was made honorary Commissioner, and that made three. I do not think there have ever been five in my time.

25451. Are you aware that there were not five, even in 1887, when the Commission was appointed ?—No, I did not know that.

25452. When you went there in 1892 how many did you find ?—I think there were three then; I would not state positively.

25453. Do they attend ?—No, I should be inclined to say that they do not attend except where they have been paid Commissioners before; then their attendance has been very regular.

25454. That is the case of Sir Charles Bagot ?—Yes.

25455. But he is the only one, is he not ?—No, there were others before.

25456. Then there is yourself; are you the chairman ?—No.

25457. Does the chairman attend at all ?—Occasionally.

25458. Once a year, or once in six months ?—It may be once a year perhaps.

25459. The law provides for there being five unpaid Commissioners ?—Yes.

25460. Does it occur to you that if they can find people to fill the office of five unpaid Commissioners the staff would be sufficiently strengthened without any addition of paid Commissioners ?—No, I think not, unless the unpaid Commissioners were to take absolutely the duty of the paid Commissioners of travelling the country like judges of Assize.

25461. Lord Shaftesbury, even as chairman, used to visit ?—Yes, he created the Lunacy Commission practically; and taught them how to do the work.

25462. You do not think you could get unpaid Commissioners to do the work ?—No.

25463. Could you get them to attend boards in London ?—No, not generally. Take my own case. I believe I have been to a certain extent a little bit useful, particularly when they want to make a quorum. What with one's duties as Member of Parliament and one's duties in the county, as county chairman, one's time is pretty fully occupied. Wednesday is very frequently occupied and I cannot attend. All this last summer I have been on a Royal Commission which met every Wednesday. It was impossible for me to be there and at the Commission at the same time.

25464. Is it not rather a case against the existence of unpaid Commissioners ?—I agree with you entirely.

25465. You would suggest their abolition ?—Yes, or disappearance.

25466. You said something about a permanent chairman. There is a provision in the Statute, is there not, for the election of a permanent chairman ?—Yes, from the honorary Commissioners.

25467. Do you mean a paid chairman or a permanent chairman, because the permanent chairman is provided for by the Act ?—Yes, and he exists.

25468. The chairman you describe as permanent is to receive a salary ?—Yes.

25469. He would be not only permanent, but a permanent paid chairman ?—Yes, there should be a paid chairman of the board.

25470. That would be making seven paid Commissioners ?—I ventured to make the suggestion that the Masters in Lunacy with their Visitors, and the Commissioners, should all be amalgamated into one board and that one of the Masters in Lunacy should be the chairman of this board. You would then get your paid chairman at no increase of expense. You would have the two departments brought in connection with one another, and I think myself that the distinction between them is a very inconvenient one for administration; you get constant crossing between the two. One body is supposed to look after property and the other after the mental condition.

25471. I think there are two Masters and three Visitors in Chancery ?—Yes.

25472. That would add five more to this existing body, which would consist then of six paid Commissioners, and you would get rid of the chairman you were suggesting just now ?—You would get more than that. Supposing the visitors took up the same duties that the Commissioners in Lunacy perform now, that would be six and three. One of these is a legal gentleman. There is rather a tendency in the public mind to prefer the medical man, on which I should like to say something

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presently. To begin with, you might amalgamate those three with the Commissioners, and you might drop the legal member when there was a vacancy, and then you would have eight Commissioners capable of visiting. I am inclined to think that eight Commissioners capable of visiting would be able to do the existing work of the Lunacy Commissioners, and also that of the Chancery Visitors. For instance, there are 685 Chancery patients we visit now, of whom 300 are visited also by the Commissioners in Lunacy in their ordinary progress round the country. That only leaves 385 visits to be specially paid by the three Visitors in Lunacy.

25473. You have not dealt with the Masters in Lunacy in that suggestion?—One of the Masters in Lunacy should, I think, be the chairman of the Board. I am inclined to think the Masters in Lunacy, from what I have been told, have on the whole sufficient to do—they are fairly occupied. I do not think myself that the Visitors are; they have only 685 patients altogether to see.

25474. What would you do with the two Masters. One should be the Chairman of the amalgamated Board?—The legal duties which are now performed by the Masters in Lunacy would still be performed by them *plus* the duty of one of them being the Chairman of the Board. One might be chairman, the other deputy.

25475. Perhaps you are aware that this very proposal was submitted to and considered by a Committee appointed by the Lord Chancellor in 1882 in which he submitted to very eminent men the desirability of maintaining the present system of visiting Chancery patients or to transfer the duty now performed by the Lord Chancellor's Visitors to the Lunacy Commissioners and the desirability of making an alteration in the practice and procedure of the Masters and Registrars in Lunacy so as to secure efficiency and economy. They reported rather against your suggestion?—I disagree. I was quite aware of that. We have to consider that the present six Commissioners are wholly incapable of properly performing their duty; they are overburdened and they cannot get over the ground. Therefore, there must be some addition to the Commissioners in Lunacy and I am suggesting an economical way of doing it.

25476. I wished to draw attention to the fact that the same suggestion has been considered and discouraged once. I was rather wondering whether you had also considered the possibility of transferring the Commission—letting them be swallowed up by the Chancery side. You want to swallow up the Chancery side by the Lunacy Commission. Now I want to see whether the Chancery side could swallow up the Commission?—I do not object to that; the direction in which the amalgamation took place would be quite a matter of indifference.

25477. With reference to the Commissioners, the appointment of the Commissioners rests entirely with the Lord Chancellor?—Yes.

25478. Is there any age limit for retirement or any period of service which involves vacation of office?—I do not know that there is.

25479. So that the offices may be continued long after the Commissioners have passed their prime?—Physically considered the difficulties of carrying out the Commissioners' work are so great that when a man gets past it he is bound to go; two Commissioners have to travel together, the legal and the medical, and if either of them fails the other is hung up and cannot go further; therefore the moral pressure in the Commission is such that if you are not fit to go on you must resign. I think he would go.

25480. Travelling about takes a considerable part of their time?—An immense part of their time.

25481. You say they are obliged to travel together, and they are hung up if one is ill. Is that entirely so? Is not there power on the part of the Lord Chancellor to appoint a substitute in the case of illness of anyone?—Yes, I think there is such power, but it is extremely difficult to exercise it. It can be exercised if there is long continued illness, but supposing a gentleman falls ill on his circuit, the other gentleman can do nothing.

25482. The Secretary of the Commission may always be appointed a Commissioner, he is qualified to act is not he; he may be made into a Commissioner?—I suppose he may be made into a Commissioner, but what becomes of the business of the office?

25483. Could not he be appointed temporarily by the Lord Chancellor to fill up a temporary vacancy?—I think he could be legally, but I do not think you realise the amount of work that has to be done in the office.

25484. Will you tell me where you find that the two must invariably go together? The words of the statute are that two or more Commissioners, of whom one shall be a medical practitioner and one a barrister, shall once at least each year visit each asylum. When they require the visitation to be together as in the case of justices the words are different; the words are "at least two members of the Visiting Committee shall together once in each year visit." Is there a word in any section which requires the act to be conjoint?—I have always understood so, and I think that is the view of the Commissioners.

25485. It has been the practice, I quite admit?—Yes. "Two or more Commissioners, of whom one shall be a medical practitioner and one a barrister, shall once at least in each year visit every asylum."

25486. When they are to act together, Section 188 says: "At least two members of the Visiting Committee shall together once at least in every two months inspect" so the statute pointedly says when they are to act together; it does not assert they must act together in section 187?—All I can say is that that has not been the view of the Commissioners. They would not consider they were exercising their statutory duty if they were to act alone. If you look at the last subsection of that section you will see that when the Commissioners are not paying the statutory visit one can exercise the same powers.

25487. "Any one or more of the Commissioners may at any time visit any asylum with the like powers as are by this section given to one or more Commissioners." Does not that mean that one may do it just the same?—No, by the statute they are directed to visit once at least in each year.

25488. This is limited in subsection 2 to visiting an asylum?—Quite so, but every year two Commissioners must visit the asylum to exercise certain statutory duties, but they may pay another visit at any time they please, only one of them going.

25489. That is your interpretation of it?—Yes.

25490. Is there any section of the Act to which you can refer me which deals further with the visitation made by the Commissioners except to asylums; they visit licensed houses do they not?

25491. (*Dr. Needham.*) Section 190.

25492. (*Mr. Greene.*) That says: "Every hospital and licensed house may at any time by day or night be visited by any one or more of the Commissioners." That does not require two to go?—That is at any time, but in sub-section 4 it says: "Every hospital shall be visited once a year by not less than two Commissioners," that is the statutory visit; they may visit at any time with one Commissioner; the statutory visit is to be by two Commissioners.

25493. "Twice by one or more of the Commissioners;" it is based on the interpretation of the section?—Yes.

25494. I see in the statement which has been given from your Commission that you suggest that in all cases where visits are now required to be paid by two or more of the Commissioners a visit by one or more shall be sufficient?—Yes.

25495. Would not that alone almost double the opportunities of each Commissioner, without having to add to the number?—It would be a great relief, no doubt, but in visiting very large asylums it would hardly shorten the time required because one Commissioner will take twice as long to do the work as two Commissioners.

25496. The recommendation you have made is that in all cases where visits are now required to be paid by two or more Commissioners a visit by one or more shall be sufficient?—That is a very good recommendation and it would ease the work very much indeed, but with regard to large asylums, the county asylums, it would not diminish the time occupied; that is to say, one Commissioner would take twice as long to do the work as the two Commissioners now. With regard to small asylums it would materially lessen the work.

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25497. There is no reason why the Commissioners should not by regulation of their own allow two to visit larger asylums and one in the case of the smaller ?—Yes, but this is an argument as to what would be sufficient in the opinion of the Commissioners. If you look at the amount of work which has now to be done as compared with what used to be done when the Commission was first appointed you will see the enormous growth and see how unreasonable it is to suppose that six men can do efficiently what six men were formerly required to do efficiently. Have you had the figures ?

25498. No, we have not at present ?—I should like to give you the figures. This is a paper prepared for me a year ago. I have brought the figures up to date. In 1883 they had to visit about 25,000. On the 1st January 1904, they had risen to 117,004. Since 1883 the increase has been from 77,000 to the last named number, while the county and borough asylums have gone up in number from sixty-two to ninety-one, and six more are in course of construction. Think of the enormous addition to the work from the county and borough asylums rising from sixty-two to ninety-one, each of them taking about two days to inspect.

25499. If the number of the Commission was suitable at first, that possibly seems to be a good reason for its not being adequate now, or else it looks as if they had not then sufficient to occupy their time, although we find that in 1859 and 1877 they were asking for additions ?—In the early days they had the assistance of Lord Shaftesbury, who was as good as a paid Commissioner ; that they have lost.

25500. With reference to visitation why should there be any addition to the staff of the Commissioners at all ; why should it not be done by inspectors or sub-Commissioners ?—That is possible, but there, authority comes in ; at the present time the Commissioners go down with all the authority of the Commission ; when they go down by their representative they have not got the same authority, they come in contact, not with a very inferior, but with a very superior and highly-paid class of officials.

25501. Why should it not be a superior class of inspectors ? We have inspectors under the Education Act who are supposed to be men more or less educated ?—I think you would hardly trust them to regulate institutions of such a size.

25502. No, but to report and inspect ?—Report and inspection would not be regarded as being so important as at present. This is a question purely of opinion. I think you would lose immensely in efficiency from being represented by inspectors. Take the prison inspectors. The Prison Department manages the prisons and has inspectors going round ; only last week a very important case occurred in one of the county prisons in which I was a visitor, and we had one of the inspectors down to be present at our proceedings, but he had no authority of any kind at all, and our proceedings had to be reported to the Commissioners in London for sanction.

25503. That is not at all the sort of official I am suggesting. I was suggesting that instead of adding to the number of Commissioners it would be quite possible for them to employ suitable persons to act as inspectors for them just as inspectors are appointed under the Education Board to visit schools all over the country ; the authority is the education authority, the central body. Why should not the Lunacy Commissioners be the central authority and have duly qualified inspectors to visit where necessary ?—In the earlier part of my evidence I said that their duties were advisory rather than mandatory.

25504. That gives them so many more eyes, you see ?—Yes, it gives them so many more eyes, but I think they lose in authority. It is purely a matter of opinion. I think a moderate addition to the Commissioners would be better than inspectors. Some of their duties might be done by inspectors.

25505. I am not suggesting all the duties. Certainly some of them might be adequately discharged by people with smaller salaries, and who could be subordinate to the Commissioners ?—I would not say you must not have any sub-inspectors. I should be sorry to see the authority of the Commissioners lessened by intervening too many persons between what they have to govern and the governing body.

25506. That would be so if the Board were not allowed to inspect, if they chose, themselves ?—I think it is possible, but I should deprecate any great extension of delegated inspection to the derogation of the inspection by the Commissioners themselves.

25507. Do you see any objection on principle to the inspection of the persons confined in asylums and licensed houses by a person who has got the authority without being a Commissioner, a subordinate or a deputy ; would that be objectionable ?—In the licensed houses ; no, I think they might do very well there.

25508. Then as regards the asylums, would the inspection of the patients be objectionable on the ground that the person who sees them is not a fully qualified Commissioner ?—I do not think it would add to the efficiency of the arrangements at the present moment in county asylums. I think the patients are all seen every month certainly, if not oftener, by the Visitors of the asylum, and they are all persons independent of the superintendent, and to some extent capable of judging cases. I do not think you want an inspector there. I think you want the Commissioners themselves in the big asylums.

25509. In the big asylum they will visit by the regular Visitors, but you think it should be a Commissioner and not an inspector ?—Yes.

25510. With the same frequency as at present ?—It is only once a year.

25511. In the statement of the evidence which is put forward for the Commissioners I observe they say that they think the Commissioners should be increased to eight and that is to be the maximum ; have you put before your colleagues the suggestions you have made here to-day about the amalgamation of the two offices ?—I have talked it over, but it was not talked over with reference to the preparation of this paper. You can put the question to them. You asked me whether I wanted to absorb the Chancery Visitors in the Lunacy Commission, or the other way. I think it is a matter of entire indifference. I think you might very well abolish the Commissioners in Lunacy and found your new body on the Masters. There is no objection to doing it in that way. You would arrive at the same result. I think you want eight Visitors.

25512. But in the one case you will bring the lunacy body nearer to the Lord Chancellor, the legal department, and in the other way you will have it quite independent ?—No, the Lunacy Commissioners are all appointed by the Lord Chancellor.

25513. But they are not so directly under the Lunacy judge as the Chancery Visitors and Masters ?—The more you get them under the Lunacy judge the better ; it would clear a legal difficulty, I think.

25514. Therefore the better plan would be to let the Chancery absorb the Commission ?—Yes.

25515. You say in this statement that "if additional duties are to be imposed upon the Commissioners in relation to incipient insanity, mental defectives and boarded-out patients, a further strengthening of the Commission will be necessary." You then suggest the appointment of Assistant Commissioners. Have you thought out at all what terms should be made with reference to the appointment of Commissioners and by whom it should be done ?—I imagine the Lord Chancellor would appoint them.

25516. Are those who are contemplated by this report to be subordinate in any way to the principal Commissioners ?—They would be subordinate to the principal Commissioners.

25517. They would be in relation to what I call inspectors, but they would be subordinate officials to do the inspection ?—Yes, under certain circumstances. The Commissioners think that such Assistant Commissioners should not have appropriated to them any particular branch of visitation, but they should be subject to the control of the Board ; that is to say, they would act as the Board directed, the Board being the Commissioners.

25518. Are they to be appointed in addition to the increase to eight which you recommend in the previous paragraph ?—Yes, that is the idea. Now and then a case arises which requires the instant visit of a Commissioner, disturbing all arrangements that have been made.

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25519. You would make the visit of the Assistant Commissioner equivalent to the visit of a Commissioner?—For that purpose.

25520. Why should you not appoint Assistant Commissioners instead of increasing the number to eight?—Because I think eight Commissioners are required for the purpose of the higher duties.

25521. Which would include visitation and inspection?—It would include inspection.

25522. I observe your recommendation is that the two additional Commissioners should be medical practitioners. Can you tell me whether the legal section of your body has concurred in that view?—I think they concur.

25523. Are they passive resisters to the proposal that it should be all medical and very little legal?—The Scotch view is that it should be nobody but medical men. My own private view is that the legal men are extremely useful, and the questions that arise are generally more legal than medical.

25524. Would it be possible to readjust the duties in such a way that the inspection should be left to the medical men and the questions, so many of which involve law, should be dealt with by the legal man?—On the contrary; I think if you divide the duties inspection had better be left to the legal man and the medical men called in when required. I think the legal questions which arise are more common than the medical questions.

25525. Which arise on visitation?—Yes, on visitation; patients want to talk about their property and why they are detained.

25526. Have you any department which has to deal in any way with the property of people who have to be visited by you?—No.

25527. Who deals with that, if they have any property?—There are provisions in the Lunacy Act giving certain powers to the Visitors, very slight powers, and if the need arises I think it is passed over to the Chancery Department.

25528. Does the Chancery Department deal with anything but lunatics so found?—Yes, it deals with all their property.

25529. Whether "found" or not "found"?—Yes.

25530. Is there anyone responsible at the Lunacy Commission for discharge by the staff of their particular duties; is there any person who overlooks the staff to see that their attendance is regular, and the amount of their work is done?—The Secretary would do that, and there is always one Commissioner on duty in London.

25531. Daily duty?—Daily.

25532. Then it is in their charge to see that the proper duties are thoroughly discharged?—Yes.

25533. Have you had any complaint from any local bodies or any other persons or authorities with reference to the action or inaction of the Lunacy Commissioners?—Not to my knowledge.

25534. Have you been made the subject of attacks at all as to your mode of administration?—No, I think not.

25535. And no suggestion has been brought before you for the improvement or amendment of your body, or its working, or its jurisdiction?—No.

25536. So far as regards the duplicate visitation by the Chancery Visitors and your body, do you consider it desirable that that should be got rid of or dealt with in any way?—I do not see very well how it could be got rid of. These 695 I mentioned are all under the direct jurisdiction of the Chancery Visitors, but they are actually living in institutions which are necessarily visited by the Commissioners, and therefore they come under a double inspection.

25537. Is there any reason why that should be continued?—No; you might exonerate the Chancery Visitors from visiting those particular persons.

25538. Your system of amalgamation seems to me to be the cure for several of these difficulties, because in that case only one inspection, inspection by one person, would take place?—That would be so.

25539. You have an architect who is not salaried?—Yes; you will get that from the Secretary.

25540. There is very little to be done in the way of plans, except in the case of reconstruction of hospitals?—Plans are always coming in.

25541. Only when application is made for a license and the registration of a hospital, is it not?—It is rather with reference to public institutions that plans are always coming in. You cannot build anything at an asylum without plans being approved.

25542. Do you think it would be a desirable thing that whatever central body there might be to deal with lunatics and defectives they should be given power to do any work which is neglected to be done, on their order or advice, by some local authority?—No. If you want more power you had better get a mandamus to make the local authority do their duty. I certainly should not impose the power on the Commissioners.

25543. In some cases the Local Government Board may undertake the work which is neglected by the local authority?—I am not prepared to answer that question. County authorities in some cases have power to do the duty of local authorities on roads and charge them.

25544. You would not give a similar power to any central authority in the event of the direction of the central authority being defied?—No.

25545. (*Dr. Donkin.*) I think you expressed the opinion that in visiting asylums the legal matters were more important, and that medical questions could be referred?—Yes, I think that is so. I do not wish to exclude the medical gentlemen, I think they are extremely useful. I think the two react very well upon one another.

25546. May I take it as your opinion, or the opinion of the Commissioners in Lunacy as a body, that if the numbers of the Commissioners were to be increased, they should be increased more legally than medically, or equally?—My own view would be that they should be increased equally, but you must not take this as the opinion of the Commissioners.

25547. I wanted to bring out whether it was your opinion personally, or the Commissioners' view because in this statement of the evidence supposed to be given by the Commissioners it is said that "The Board are convinced of the value of the services performed by the legal Commissioners and would much regret their abolition or a diminution of their number. They would not, however, press for an increase in their number, but would be content that the two additional Commissioners for whom they ask, and the Assistant Commissioners, should be exclusively of the medical profession." I think a very important question is raised there because it is suggested in the paragraph previous to that, that in the event of additional work being imposed upon the Commissioners in Lunacy, they then would think it necessary to have Assistant Commissioners appointed; the work is in relation to incipient insanity, mental defectives and so on?—Of course, that is the whole question with which you are principally dealing, namely the feeble-minded. We do not know what you are going to do. If you are going to create a body which is going to deal with that, I should say it must be medical. I think the certification of lunatics or feeble-minded must be entirely a medical, not a legal question, but when you have to deal with these great institutions I think the questions which most commonly come up are questions with which the legal mind is quite as capable of dealing as the medical mind.

25548. In the present state of affairs, supposing the functions remain the same, is it necessary in your opinion to have the Commission very largely increased?—Two more Commissioners.

25549. And to allow each Commissioner to go alone and not to make any difference in the proportion of the medical and legal gentlemen?—No, I would not personally, but you must not take that as the opinion of the Commission, that is my opinion.

25550. Supposing further work were put on the Commission of such a nature as is detailed here, you would think then that the excess should be medical, not legal?—Yes, if they are to deal with what is called the feeble-minded I think you will want an increase of the medical staff.

25551. Do you think asylums would now be visited equally efficiently by a legal member travelling alone as by a medical member travelling alone?—Yes. Questions

of dietary and sanitation affect the medical man, but generally speaking the chiefs of those asylums are so competent that I doubt whether the medical men give them any medical assistance. Their supervision is restricted practically to seeing that the dietary is all right and that the patients look right and that they are properly fed. That is a medical question, but the legal members are nearly as capable of judging from appearances as a medical man.

25552. Do you think that a very large majority of the medical superintendents of asylums are first-rate, and that they do not want advice ?—I should say that men of that calibre do not want advice. Of course they get an able medical man coming round and if they have a very peculiar case they are quite sure to consult professionally ; that is quite natural but I do not think it is a necessity. I think the medical men would be defective in their visitation if they had not got the assistance of the gentlemen capable of giving them legal advice from time to time. I think the legal point is a very important point and it should not be neglected at all.

25553. Would you think it easier for the medical Visitors to learn enough law to attend on circuit, or for the legal member to acquire enough medical knowledge ?—The legal member cannot learn enough medical science, certainly. I do not think the medical side is so constantly called into exercise as the legal side. I think it is a very happy combination at present.

25554. (*Mr. Dickinson*). I wish to ask you a few questions in order to ascertain what is the general view of the Commission and yourself with regard to the objects of the Commission. The Commission was originally formed for the purpose of doing away with two evils ; there was the possibility of illegal detention of persons who were not insane and there was the fact that some patients were treated cruelly in the old days ?—Yes.

25555. At that time the Commission was appointed mainly to remedy those two things. Are those the two principal objects that you have in view at the present day ? Let us take first of all the question of illegal detention ? Do you look upon that as one of the Commissioners' chief objects—to prevent illegal detention ?—It is one of the main duties of the office to see that that is the case in every single instance. That is a very large office business.

25556. At that time, in 1840 and 1850, the greater number of lunatics were in the hands of private individuals in private houses ?—I believe so.

25557. Now it is quite the contrary. By far the greater number of lunatics are in the hands of public authorities ? —Yes.

25558. Do you find there is the same necessity for inspecting, from the point of view of preventing illegal detention, in asylums which are managed by the public authorities, that there is in asylums managed by private individuals ?—No, there is not the same necessity, but I think you would create a very serious gap in administration if you were to abolish the Commissioners in Lunacy and their present inspection and their present examination and all the certificates under which lunatics are detained. I think you would find that serious abuses would arise very soon if it were not for the rigid examination which goes on now.

25559. I am not quarrelling with that view, but I want to understand that. Do you say from your experience that there is now a real danger of illegal detention of a lunatic in a county asylum ?—No, I do not think there is, but supposing there were no inspection of documents I think things would get winked at as regards certificates not being in form, which are never winked at now.

25560. Can you tell us of any instance in the last ten or twenty years where the Commissioners have interfered so as to liberate a patient from a county asylum ? —No, because it is done long before they see the case, but what does happen frequently is this—generally by some *lapsus*, not any malfeasance, but by a slip—a certificate is irregular and gets to them, and although it has not been spotted at the asylum or private house or hospital, it is spotted at the office and the office sends word down and the patient is discharged and is probably re-certificated directly.

25561. There is no harm done there ?—I do not say there is anything illegal. I believe the effect of the Commissioners' work is to prevent any irregularities anywhere at any time.

25562. You would agree with me that there is not the same inducement to illegally detain a person in a public asylum as there is possibly in a private asylum ?—No, there is no inducement at all.

25563. The tendency of Visiting Committees would be to get rid of their patients, would it not ?—Yes.

25564. Therefore am I not right in saying that the circumstances have very materially altered ?—They are very much altered, but I think the public would not be satisfied unless there were a public department which saw everything was kept straight. It is kept very straight. I think the Secretary will tell you that such a case as I have just mentioned is not infrequent, viz., the correction of the certificates. It only amounts to correction.

25565. One of the objects of personal inspection of the asylums is to give patients the opportunity to complain ?—Yes, but that is not the whole object.

25566. No, one of them ?—One of them.

25567. I suppose it never, or very rarely, occurs that the complaint of a patient in a county asylum to the Commissioners results in his discharge. I want to know to what extent this inspection is practically useful ?—I cannot recall any case in a public asylum, but every now and then in private asylums cases do arise where a consultation takes place with the Commissioners and the proprietors as to whether a patient had better go or not. I have visited for the last thirty years a large asylum, and I can only recall one case in which I myself have been instrumental in getting a patient out.

25568. Was that a public asylum ?—Yes. The patient was quite properly there ; it was a question whether the period of discharge had not properly arisen, and I was the first to say that I thought it had. I brought it to the notice of the doctor : " What about that patient, do not you think she ought to go." We talked it over and decided in the course of a month that she should go, and she has been well ever since. That is the only case in my recollection. This is no criticism on the superintendent ; he was quite right in leaving the patient there ; it was only a question as to when the patient should be discharged.

25569. That, as you say, is very rare ?—It is a very rare thing indeed, but very commonly the superintendent brings cases before the Asylum Visitors as to whether he shall discharge or not. He says, " I cannot take the responsibility in this case, will you advise me ; " he says, " you are the discharging authority." The Visitors are the discharging authority, that is, *quâ* Visitors. Then a consultation does take place. It is very likely it occasionally takes place with the visiting Commissioners ; I do not know whether it does.

25570. Of course the tendency is for the number of patients in public asylums to grow very much more rapidly than the number in private asylums ?—Yes.

25571. That tendency would point rather, not to the absolute abolition of private asylums, but to the public asylums almost doing the whole of the work. Public asylums take paying patients now ?—Yes, only the lower class, they do not take the high paying patients.

25572. No, the high paying patients will probably continue to require luxurious treatment, but the very large tendency now is to go into public asylums ?—People keep away from them as much as they can. I think the public establishments are much the best, but people very much prefer the private asylums. You will get statistics as to the numbers of private asylums. I am not sure they are not growing.

25573. I think I have got it out that the power of the Commission for preventing illegal detention would only be called into effect in very rare instances in public asylums ? —Very rare.

25574. The other object of the Commission was the prevention of serious cruelty which took place in the old days in asylums. That has also more or less disappeared ? —That has disappeared ; it cannot be done, at least it is very difficult to do it. There was a case two years ago.

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25575. Was that in a public asylum or a private asylum?—In what is called a hospital, publicly managed, but not by a public authority.

25576. What do you regard as the duty of the Commissioners with regard to the treatment of patients in the asylums?—To see that it is adequate and proper and to report accordingly. They are advisers. Of course if they found a case of cruelty they would order a prosecution. For instance, this is a case which occurs every now and then: a warder maltreats a patient; the action taken by the Visitors is not adequate for the occasion, and the Commissioners may perhaps order a prosecution. Then they advise a prosecution, and a prosecution takes place. The Visitors know very well that the Commissioners are behind them, and that if they do not deal with the cases properly they will come in and do something, and they do do something.

25577. Therefore, in that way the action of the Commissioners would tend to prevent any improper treatment?—It maintains very strict discipline in the asylums.

25578. That is as a negative, prevention of improper treatment. To what extent do you think the Commissioners act in the positive direction of causing the most advisable treatment, that is to say, medical treatment or other treatment of patients?—The Commissioners, you see, get all the knowledge which can be obtained by a general inspection all over the country, and they first of all in their reports, and secondly by private advice, can recommend the most improved forms of treatment. In that way the treatment of lunatics has been extraordinarily ameliorated in the last forty years. The Commissioners are the general receptacle of all the information in the country and disseminate it again; the best information.

25579. To what extent has the Lunacy Commission acted in that direction? In what way do you advise the authorities as regards that?—It would be very hard to find any direct advice, but perhaps you will ask the Secretary about that. A great deal may be done in the way of mentioning improvements that they have seen and which have been adopted in certain asylums and which should be generally spread, and people take it up. I suppose the asylum which has set the example of how to deal with private patients is Ticehurst. That gradually became a model for all the private asylums. It is not the Commissioners who invent these things, but they see these things and recommend them.

25580. That would be the individual Commissioner, going round, who recommends?—Individual Commissioners; they are a sort of centre of information. There is a Medico-Psychological Society, you know; they get out all this information. I think you are getting a little beyond my knowledge.

25581. I wanted to know what was within the knowledge of the Board. With regard to all these more modern ideas as to the treatment of lunacy, have the Commissioners discussed those questions on broad lines as a board?—Not to my knowledge.

25582. Have they ever had, say, reports or explanations of foreign systems of treatment?—Not to my knowledge

25583. Then the Board itself does not discuss these questions. The individual members may form their own opinions and advise the committees, but you do not look upon it as your duty to arrive at any system for improving the treatment of lunatics?—I should not exactly say that. Without exactly any formal board discussion, round the table things are mentioned; all plans of asylums are seen. There is extraordinary knowledge at the Board of what is necessary in an asylum in the way of construction, and their knowledge goes all over the country.

25584. To give you a concrete instance, do you ever discuss as a Board and come to any conclusion with regard to the erection of the villa system of asylum as against large buildings?—The Board has opinions about it, but they do not impose their views upon the various bodies except as regards the actual plans placed before them.

25585. When you say the Board has opinions, that is to say you have individual opinions; you have not attempted to discuss it as a board of experts?—No, but the Board acts together on these lines, although they do not pass resolutions.

25586. Do you not think it would be advisable for a board which is supposed to be in possession of all the information that is possible on this subject, to come to conclusions upon it with a view to advising the local authorities?—I should be inclined to say that we have general views which we do impose on the authorities. If you would ask the other gentlemen I should be glad, as it is getting rather outside my knowledge.

25587. I will leave that then. I see you do mention here that if additional duties are to be imposed on the Commissioners "in relation to incipient insanity, mental defectives, and boarded-out patients, a probable strengthening of the Commission will be necessary." Has the Lunacy Board ever considered, from the point of view of coming to a practical result, the question of boarding out lunatics in England?—I do not think they have.

25588. I presume you know the system which holds good in Scotland?—Yes.

25589. Is that because at the present moment you have no direct functions?—We have no direct functions; that would belong entirely to the local authority. We should have to be satisfied as to their proper care.

25590. That is what you would regard as your function? If they did board out then you would have to be satisfied as to their proper care, but you would not think it your duty to advise them?—No.

25591. So, though you might be convinced of the fact that in an asylum there was a considerable number of patients who would be improved by boarding out you would not consider it was your function to advise it?—No.

25592. You would leave that to them?—Yes.

25593. Do not you think it would be advisable that the central authority should give this advice to the local authorities?—I have a very strong opinion that we get the best results by leaving great freedom to individual authorities. You do not want to crystallise everything too much at headquarters. A superintendent might strike out an entirely new line which would be absolutely prevented if nothing could be done without the permission of London. Our present duty is to see that he does the work properly.

25594. Both you and I know local authorities pretty well. Do you find that there is a tendency in local authorities—to use your word—to "strike out a new line"?—No, but you never can tell when a genius will arise.

25595. Do geniuses in lunacy administration arise often in county authorities?—I do not see why they should not. We have only lately lost our superintendent at Gloucester by sudden death. The transformation he made in our asylum in the twenty years he administered it there was very striking. I do not say he was a genuis, but he was a very able man, and a very good administrator.

25596. You think it advisable that the central authority should interfere by advice, not by force, with the object of striking out a new line of action?—I would not use the word "interfere." I think they do act by advice, and I think that is far enough. They have nothing imperative.

25597. If you have to take, for instance, incipient insanity, mental defectives, and boarded-out patients, you have formed no opinion as to what addition to your numbers would be required?—No, I do not know in the least what it would involve. How are you going to define the feeble-minded?

25598. You would, I suppose, think that there would be more necessity for a central authority to provide against the abuse of the feeble-minded even than with regard to lunatics?—At least as strong an authority.

25599. And if there were any power of detention given as against a feeble-minded person, it would be essential that there should be some central body to see that that power was carried out?—Most certainly. At the present moment if there is any case of detention at all of anybody who can by any stretch of the imagination be called a lunatic the Commissioners have full powers to interfere, and they do so every now and then.

25600. Would you say that the Lunacy Commission would be the best body for this? Supposing that it was rendered legally possible to detain feeble-minded people, would the Commissioners in Lunacy be the proper people?

—I should not set up a second public department; it would need an alteration of the Lunacy Commission.

25601. I think we have had evidence from someone on behalf of the Lunacy Commissioners that they were not prepared to voluntarily undertake this duty?—Yes, as a board they dislike the idea, but I think it would be a great mistake to set up a second department; that is my personal view. It is the same as the line I take with regard to the Masters in Lunacy. I say there are two departments which cross one another, and they ought to be rolled together.

25602. You propose that this should be done by allowing the appointment of Assistant Commissioners?—Until we know the extent of the business with which we have to deal I do not think we can form any opinion at all. There is one objection to it, of course, and that is that the public dislike immensely the idea of any individual being tainted with the imputation of lunacy. Therefore if you have a feeble-minded person they want to escape from the Lunacy Board; they would like some other board. The only way to get rid of that would be to change the name.

25603. Would that be an objection, to change the name?—You might have a board for "mental defectives," which would certainly include lunatics, idiots, and everybody of that sort.

25604. One question about the architect; you propose that there should be a salaried architect?—I think you had better ask the other Commissioners about that.

25605. (*Mr. Loch.*) About the Visiting Committees, are you satisfied as to their ability to do their work well?—Quite.

25606. You have reports from them which indicate that?—The Visiting Committees keep their minutes; they do not make reports. They make an annual report. I think it is a very effective governing body.

25607. Do the members of those committees go to the asylums, otherwise than on their annual visitations?—I suppose the practice differs in asylums, but at one time I was able to find my own way over the whole of a very large institution, and every member of the Visitors goes over it at least once a year; the Chairman goes over it every month

25608. With regard to the visit per annum which is paid, is that simply the statutory visit; are there other visits paid?—Not by the Commissioners, unless there is anything suspicious, or wrong.

25609. Do you think the one annual visit enough?—I think so.

25610. Is there any independent information as to what goes on in asylums from the point of view of the treatment of the patients, which comes before you every year; do medical officers make any suggestions, or in any other way?—I suppose the Commissioners judge of the condition of the asylum by the appearance of the patients and their relative contentment with their lot, whether the place is clean and fairly decorated, and things of that kind. Beyond that I do not think there is any other independent view.

25611. That is to say, if a patient is wrongly classified from the medical point of view, and well treated, that would not necessarily come to the surface?—I think not.

25612. There is no association of medical men with one another to discuss points of that sort?—Yes, there is a Medico-Psychological Society.

25613. That is of course an independent society?—It is an independent society.

25614. Not in connection with the Commissioners in any way?—No. Of course the Commissioners, in going round and seeing all the patients, if they are satisfied that a patient is improperly placed, for instance a very quiet patient in a disorderly ward, or *vice versa*, they would speak to the superintendent about it, and no doubt his direction would be attended to at once. So would the Visitors in going round; they would see the same thing. There is an outside mind always working on the asylum besides the medical officers.

25615. And you think scope enough is given to individuality of thought in the treatment of the cases as against the official routine, which may press hardly on particular cases, and almost injure them?—I do not see how you can get more supervision than you get at present.

25616. As I understand, in view of a possible large increase of work connected with defectives, you would suggest unification as your method of making up such staff as might be necessary to deal with the new problem, in view of all the information that might be forthcoming in regard to it?—That would be my personal view

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25617. (*Dr. Dunlop.*) In answer to Mr. Bryne, you said that you agreed generally with the Lunacy Commissioners' statement. Where do you qualify your answer; is there anything with which you disagree?—No, I do not think I disagree with anything here. I mentioned my view about the utility of the legal gentleman; that is rather stronger than is expressed in this Report; that is the essential point. Also I do not know whether the Commissioners as a whole are prepared to advocate the absorbing of the Lord Chancellor's Department in the Commissioners' Department, or the Commissioners' Department in the Lord Chancellor's Department; otherwise I agree.

25618. The Lunacy Commissioners' statement is silent on that point?—Yes.

25619. May I ask what personal experience of visitation you have? You were never a paid Commissioner?—No.

25620. As an unpaid Commissioner have you ever from time to time visited?—I have never visited as a paid Commissioner, but I have visited asylums for the last thirty years.

25621. Have you ever paid a statutory visit?—No.

25622. Ever gone round an asylum of 2,000 patients?—I saw every patient last week in an asylum of 1,200.

25623. How long did it take you?—The greater part of the day.

25624. You saw them all in one day?—Yes.

25625. It was very fatiguing?—It is a long round.

25626. You did not examine each of them?—I gave them an opportunity of seeing me.

25627. But you could not go the length of examining and satisfying yourself about each?—No.

25628. Your experience in inspecting work is comparatively limited—inspecting as carried out by a paid Commissioner?—I have never inspected as a Commissioner. I am acquainted with the interiors of about four asylums.

25629. You were quoting the 1888 Committee's Report, which was against amalgamation. You said they reported against it. Would not you like to qualify that statement by saying they only reported by a very narrow majority against it?—That speaks for itself.

25630. There were three against it, and two for it?—Yes.

25631. Further, they qualified their Report by stating that it was a matter which should be brought up on a subsequent occasion?—Yes.

25632. And so it hardly amounts to being against amalgamation at all?—It is hardly a question for a witness to answer, is it?

25633. You quoted that?—I was in favour of amalgamation, and Mr. Greene brought that up against me.

25634. Would you like to qualify your statement by saying that it was by a majority and was qualified in other ways?—It was by a majority, no doubt.

25635. You told us that the 65 retiring rule does not apply to Lunacy Commissioners?—No, it does not apply.

25636. Can you tell us how that happens?—I cannot.

25637. Are you aware of the Orders of the Council which apply to all civil servants, and I suppose Lunacy Commissioners are civil servants?—I am not aware that the rule has been applied. I am told Lunacy Commissioners are not civil servants.

25638. I thought they were included in the Superannuation Act as civil servants?—I cannot tell you.

25639. You spoke regarding the inspection of asylums by a legal Commissioner being more useful than that by a medical Commissioner. I would like to hear your opinion Will you go over the special duties of Commissioners in going over asylums, and tell us where the special legal

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knowledge is valuable? These are the statutory duties: they have to report and see whether the provisions of the law are carried out regarding construction. Is a legal man a special authority on the construction of an asylum in virtue of his legal knowledge, not in virtue of his knowledge as a Commissioner?—His legal knowledge would apply to that particular point. All the plans come before him.

25640. Is a barrister specially qualified to give an opinion about buildings?—He may be legally qualified to give an opinion about buildings.

25641. Does it require a barrister to see that the number of statutory visitations by the Visiting Committee has been carried out?—That is clearly a legal duty. It does not specially require a lawyer to settle that.

25642. Does it specially require a lawyer to report on the condition of the law so far as the management of asylums is concerned?—Yes.

25643. As regards the admissions and discharges, does it require special legal training?—It is specially the duty of a lawyer, I should say.

25644. Is it?—More so than of a medical man. That is technically a question of law.

25645. Put it comparatively; does it require either legal or medical knowledge to do these things?—No, an ordinary layman can do it perfectly well.

25646. There is no special legal qualification?—No, but it may be a legal question.

25647. To ascertain whether Divine Service is performed, does it require a barrister's qualification?—No.

25648. To ascertain whether coercion is used; is a lawyer required for that?—It is one of the businesses of a lawyer to find out any breaches of the law.

25649. It is the business of a Commissioner to ascertain that?—A lay Commissioner could do that just as well.

25650. The classification of patients; is a legal qualification of any use there?—No, that would fall more within the medical supervision.

25651. Occupations and amusements of the patients?—A lawyer and a doctor are about equally qualified.

25652. Or a layman?—Or a layman.

25653. The bodily and mental condition of the pauper patients when first admitted; the legal qualification fails there, does not it?—I am not quite so certain there. It would appear on the record that the patient was suffering in certain particulars; the lawyer is quite as qualified as a doctor.

25654. To interpret medical terms?—Yes, to interpret the written statement as to whether it is legal or otherwise. He would not be qualified to speak of the mental condition of the patient. I am speaking of judging of the documents on which the patient is introduced.

25655. Is there any one of these things which cannot be properly fulfilled by a medical man?—I think on the whole most of those points are better settled by a lawyer than by a medical man.

25656. The bodily health and classification of the patient?—Not bodily health. I have gone through them one by one.

25657. (*Chairman.*) I think we might accept the statement of Sir John that in most of these cases a layman would do equally as well as a doctor or a lawyer?—That is the conclusion to which I came.

25658. (*Dr. Dunlop.*) Is a medical man capable of doing all these things, and is a lawyer also able to undertake them?—I think the medical man is capable of doing it all except with regard to the interpretation of the legal documents. There the lawyer is a better hand than the medical man.

25659. They are all examined in the office in London, are they not?—They are all examined in the office in London, yes.

25660. That is where the lawyer is of use, is it not?—Yes, the lawyer is of use there.

25661. In answering some questions by Mr. Greene you made a statement that the Scottish opinion was that the Lunacy Commission should consist entirely of medical men. Are you well informed as regards that opinion?—I heard the debate in the House of Commons.

25662. Sir John Tuke?—Yes.

25663. I have not got the words of the debate in front of me. In Scotland we have legal Commissioners who are very much appreciated and do valuable work, and the usual opinion is that legal Commissioners are very right and proper, and are in their proper places?—I am glad to hear it.

25664. You were not aware of it?—No.

25665. You stated that you agreed with the statement of the Lunacy Commissioners that if new duties are added there must be an increase in the strength of the Commission?—Certainly.

25666. One of the new duties is put down as supervision of mental defectives?—Yes.

25667. Does not that come under the duties of the Lunacy Board at the present moment?—The moment they are lunatics it comes under the Lunacy Board, but until they are lunatics the Lunacy Board has nothing to do with them.

25668. Where can you draw the line?—That is the difficulty.

25669. I would like to know whether the opinion of the Lunacy Commission is the same now as it was in the early days. This is the Report issued in 1847, in which they give the definition "who by reason of deficiency, infirmity, derangement, or other unsoundness of mind (whatever form it might assume, and whether they were violent or harmless, curable or incurable) were not deemed competent to take care of themselves"?—The whole of that turns on being "competent to take care of themselves."

25670. But mental deficiency was included?—Yes, mental deficiency when it arrives at a certain point comes under the Lunacy Commissioners. The point always arises, "when does it"?

25671. The care of mental defectives used to be the duty of the Lunacy Commissioners?—No, not until they were incompetent to manage their own affairs.

25672. But when they are incompetent?—Yes.

25673. Why do you describe it as a new duty?—The point is the Lunacy Commissioners have nothing to do with anybody until they are certified not competent to manage their own affairs.

25674. Is that so? It is one of the duties of the Lunacy Commissioners to inspect workhouses?—But only as regards those people in the workhouses who are not competent to manage their own affairs, and who are certified.

25675. Are the duties limited to certified lunatics?—Yes.

25676. Nothing outside certified lunatics?—Nothing outside.

25677. One of the clauses of the Lunacy Act (Section 206) puts it down as a duty; it requires them to make inquiry as to detention of lunatics in private families and charitable establishments?"—Yes, the moment the Lunacy Commissioners get information that any person said to be defective is wrongfully detained an immediate order is obtained from the Lord Chancellor and an inspection is made. That is done frequently in the course of the year.

25678. If a mentally defective person is put into detention of any form at the present moment it is part of the Lunacy Commissioners' duty to look after him?—To try and find out whether he is rightly detained; and that is done.

25679. And supervise his care and treatment?—They correct the treatment in those cases.

25680. Supervise it?—Yes, they do not allow any lunatics to be detained except in an authorised place, a place authorised by them or licensed by them in some way or other, and if a mentally defective person is alleged to be under detention, and that is brought to their knowledge, an immediate inquiry is made, and if necessary the Lord Chancellor's order is obtained, and a person is sent who has power to enter and see. That is done a few times every year; a considerable number of times.

25681. It is the duty of the Lunacy Commissioners at present to look after mentally defective persons who

are in institutions ?—In institutions certainly; but I say outside institutions, and who are wrongfully detained.

25682. And all who are in institutions whether they are certified or not certified ?—No, only institutions where they are certified.

25683. A mentally defective person in an uncertified institution is in no way, at the present moment, under the control of the Lunacy Commission ?—No uncertified place is allowed to exist. Persons go dangerously near the law, frequently, now.

25684. What about special boarding schools certified by the Board of Education for mentally defective children ?—If they were wrongfully detained there, the Lunacy Commissioners would interfere.

25685. The Lunacy Commissioners, presumably, if they read the newspapers, know there are such places ?—No; those persons have not been certified, nor are they certifiable. That is the assumption; if they were certifiable the Lunacy Commissioners would certainly interfere.

25686. That is the assumption ?—That is the assumption.

25687. Is your personal experience you cannot answer for that, not having seen the cases ?—I have not seen those cases, I only say the moment the Lunacy Commissioners have any information that any person is wrongfully detained immediate inquiry is made, and those cases are constantly arising.

25688. The straight point is this: are mentally defective persons at present supposed to be under the control of the Lunacy Commission or not ?—It all turns upon that narrow border line.

25689. I will qualify it a little bit—mentally defective persons requiring treatment in a special institution ?—No, not unless they are certified as not competent to manage their own affairs. The moment they are certified they come under them, and when there is any person who, the Commissioners have reason to believe is improperly held or should be certified, immediate inquiry is made.

25690. Why do you say "certified as not competent to manage their own affairs" ?—That is the expression.

25691. "Requiring care and treatment in an asylum" ?—I thought you read just now, "not competent to manage their own affairs."

25692. That is the definition here ?—I was using that definition.

25693. As soon as they are in that condition they should be under the Lunacy Commissioners ?—There is a hair's breadth between the two positions. The Lunacy Commissioners have a very difficult duty to perform sometimes, and I think they do it with great discretion and for the benefit of the public.

25694. You are aware that there are a good many other lunacy authorities, translating lunacy according to this definition here, which is given by the Commissioners in Lunacy existing in England at the present moment ?—I only know two, namely the Masters in Lunacy, and the Commissioners in Lunacy.

25695. What about the Local Government Board ?—They have no power at all.

25696. They care for a large number of lunatics do they not, and the Lunacy Commissioners report to them and they regulate the whole treatment of those lunatics ?—No, I do not think the Lunacy Commissioners are under the Local Government Board.

25697. Do they not report to the Local Government Board on certified cases in workhouses ?—In workhouses I dare say they do.

25698. Are they not lunatics ?—Yes, it is because they are lunatics that the Commissioners report.

25699. So the Local Government Board is a lunacy authority, is it not ?—No, I do not think they are; the Visitors report to the Board and a copy of the report to the Board is sent to the Local Government Board. It is rather an act of administrative order and decency than anything imperative. The Local Government Board is not a lunacy authority.

25700. Are you aware that the Local Government Board license houses for defective persons ?—They are not lunatics.

25701. They are lunatics, under this definition ?—No, they are not lunatics under that definition. Any one under that definition comes under the Lunacy Commissioners.

25702. Or should come ?—Must come, I say.

25703. The justices are lunacy authorities in England too, are not they ?—No, I should not describe them as lunacy authorities. It is a duty of the county council to provide asylums and provide visitors; to that extent they are a lunacy authority.

25704. The justices ?—The justices license certain houses.

25705. And make inspections ?—And make inspections.

25706. And do the same thing as the Lunacy Commissioners ?—No, the Lunacy Commissioners are over them. In the sense in which I thought you were speaking there are only two lunacy authorities, the Commissioners and the Lord Chancellor and his Visitors, and practically they are one.

25707. You do not admit the Local Government Board to be a lunacy authority ?—No.

25708. Although it deals with many thousands in a year and receives all the reports and regulates the whole treatment ?—It does not regulate the whole treatment. The Lunacy Commissioners to some extent regulate the treatment in the workhouses.

25709. The Home Secretary is likewise a lunacy authority ?—No.

25710. Is he not the supervising authority of Broadmoor ?—Yes, I beg your pardon. Broadmoor is not under the Lunacy Commission, but under statute they have the same obligation to visit as in the case of other asylums, and the authority of the Home Secretary in respect of Broadmoor is nearly analogous to that of a local authority in regard to county and borough asylums. I suppose Broadmoor is a prison.

25711. Do you think it desirable that there should be several different authorities, or is amalgamation all round, bringing everything under one control, desirable ?—I have already said my opinion is that the Masters in Lunacy and the Lunacy Commissioners should be made into one body.

25712. Your answer practically omitted the State asylums and practically omitted paupers in workhouses ?—No, my answer did not exclude paupers in workhouses They are under the Lunacy Commissioners.

25713. The Commissioners report to the Local Government Board ?—No, they do not; they report to their own Board and a copy is sent to the Local Government Board as a matter of what I call decency in administration.

25714. Can you refer me to any section in the Lunacy Act which gives to the Commissioners power in the workhouses ? There are duties to perform in asylums and licensed houses, but there is a curious absence with regard to workhouses ?—I do not think they would visit unless there were statutory authority.

25715. (*Chairman.*) On the technical details would it not be better to get the evidence from the Secretary ? Sir John cannot possibly know all the details ?—I do know the Commissioners have made very proper orders with regard to the treatment of lunatics in these workhouses, which have been immediately obeyed.

25716. (*Dr. Dunlop.*) I will drop that subject. The Bill to which you referred was introduced two sessions ago, was it not, for the creation of two more Commissioners ?—Did it get into a Bill ?

25717. It was in a Bill which was read a first time, I think. Can you tell us on what ground it was opposed. It never got the length of being opposed in Parliament ? but it was an open secret why it was opposed ?—I am not in the open secret. I was a Member of the House of Commons at that time and it was extremely difficult to get anything thought about then.

25718. (*Dr. Needham.*) You told us that you had been unable to attend at the Board meetings of the Lunacy Commission very frequently in consequence of necessary engagements, therefore I may take it, I suppose, that if there had been discussed at the Board meetings the villa system of asylums, and other matters of that kind, the probability is you would have known nothing about it ?

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—That is quite likely; I think I said, "not to my knowledge."

25719. Of course, the visitation of the Commissioners of lunatic asylums, about which you have been asked, you know, is not for the purpose of deciding whether people are recovered or whether their discharge is proper; you are aware that that is a matter which is solely and absolutely in the control of the Visiting Committee and the Commissioners have no power to discharge from county asylums?—No, they have no power, it is a power to supervise which they exercise.

25720. It is a power which is vested altogether in the Visiting Committee?—In the Visiting Committee.

25721. Therefore I assume that if the Commissioners visit the county or borough asylums and see the patients, they do not regard it as any part of their duty to investigate the mental condition of the patients whom they see; that is a matter which the law has vested entirely in the Visiting Committee?—I am not quite certain that that has been my view of what the Commissioners should do, or do do; you may be right.

25722. You are aware of the clause of the Act of Parliament which refers to visitation?—187.

25723. You know that the members of the Visiting Committee, when they go to asylums, examine all the original orders and certificates?—Yes.

25724. And on their bi-monthly visitation, which is a statutory visitation, it is their duty to examine into the condition of any patients who may be fit for discharge and to discharge them if necessary?—Yes, that is regularly done.

25725. It is no part of the duty of the Commissioners to discharge from county asylums. They have no power?—I thought you had that power, but I see you have not. I suppose that under the subhead (*a*) No. 3 "As to management," if you thought any patient was wrongfully detained you would report it to the Visiting Committee, and say that patient was suitable for discharge. You are to inquire as to management, and if you thought any patient was wrongfully held—I do not mean under certificates, but that the patient had recovered—you would take notice of the case, just as the Visiting Committee take notice of the case now.

25726. I want to ask if you know that it is a statutory duty of the Committee to discharge patients?—Yes, I know that.

25727. The statutory duty is vested in the Committee, and in nobody but the Committee?—Yes, I thought that you had power, but I see you have not.

25728. As regards the visitation of asylums in reference to what Dr. Dunlop has asked you, of course you are aware that when asylums are visited there are a good many sick people. Is it necessary, do you think, that there should be somebody who can ask as to the nursing of the sick, as to the sanitary condition of the asylum, and the epidemics or illnesses which may have occurred in the asylum?—Yes.

25729. You think that is all requisite?—I think that is a requisite, certainly.

25730. (*Chairman.*) There are one or two points I want to ask about. Do you know that the Dillwyn Committee reported that lunatic patients who had property did not need more supervision from the Commissioners, that is from your Visitors, than the ordinary patients. Have you any particular view as to that?—You mean rich patients in asylums. I think that is right, because the Masters look after their property; their supervision is adequately done by the Commissioners under their ordinary powers.

25731. At present they are visited a great deal more than the ordinary patients, are they not?—By the Chancery Visitors, yes; I suppose they are.

25732. It would relieve the Chancery Visitors if they did not visit them so much?—Yes, it would.

25733. Another point I want to ask about is, supposing the result of our inquiries into the feeble-minded to be that there will be more institutions and more visiting to be done, do you think the Lunacy Commission is a body which is suited to carry out those duties?—I think the body would be suited, provided it were made large enough; the *personnel* is not adequate.

25734. You think it would be suitable except as regards size?—Yes.

25735. Have you anything to say to us with regard to the Lunacy Commission, looking at it from the point of view of the chairman of a county council? Do you think that there have been occasions when the Lunacy Commission has entailed rather a heavier expenditure on the local authority than they considered necessary?—I am of opinion (I may be wrong) that the views the Commissioners have held for some years past have been somewhat extravagant as to the dimensions of apartments, as regards the cubic contents per head; in that way we run rather into extravagance. Take the two asylums which we possess in Gloucestershire, one built within the last twenty years and the other built nearly a 100 years ago, with constant additions. The old one is much more cramped, has much less space, than the new one, but so far as regards the comfort of the patients, and I think I may say even the healthiness of the patients, it is quite as good, and so far as comfort is concerned the patients prefer it to the brand new one which we think is quite perfect; it is too large and palatial for the taste of the inhabitants who go there. That is rather a medical question. The point is, can you get sufficient sanitation with a smaller cubic capacity than is now allowed; and nothing less will be passed. That is a question I am not prepared to deal with myself or judge upon myself. I only say that our old asylum (Dr. Needham will know very well what I mean by the old asylum) is much more cramped, is much more awkward, but I believe it is quite as healthy and it is certainly preferred by the patients. We use them both together, we transfer patients from one to the other, they are about two miles apart. It makes an enormous difference in the cost, if you can reduce the cubic capacity.

25736. Judging from your own observation, you think you could reduce it without any evil result?—I think so.

25737. (*Mr. Byrne.*) I understood you to say to Mr. Greene that you thought it would be desirable that the Lunacy Commissioners should be brought into closer connection with the Judge in Lunacy?—Yes

25738. I presume we are not to understand by that, that you think the whole jurisdiction of the Commissioners should be brought under the control of the Judge in Lunacy or of a law court of any sort?—No.

25739. But in regard to matters with which you may have to deal with a Judge in Lunacy; those relating to the lunatics' property?—My idea was that you ought to be able to find the Judge in Lunacy within the composition of the Board. I believe the Masters in Lunacy are the Judges in Lunacy; if they were the head of the Lunacy Commission you would have the Judge in Lunacy within the composition of the Board.

25740. For the purpose of Section 100 you mean you should be able to get an order of any sort instead of reporting to the Masters and their having to do it for you?—Yes.

25741. As regards the general jurisdiction of the Commission, you would in no way prefer it to be taken away from the present Commission?—No, I think the present Commission works extremely well within its scope. In any alteration, its scope should not be lessened.

25742. (*Dr. Loch.*) Do you think it would be to the advantage of the community if on any reorganisation pauper lunatics were no longer retained in workhouses?—Several points arise there. First of all a good many of the lunatics rather prefer being near home so that they can be visited by their friends. That is rather an important point. If you take them away from the workhouses they get beyond the reach of their friends altogether. Then I think that in these great institutions the cubic contents required by the Commissioners for the accommodation, becomes too costly; they are infinitely less costly in the workhouses, and where there is room for them, and proper accommodation, I think it is better to retain them in the workhouses.

25743. The argument about the propinquity of their relations is a difficulty, but if there could be provided at economical rates, suitable accommodation for them elsewhere, there is no preference for their being in the workhouse?—No; they are undesirable in the workhouse, distinctly.

FIFTY-THIRD DAY.

Friday, 16th November, 1906.

PRESENT:

The Right Hon. The Earl of Radnor (*in the Chair*).

W. P. Byrne, Esq., C.B.
F. Needham, Esq., M.D.
H. D. Greene, Esq., K.C.
C. E. H. Chadwyck-Healy, Esq., C.B., K.C.
The Rev. H. N. Burden.
W. H. Dickinson, Esq., M.P.
Mrs. Pinsent.
H. B. Donkin, Esq., M.D.
J. C. Dunlop, Esq., M.D.

Hartley B. N. Mothersole, Esq., M.A., LL.M. (*Secretary*).
E. A. H. Jay, Esq., M.A., LL.B. (*Assistant-Secretary*).

E. Marriott Cooke, Esq., M.B., called; and Examined.

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25744. (*Chairman.*) Would you tell us how long you have been a Commissioner in Lunacy?—Nine years next January.

25745. You agree generally with the statement of evidence which has been put in on behalf of the Commissioners?—Entirely.

25746. (*Mr. Greene.*) Have you anything to add to it, or do you wish to qualify it in any way?—Not to qualify the statements.

25747. Or the recommendations?—No, nothing.

25748. May I ask you whether in your opinion there is any way in which the constitution, jurisdiction or work of the Commissioners could be improved?—As stated in these documents we are much under-staffed and want material additions to our numbers. We are quite unable to cope adequately with the work. Hitherto we have covered all the duties imposed upon us by Statute, but only at a pressure which is detrimental to the work and quite unfair to ourselves.

25749. I mean, in the constitution of it, is there anything which can be improved; anything in the way of jurisdiction? The overwork of the existing gentlemen is a matter which perhaps may be personal to them, but I want to see whether the constitution of the Commission should be altered by an amalgamation with some other body, or whether they should be appointed differently?—Would you mind asking the questions *seriatim?*

25750. The constitution and the mode of appointing; whether they should be legal, medical, or lay; whether there should be an amalgamation with the Chancery Department or whether they should be associated with executive officers from the Local Government Board; whether you think the constitution of the Commissioners is satisfactory?—Speaking generally, I think the constitution of the Commission is eminently satisfactory, that is a quasi-independent body appointed to administer the Lunacy Acts. I think the whole history of the working of our Commission as detailed in the evidence which has been submitted by our Secretary, and which has our entire sanction, shows that it has been most beneficial in the interests of the insane.

25751. You think the combination of legal and medical is useful?—I do.

25752. Do you think the inclusion of an unpaid element which may be lay, that is to say neither medical nor legal, is good?—I think it would be a great pity if it were to become impossible for paid Commissioners on retirement to be made honorary Commissioners. I can look back for thirty years and point to several paid Commissioners who, on retirement as honorary Commissioners have brought the influence of their long experience to bear upon the Commission with admirable results. Take for instance the late Sir Charles Bagot.

25753. May not the long association of gentlemen who have been paid Commissioners, retired and superannuated, be a little bit enfeebling to the others?—Not in the least.

25754. You do not get "groovey"?—No, not the Commissioners of whom I have had experience. I think their presence on our Board has been highly beneficial.

25755. Do you think it would be desirable to appoint as unpaid Commissioners only those who have been formerly paid Commissioners, or should there be the introduction of unofficial people?—I think with the exception perhaps of the Chairman, whose appointment presents considerable difficulties to my mind, the honorary Commissioners should be limited to those who have been previously paid Commissioners. That is having regard to the difficulty there is in getting unofficial persons to attend regularly to the duties. If they would attend regularly their presence on the Board would be an advantage.

25756. How many would you have of them?—I think any Commissioner who retires should be eligible for appointment. Of course they would not come on as a right. Now it is not a right, it is a matter of appointment.

25757. At present four such persons may be appointed?—Five.

25758. Where do you get the five from? I have been looking at the Statute and cannot find it?—Section 150 of the Lunacy Act says there shall continue to be Commissioners in Lunacy. That has always been held to be a continuation of the section of the Act of 1845, in which it was specified that there were to be eleven Commissioners in all, six paid, three of whom were to be barristers and three medical men, and five unpaid.

25759. Can you give me the section of the Act of 1845 in which it is so stated?—They were appointed by name.

25760. The current text book—Wood Renton on Lunacy—states that "there are ten Commissioners in Lunacy, four unpaid and six paid, of whom three are legal and three are medical Commissioners"?—I think that is either an error or means there were, at the time the book was written, that number. Is it not merely a footnote?

25761. It is a note to Section 150. How many were there in 1897?—I cannot tell you offhand. In our Secretary's statement (marginal note "1845") you will see this matter referred to.

See p. 3, col. 1.

25762. It may be an error on the part of the author of this book?—I think about that year there were four paid Commissioners. My legal colleague, Mr. Urmson, who was Secretary in the year 1890, informs me there were five paid Commissioners in the year 1890.

25763. 1897 was the date of the book. However, there is no statutory direction as to the number, it was only that they enumerated the individuals who were to compose the Commission?—Yes, but with power to the Lord Chancellor to appoint in place of any of those in the event of a vacancy. That is the way the number is made out.

25764. Then you see in 1845 it was thought desirable to have this lay element, and they were none of them people who had formerly served as Commissioners?—No.

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25765. You would prefer to alter that?—I think the conditions are rather different from what obtained in the year 1845. In 1845 there was great popular indignation with regard to the condition of lunatics, and a certain number of people took up the subject purely from a humanitarian point of view, and as long as there were great scandals to be cleared up, and abuses to be rectified I think it was easier, probably, to get people to interest themselves in the work than now, when it has become more of a kind to be performed by paid officials.

25766. But the number of the lay element was to prevent the lunatic from being subject merely to officialdom, and to act as watch-dogs, so to speak, for the protection of the lunatics; was not that so?—I do not think there is any evidence of that, and after all, the barristers who are appointed to be paid Commissioners come in with perfectly open minds. That is one reason why I should be sorry to see any diminution of the present legal strength of the Commission.

25767. I wanted, if I could, to see why the unpaid element should either be neglected, the offices not filled up, or why they should be in any way abolished?—That is the only explanation; it is purely a matter of opinion.

25768. With reference to the legal and medical members, do you think that there is any necessity for altering the proportions which have hitherto existed; equal proportions of medical and legal?—Yes, I do. I do not think we have any too many legal members on the Board at the present time; their influence is of great value, but I think we want a preponderance of medical men on the Board, and a larger number than we have at present who have had practical experience themselves in the treatment of the insane and in asylum administration, but I would not have the Board purely a medical Board.

25769. What proportion do you think is necessary?—If two Commissioners are added to the Board one of them at least ought to be an expert in mental disease and asylum administration. Supposing there were five medical men on the Board, I think at least three of those five ought to be experts in mental disease and asylum administration.

25770. We have drifted away from the point I wanted to bring out, which is the comparison of the medical and legal. You are giving me *inter se* a comparison amongst medical men. I want to see how many legal there should be, and how many medical?—We think that if we had an addition of two to our Board, with the other relief mentioned in our statement, namely, single visitation, we should be able to perform our duties satisfactorily. I believe as a Board we are agreed that both those additional Commissioners should be medical men, so as to make the proportion three legal to five medical men.

25771. Amongst the medical men themselves, you were saying something about having an expert; do you mean that amongst those who are medical Commissioners there should be some selected person of special medical experience in cases of insanity?—My own opinion is that at least one, if not both, of these two additional Commissioners should be a medical expert in mental disease and asylum administration, when appointed to the Board.

25772. What would be in your mind when you say an "expert"?—At the present time, of the three medical men on the Board there are two of us, my colleague Dr. Needham and myself, who have devoted many many years to the study and practice of lunacy, both of us having been superintendents of asylums.

25773. They should be people who have had experience as superintendents?—As superintendents, but I do not think all the medical Commissioners should have been asylum medical superintendents. The practice which has hitherto obtained of having as one member of the Board a gentleman who comes in purely as a London physician has been an admirable one.

25774. You reserved your opinion with reference to the Chairman of the Board when we were dealing with the unpaid part; you think he should be unpaid?—I am doubtful. It is a matter on which I find it difficult to express an opinion.

25775. Should he be lay, or medical, or legal?—I think he ought to be legal.

25776. The whole Commission would consist of lawyers and doctors?—Yes, unless it were found possible to obtain lay honorary Commissioners who would be able to attend regularly.

25777. The lay element you would discard, because if you were only going to appoint as unpaid Commissioners those who were superannuated, who would be either medical or legal, the whole Commission would be professional?—I do not wish to go so far as that. It so much depends upon whether it is possible to obtain as Chairman a layman who can attend regularly.

25778. That is not much of a principle?—I think in a Board like ours we want a thoroughly strong Chairman who will take an interest in the work. I do not care where he comes from as long as he will come and thoroughly interest himself in the work, gain a complete knowledge of it, and give a general lead in it.

25779. Now with reference to their payment; have you any remark you would like to make about that?—No, except that I think any additional Commissioners appointed to the Board ought to be paid as highly as the present Commissioners.

25780. You think the present payment, which was fixed in 1845, is adequate?—I think so.

25781. Beside the salary which is fixed by Act of Parliament, is there any grant for travelling and subsistence?—Yes, our travelling expenses amount to a large sum annually.

25782. I thought so, when I looked at the accounts yesterday?—My expenses will come sometimes, in three months, to over £100. Our travelling expenses are refunded to us, and we have a personal allowance of 30s. a day.

25783. That you would leave as it is?—That I would leave as it is.

25784. That I suppose is a matter of arrangement between the Commissioners and the Treasury?—Yes, it used to be done by mileage, but that has been given up for a long time. We now simply send in our accounts, and vouch for them as correct.

25785. If it is a matter between you and the Treasury we need not as a Commission trouble about that. Now with further reference to the constitution, are the Commissioners supplied with an adequate staff?—I think so.

25786. Are the Secretary and the Secretary's qualifications, which are mentioned in the Statute, such as you think befitting; is it always to be a barrister of seven years' practice?—I think it answers very well.

25787. So that in addition to all the Commissioners being either legal or medical, you would still adhere to having a legal secretary?—Yes, because if we had more medical Commissioners there would be more frequently a medical Commissioner on duty at the office, and able to give the Secretary advice on medical points.

25788. I was going to put to you whether that section should not be altered so that you would have the option of appointing someone more familiar with administration?—There would be advantages no doubt if the Secretary could have a larger knowledge of administration.

25789. In any question I put I hope you will consider that I am conveying not the slightest reflection on any individual; I am only looking at the system. Ought not the person who appoints the Secretary to have the option of putting in an administrator from the Civil Service, or someone who is connected, by being superintendent of an asylum or otherwise, with more general work?—I do not think so. The Secretary has a good deal of legal work.

25790. The qualification in the Statute is that he must be a practising barrister of seven years. The Commissioners may be barristers of five years, but the Secretary must be a practising barrister of at least seven years' standing?—We have found distinct advantages from that section.

25791. Would you leave that as it is?—I would leave that as it is, bearing in mind that the Secretary has generally the opportunity of consulting one of the medical Commissioners on medical points, which, of course, are constantly cropping up in his office.

25792. With reference to the staff, that is a matter of arrangement between the Commissioners and the Treasury ?—Yes. Of course, very rightly, they do not give us clerks when we ask for them without making very close inquiries as to the need, but generally, as soon as we have satisfied the Treasury that we wanted additions, they have been granted.

25793. We have heard a great deal about the architect. That I do not propose to pursue any further ?—There are many points arising on that about which I should be glad to be asked.

25794. With reference to the Rules, I think the Rules of 1893 require that when a hospital is being erected the plans and details and estimates should be submitted ?—The plans.

25795. More than that, I think ?—And the estimates in the case of a county or borough asylum. We merely have to approve plans for hospitals. The estimates are not submitted.

25796. Section 272 states: "For the purpose of procuring the approval of the Secretary of State to any agreement, contract, or plan, requiring approval under this Act, the agreement, contract, or plan, with an estimate of the probable cost of carrying it into effect, shall be submitted to the Commissioners and to the Secretary of State, and the Commissioners shall make such inquiries as they think fit, and shall report thereon to the Secretary of State, who may approve the agreement, contract, or plan, with or without modification, or may refuse his approval." So the estimates of the probable cost of carrying it into effect have to be submitted ?—Pardon me, you asked me about hospitals. This refers to county and borough asylums. Lunatic hospitals are asylums founded as a rule by private philanthropy for private patients. They are altogether a different class of institutions from the county and borough asylums.

25797. You have the estimates for building asylums submitted to you ?—Yes, and in the case of lunatic hospitals we have the plans, but they are not obliged to submit estimates. In the case of hospitals and licensed houses, we have merely to approve the plans; the cost has nothing to do with us.

25798. And also under your Rules there is this requirement: "The superintendent of every hospital shall within one calendar month next after the accounts of the hospital shall have been submitted to the Charity Commissioners or have been audited, send to the Commissioners an abstract of the accounts in such form as the Commissioners shall from time to time prescribe. He shall within a month after its publication send to them a printed copy of the annual report of the hospital." So that you have the plans and estimates for asylums, and you have the accounts of hospitals sent to you ?—Yes, but we also have the accounts of all public asylums sent to us—an abstract of them.

25799. I want to know what facility there is in your office for the proper supervision, examination, and dealing with these accounts ?—None at all.

25800. Have you any expert at all ?—None at all. We do not consider it part of our duty. We publish the accounts for the information of the public and to enable comparisons to be made. We comment on them in our reports, but we have nothing to do with the auditing of the accounts of a public asylum; that rests with the Local Government Board entirely.

25801. Are they examined by you at all ?—For the purpose of reporting. They are examined in outline to see that there are no serious discrepancies, but not to see that the accounts in themselves are correct in detail.

25802. Can you tell me any reason why the Commissioners provided that an abstract of the hospital accounts should be sent to them ?—That we may be able by totalling up and averaging the cost in all county and borough asylums to give a general indication of the cost of maintaining lunatics.

25803. I am talking of hospitals. I was reading the Commissioners' Rule that provides for the sending of accounts. Why should you have these accounts ?—It is important that we should see the figure at which the average weekly cost comes out per patient. Very often questions arise as to whether the hospitals are doing a sufficient amount of charity. Supposing we find that a hospital is taking a large proportion of its patients at a low rate of payment or free, we regard that as creditable to that hospital, and, as you will see in our Report to the Lord Chancellor we comment on the fact, and in that way we consider we exert a beneficial influence by getting people to subscribe and so obtaining relief for needy better class patients.

25804. But my point is really to get to the administration. I want to know what work is done in the office when these accounts come in; who examines them ?—The chief clerk.

25805. And reports to anybody ?—He prepares these statements which appear in the Annual Report.

25806. Do any of the Commissioners look at these accounts when they do come in from the hospitals ?—Not in detail.

25807. You cannot see any account, except in detail; do they look at them at all ?—In our Annual Report they are set forth.

25808. I want to see what work is done by the Commissioners ?—We have no control over the actual expenditure of a hospital. They only have to report to us.

25809. I am aware of that; but do you look at the accounts ?—Only broadly, to draw conclusions from them.

25810. With reference to the estimates, you have nothing to help you to see whether the estimates are extravagant or otherwise ?—We have nothing to do with them, In the lunatic hospital the Committee of management controls the estimates and expenditure entirely; in the county and borough asylums it is different.

25811. But have you anything to help you with reference to estimates for asylums ?—Are you now talking of estimates of plans ?

25812. Yes ?—Yes, our architect to a certain extent gives us an opinion upon them.

25813. But you do not think it is adequate, at present ?—No; but I understood that until now you were talking about the maintenance.

25814. I am wanting to see, if I can, by steps, whether the Lunacy Commissioners have sufficient assistance to enable them properly to carry out the work which Parliament has thrown upon them. I am trying to see what expert help they have got in some of the duties thrown upon them ?—It is very important that you should make it clear to me whether you are referring to the maintenance account of an asylum or the maintenance account of a hospital, or whether you are referring to the estimates submitted for plans for erection of asylums, because these matters are dealt with in distinctly different ways and there are different considerations involved.

25815. You have no accountant in your office ?—No.

25816. You have no surveyor to help you with estimates ?—We have our consulting architect.

25817. But no one on your staff ?—No one on our staff.

25818. My point is to see whether you require an additional staff ?—I am very anxious for these different accounts and estimates not to be confused, because they are dealt with in widely different ways.

25819. Beyond an additional architect you ask for no further expert help; I am not talking about the Commissioners ?—We think that in the examination of plans and examination of estimates of alterations and additions to, and enlargements of, asylums, it is very important that we should have a salaried architect attached to our Board. The present system of having to depend only upon a consulting architect or a consulting engineer is insufficient to accomplish what we have to do.

25820. Now to pass on to the jurisdiction of the Commissioners; is there any work which you think ought not to fall within your province which you at present do ?—There is no work of which I think, in the interest of the public, and in the interest of the patients, we ought to be relieved which we do at the present time. I should be very sorry to see any of the work taken off us which we now do.

E. Marriott Cooke, Esq., M.B.

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25821. Is there any additional work which should be imposed on you so as to make your working more satisfactory?—I do not think so, but we want more time to do the work which now falls upon us.

25822. My point is whether there is more work to be done. We will see how it is to be done afterwards?—I think in a Board like ours you can never say there is no more work to be done.

25823. Suppose you had an adequate staff could you undertake jurisdiction over people mentally defective who have not been certified?—I do not think we could undertake that work without other assistance than the two Commissioners whom I have suggested. We ask for the two additional Commissioners to enable us to carry on the work we have at present to perform, and probably shall have to perform within the next forty or fifty years.

25824. But is there anything in the constitution of your Commission which would make it inadvisable to add to them the supervision of the mentally defective? I want to see whether you are the proper body to have it given to you?—It depends a great deal upon what that work is to be. It is very difficult to express an opinion without more information. When I was before your Commission two years ago, I expressed it as the opinion of our Board then that we did not, as a body, think it desirable that we should have thrown upon us the supervision of persons who were not certified to be insane. Personally I am rather disposed to modify that opinion now, supposing that there is to be a general reorganisation. If, for instance, we were to be amalgamated with the Masters and Visitors, it would be most undesirable that another comparatively small body should be constituted, to look after feeble-minded people.

25825. Would it be better, in your opinion, that there should be amalgamation between you and the Chancery department?—Yes, provided on further investigation it is found feasible to work in the visitation now performed by the Visitors with that performed by ourselves. If there were amalgamation and reorganisation, I think, instead of creating another small department for the care and control of the feeble-minded, and so perpetuating a continuance of the present dual system, it would be better, on the whole, to have one general body.

25826. Have you thought at all whether it would be expedient to have female lunatics inspected by a female Commissioner or a female inspector?—Yes; I do not think it would. I will give you a reason for that: that although, as medical officers, many ladies have been tried in asylums, and although occasionally they have answered, I do not think it has been found very generally a success. Some of them have broken down under the strain of having to deal with lunatics.

25827. But that is a different function from what I am suggesting; I am suggesting them as Commissioners or inspectors?—I should say not; I think it would be very undesirable.

25828. I dare say you are aware the Local Government Board employ ladies, and the Board of Education, I think?—Yes; but I think the supervision of lunatics is a totally different thing.

25829. Do you think the experience of a lady on your Board would be of any service with reference to the supervision of female lunatics, supposing a female Commissioner were appointed, whether medical or not?—No, I think not.

25830. I hold no brief for the suffragettes?—I am wholly without prejudice, but it is a matter I have considered, and I think it would be most undesirable.

25831. Do you think that is the opinion of you all?—I would rather you asked the other Commissioners.

25832. Is there anything to regulate the hours during which your office has to be open?—Yes.

25833. Is that by statute?—By Treasury Order, I believe.

25834. Seven hours a day?—Yes, ten to five; that is referred to in our Secretary's statement.

25835. Can you tell me at all what length of time is expended by the Commissioners in their visitations over the country?—Yes, I can give you my personal attendances. Last year I was away visiting from London on 102 days in the year. I had to sleep away from home 114 nights.

25836. That is probably about the same as all the other Commissioners?—Yes.

25837. That left you 200 odd days for London work?—I was visiting in London for fifty-one days.

25838. In addition to the 102 that you were away?—Yes. This statement I am making covers eleven months; that is from the 1st January to the 1st December, 1905; I was at the office on 116 days, which makes 269 days out of the eleven months. In a few instances I may have counted days twice over. I might have been at the office for a few hours in the morning and gone off and visited in the afternoon and so there might be a little overlapping. My accounts do not show it, but it would only be on a few days. Therefore out of those eleven months I was engaged 269 days. Of the 114 nights I slept away from home twelve were Sundays. This year by the 31st December, I shall have had to sleep away from home on 120 nights.

25839. Is there any holiday allotted to the Commissioners?—We are supposed to have two months' holiday in the year, but there are hardly any of us who have not encroached largely on it. As a matter of fact I shall have to encroach on my holidays this year, nearly three weeks, to get my work done; so that for the last two years my holidays have averaged hardly six weeks in the year, counting every day I have had. That I consider wholly inadequate, considering the strain, the physical exertion, and mental wear which the work entails. I want to make it clear that what I have given you represents my work from January 1st to November 30th last year, because one of the duties of the Commissioners is, when the Secretary is on leave, to do the Secretary's work. It happened to be my turn to do the vacation work last year, so I did not get any holiday till December. Whenever the Secretary is away we do the Secretary's work.

25840. That leads me back to a point to which I was coming; there are three legal Commissioners?—There are.

25841. They have all of them been Secretary to the Commission?—All the present legal Commissioners have.

25842. How many years does that cover, of secretarial work?—Perhaps you will ask the legal Commissioners; one was Secretary six and a half years.

25843. Are you the senior?—No, I am the third.

25844. Have they all three been Secretary?—Yes.

25845. Then they have been moved up as Commissioners?—Yes.

25846. So that the fresh blood only comes, as it were, into the Commission through the appointment of a practising barrister, as Secretary?—Yes, and that is the important point. It is not necessarily always so; there have been exceptions. Mr. Inderwick, for instance, came in direct. Sir Charles Bagot was Principal Secretary to the Lord Chancellor before he was appointed, and he also was never Secretary to the Lunacy Commission.

25847. That is a good many years ago. He served twenty-five years, and then retired, and then came on as an unpaid Commissioner?—Yes, but I want to point out that it does not invariably follow that the Secretary is promoted to be a Commissioner. It happens that all three of my present legal colleagues have been Secretary, but there have been, as I have said, others who have not.

25848. With the present ones it has been a continuous filling up; it rarely happens that there is fresh blood coming in on the legal side?—I would not say "rarely."

25849. As regards the medical appointments, they are of course, fresh to it; they do not serve in the office in any way?—No; but I have been a medical superintendent of two asylums; first of the Wilts County Asylum, afterwards of the Worcester City Asylum, or for twenty years in all.

25850. Have you formed any opinion as to the expediency or possibility of taking over the Chancery Visitors' duties?—I have given a good deal of thought to it.

25851. What is your view?—In trying to form an opinion one is met with this difficulty: we do not know

exactly what the work of the Visitors is; that is to say how often they are called upon suddenly to go and visit cases; we do know this, that out of the 685 Chancery lunatics, we, in the course of our duties as Commissioners see and examine 361. We see those 361 either in institutions which are under our jurisdiction, or institutions which we have to inspect under the Lunacy Acts and where we are obliged to see all the patients.

25852. There is double visitation for those ?—There is overlapping.

25853. They get a double share, but then they pay for it ?—I do not know about that. I had a Chancery lunatic at the Worcester Asylum who had no means at all, and yet he was visited by the Chancery Visitors.

25854. Where they have property there is a deduction of 4 per cent. ?—Yes, there is; but some of them have only small means.

25855. Where they have got means they have to pay for it ?—Yes.

25856. Do you see any objection to this system of double visiting; would one visitation, either by yourselves or the Chancery Visitors, be sufficient ?—Of course we must see them, because they are in our own institutions, they are lunatic patients so found by inquisition for the most part, not invariably; those 361 persons are frequently Chancery patients who are unfit for care in private houses.

25857. From your experience of your inspection of them, would it be advisable, or possible, to suggest that they should not be inspected by Chancery Visitors if they got the advantage of classification by you ?—I do not think it would do for us to inspect half the Chancery patients and the Chancery Visitors the other half. It could only be done by amalgamation.

25858. It might be worthy of consideration whether, if there were a Chancery patient in an institution visited by you, your visit should be deemed to be adequate ?—No, I do not think so; there might be all sorts of matters connected with the Masters' arrangements of which we might not be cognisant.

25859. Short of an amalgamation, it would not be possible for double duty to be saved by the expedient I am suggesting ?—No.

25860. Do you get any conflict with the Visitors, or Masters ?—None; no conflict of a frictional nature. Occasionally I have had a difference of opinion, I think once with Sir James Crichton Browne, as to whether a patient whose affairs were managed by a receiver, and who was seen by the Chancery Visitors as well as the Commissioners, was suitable or not to remain in a particular house; but it was purely a friendly difference of opinion.

25861. When these doctors differ, who decides ?—In the particular case to which I refer the patient could not be removed without the consent of a Commissioner, but on the other hand the Masters had, of course, the control of the purse strings.

25862. Do you come into communication at all with the Masters ?—No, not directly. Sometimes matters occur in our office about which we think the Masters should be informed; we perhaps think a patient's property is not protected, or something of that kind.

25863. May I take it that it is your view that any amalgamation would be desirable ?—I cannot go quite so far as that, because I am unaware of the exact scope of the duties of Visitors. It would be impossible for the Commissioners, at all events as at present constituted, to have frequently, at short notice, to visit at the request of the Judge in Lunacy patients in distant parts of England. How often such emergency calls are made on the Visitors I have no knowledge. Subject to that I do not think there is any insuperable difficulty in amalgamation. Although Sir George Jessel's Committee, to which reference was made yesterday, or the majority of that Committee, was averse from amalgamation, as no doubt you are aware, in the Lunacy Act, 1890, provision was subsequently made giving power to the Lord Chancellor to amalgamate the two Departments. The question is one which I should like you to put to some of the legal members of the Commission as well as myself. Amalgamation would be a way whereby our Commission might be increased to an adequate extent without throwing any additional, or only a very small additional burden upon the country. But we ought to have the power of single visitation as well. If our Commission were strengthened by the Visitors being joined to us, and with single visitation, I think we ought to be able to carry on the work of the Commission satisfactorily in the future.

25864. That might be without the addition of the two Commissioners you have mentioned ?—Yes.

25865. Do you consider single visitation would be adequate ?—With the addition of three Visitors to our Board.

25866. What do you say as regards single visitation ?—I am of opinion that it is absolutely essential that the power of single visitation should be conferred upon us.

25867. Is single visitation sufficient to protect the patient from oppression and to satisfy the public that he is properly looked after ?—I am quite convinced that it is.

25868. Do you think the work could be done by a single Visitor ?—I think it should be left to our discretion to visit singly or not. The view of our Board is that there are many occasions on which it might still be advisable for a barrister and doctor to go together. We are not at all prepared to say that in every instance single visitation is desirable. We ought to have the discretion.

25869. It ought to be left to the Board, under this Chairman of whom you speak, to allot the work ?—To say what institutions should be visited singly.

25870. But you prefer it being left to your Board, instead of it being directed by Statute ?—I think it might be left to our Board instead of having our hands tied as they are at present, which is highly inconvenient.

25871. At present who allots the work and arranges the distribution of work amongst the Commissioners, because I understand Sir John Dorington is not able, unfortunately, to attend ?—It would be a matter about which the honorary Commissioners would know but little. All these arrangements are left entirely to the paid Commissioners.

25872. Under a new plan, if there were a chief Commissioner, would he be the proper person ?—No, I think it should be a friendly arrangement between ourselves, because there are a great many points to take into consideration. I imagine we should do very much as the Judges do in determining what circuits they shall severally take. We depute one of our body to make the arrangements for the ensuing year. He makes out a scheme of work and submits it to each Commissioner before it is adopted.

25873. It is for him to see that the most economical mode is adopted of utilising the time of the Commissioners ?—Yes, but his scheme is based upon a system of circuits and general arrangements which have previously been approved by the Board.

25874. (*Dr. Donkin.*) I take it as it is understood that all your replies to Mr. Greene's questions are with regard to the present fitness of the Lunacy Commission for the work they have to do now ?—yes, subject to the few questions which were asked about the additional work that might, on the recommendation of your Commission, be thrown upon us in respect to the feeble-minded.

25875. Therefore in the final questions with regard to amalgamation of the Chancery Department and the Lunacy Commission, they also referred to the joint work of the two and no more ?—Yes.

25876. I may take it also that you have emphasised very fully the fact that the present numbers of the Commission are quite inadequate to do the work thoroughly from the public point of view, and satisfactorily to the Commissioners ? Yes. Mr. Greene asked me the number of days we are away on circuit. Those are very long days, sometimes extending to eleven hours, and are laborious days. After inspecting, perhaps we have to travel some considerable distance.

25877. I suppose you would say, from your description of the work of the Lunacy Commission, it is mainly inspectorial, to see that the dictates of the law are carried out, and also advisory ?—Advisory, very largely. We have very large numbers of important matters to deal with,

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such, for instance, as the transference of patients to institutions and from institutions to single care, all of which requires an intimate knowledge of the patients. That is one of the great reasons why the present system should be maintained. The question often arises whether a patient is fit to be transferred to another house under other conditions. It is very desirable that some one of the Commissioners should be able to speak with authority from his own personal knowledge whether the case is a proper one for the change, and whether it is prudent in all respects for the transfer to be effected. I only give that as one example showing how important it is that this visitation should be done by Commissioners of experience. We are often consulted by the friends of patients on these matters. It is very important to bear in mind that a great deal of our work does, to a certain extent, assimilate the work of the Visitors. A very important part of our work is the visitation of the single patients in private houses, of which we have over 400.

25878. All that will come under the head of advisory work?—Advisory work and visitation jointly.

25879. What I want to bring out is whether you contend that at present the work is so much for the existing number of the Commissioners that neither branch of the work is satisfactorily done?—It is done at a most undue pressure.

25880. There would be much more scope, with more assistance, for the work to be done thoroughly?—Some of us are often obliged to be absent from Board meetings when there are important matters of policy to be discussed, and occasionally matters arise in institutions, such as suspected ill-treatment of patients, which we are not always able, owing to the shortness of our numbers, to investigate, on the spot as we should like.

25881. Supposing this amalgamation took place and there were then nine Commissioners, four of whom would be legal and five medical, do you think that would be a proper working constitution to carry out the joint functions?—I should prefer to see the proportion three legal and six medical Commissioners.

25882. With regard to the single visitation, would you consider that it is practically indifferent whether it is a legal Visitor, or medical?—I think so, having regard to the fact that the barristers are men of experience who are constantly in contact with their medical colleagues and get to know a very great deal of medical work. There is no doubt that my barrister colleagues do, after a very short time, pick up a very large amount of medical information and are able to employ it usefully, and they also get to know a great deal about the administration of asylums. I think any disadvantage arising from single visitation by the legal members would be compensated by the legal knowledge, and breadth of view which they bring to the Board.

25883. I am referring only, in this last question, to visiting. It is conceivable there might be legal members of the Board who did not visit. There might be a Board composed of a certain number of legal members whose duties were not to visit. You have, I think, said, and the Commissioners have in their joint evidence said, that one of the points they urge is that single visits should be allowed quite apart from any possible additional functions; to get them out of their present difficulties they want two more Commissioners who *may* be medical (rather implying they *should* be medical) and that single visits should be allowed. What I want to get at is, supposing for a moment you think of an ideal Commission formed of nine people—supposing there were no Commission and you decided the work to be done required nine members—what do you think would be the proper proportion?—I think the proportion I have indicated in my answer to Mr. Greene covers that.

25884. Five and four?—Three legal and five medical; or in the case of amalgamation I should say three legal and six medical. We should not want another legal member.

25885. Not if the present bodies were amalgamated?—Not in any case.

25886. You think it is a matter of indifference, provided a legal member has been on the Board for some time, whether the asylum is visited by a doctor or a lawyer?—Yes; I think we want a preponderance of medical men because every now and again cases will arise where the legal member will be glad to have a medical opinion. It will more often happen that the legal Commissioner will wish to have the opinion of a medical colleague than that a medical Commissioner will require the opinion of a legal colleague. Moreover, the work to be done by medical Commissioners outside visitation greatly preponderates.

25887. You would not be mainly of the opinion of Sir John Dorington?—No, I am distinctly adverse to it. I understood him to say that he would prefer more barristers than doctors. I wish to express the opposite opinion; I think the preponderance of the members of the Commission should be doctors, I do not think we require more than three legal members on the Board.

25888. With regard to visiting asylums, you think it is indifferent whether it is a legal or a medical member who visits?—Generally speaking.

25889. In other words, part of the function of the Visitor is not to give medical advice, not to set any particular tone or principle in regard to the treatment or care of the insane?—You must bear in mind, in considering this subject, that two legal members would not succeed one another; a legal member would go at one visitation and a medical member at the next; we do now visit in rotation.

25890. Your view is that the chief advantage of the visits is to see that the patients are properly cared for, and in fact that they are being humanely treated?—Humanely treated and properly cared for in all respects. It is not very often that matters of a purely medical nature arise at visitation.

25891. I suppose you will admit that a very considerable amount of actual medical knowledge and actual medical work is required in a department which might be appointed to deal with the feeble-minded and mental defectives of all grades who now entirely escape certification?—I do not quite understand your point.

25892. I was trying to get at this—with regard to the visitation which, I take it, will be an important function in any institution—that the regular visitation of asylums does not require the Visitor to be a doctor, or at any rate he should not always be a doctor?—No, not always a doctor, for the reasons I have just stated.

25893. You would not think that work which is more medical than the present work of the Commission should be added to the Commission?—Why more medical? I do not quite follow you. A barrister who for years has been in the habit of weighing evidence, when he joins our Board goes visiting with a medical colleague, is pocketed with him, I might almost say day and night, and is constantly discussing with him subjects connected with the care and treatment of the insane and the mental phases they exhibit. After a year or two, he is in most cases able to discriminate whether a person is insane or not, or whether only weak-minded. It does not require the same kind of expert medical knowledge to determine whether a person is insane, as it does to enable him to decide whether he has heart disease. There are obscure cases, but after all it is to a great extent a matter of observing and weighing apparent facts. I think too much is made of the purely medical aspect of judging whether a person is insane. It is carried too far. When a man has had a legal training to start with, and then has had an opportunity of studying and discussing with his medical colleagues the symptoms manifested by the 30,000 cases which he sees in the course of the year, he is soon capable of judging whether a person is insane or not, and it is not often that he feels at a loss.

25894. There would, therefore, be no particular advantage in his having asylum training before he became a Lunacy Commissioner?—A considerable proportion of the members of the Board ought to be medical men who, as ex-asylum-superintendents, have had great experience in the treatment of the insane and in asylum administration, because they are best capable of dealing with many questions and matters that arise. But it would be very undesirable to have a Board composed exclusively of such men.

25895. In short, you would think that the present constitution of the Lunacy Commission or any Lunacy Commission of somewhat larger numbers, composed partly of medical men and partly of lawyers, would be a perfectly competent body, given that there were enough of them to take the supervision of all the present certified

lunatics and all the very heterogeneous classes of people, children to adults, who may be called defectives?—Undoubtedly. Difficult cases will arise every now and again where a consultation would have to be held as we hold them now. If a barrister goes and pays a visit to one of our licensed houses in London, and comes back to the Board and says, "I have seen So-and-so, I am doubtful whether this patient is insane, I should like one of my medical colleagues to see him," one of us goes at once. I think a mixed Board on the lines on which it is now constituted is in all the circumstances the best in the interests of the patients and the public.

25896. A Board constituted like that would not feel inclined to depute inspectorial duties to others who are not on the Board?—Yes, as we have indicated in our statement, we think that as a rule less experienced men under the supervision and control of the Commissioners would be sufficient to act merely as inspectors of mental defectives. For instance, it is a very different matter determining whether a woman is merely weak-minded and morally unfit to be left to her own devices, from deciding whether a man is suffering from a hidden delusion that he is the Pope, which may cause him to be a most dangerous person.

25897. I am not suggesting that any inspectors would be sent who were not trained, but you yourself, I think, said that it does not require any very considerable technical training, medical or otherwise, to satisfactorily perform all the functions of the present Commissioners in Lunacy?—Not in the great majority of cases; and where the difficulties arise it can be done by a consultation. But I want to emphasise the fact that I think after a few years, especially if they have been through the Secretaryship, the barrister Commissioners come to be experts, in fact. It must be remembered that in administering the Lunacy Acts the Commissioners have to deal with a vast number of important matters besides merely questions of insanity.

25898. In fact, they get their training after they are appointed Lunacy Commissioners?—Yes, but we have the advantage, that they bring to the Board their legal training and knowledge, which are very important assets and exercise a most beneficial influence on the Board, and are greatly to the advantage of the country and the insane.

25899. Do you not think there are many medical men in the country who have given a good deal of attention to mental disorders and had a great deal of practical experience who would be very capable Visitors of asylums?—Yes.

25900. Say men of the age of thirty-five to forty-five, and who would be perfectly willing to do it for half the salary of the present officers?—Do you mean visit the asylums?

25901. I mean such people as I was describing; I do not like to use the word "inferior"?—Not so largely experienced; I would like to withdraw that word "inferior"; I did not wish to use it in an offensive way.

25902. I was merely quoting your statement; I think the expression "inferior standing" is used. Are there not many medical men perfectly qualified to form an opinion and to visit and inspect the asylums effectively, who have had more training, and much more experience, than many Commissioners in Lunacy when they start their work?—That may be so as regards the actual medical experience; but I still maintain, and I want to emphasise the fact, that I think the influence of a certain number of barristers on the Board is of great value.

25903. My questions are not directed to doubting that; I was only trying to get your views as to the possible use of less highly paid, but at the same time well qualified, medical men, to act in performing inspectorial duties in the event of the functions of the Lunacy Commission being enlarged?—I think that is possible, and we recommend it, but we think it should be only certain duties which should be left to our Board to determine. In our statement, the second paragraph, we refer to that. We think that at present we have not the number of Commissioners required to perform the work which Commissioners ought to perform, and that if the addition is made to our Board for which we ask, they will be adequate probably, as far as one can see, for many years, and if additional work is thrown upon us we shall meet it by having the Assistant Commissioners.

25904. Assistant Commissioners would perhaps be inspectors acting under your direction, not members of the Board?—Not members of the Board and not appointed to do any special work, but such as we from time to time may direct.

25905. (*Mr. Dickinson.*) You told Mr. Greene you did not think there was any additional work which you would suggest being placed on the shoulders of the Commission. Have you at all considered whether there should be additional powers given to the Commission?—I have.

25906. Can you tell us in what direction the powers should be?—I think on the whole they should be left as they are. Questions may arise, in dealing with which we may have not quite as much power as we might like to have, but we think perhaps if we had greater power to deal with these matters it might be perhaps disadvantageous in other ways. We would rather prefer to be left as we are.

25907. Do you know the Scotch Commission?—Yes, I know a good deal about it.

25908. Do you know the powers they have?—I think I am pretty well conversant with them.

25909. You know that their absolute powers are considerably greater than those which you possess?—In what respect?

25910. In being able to enforce their views. We have had some evidence from Mr. Spence, the Secretary of the Commission; in his statement he gave us a list of points in which, in his view, the Scotch Commission was more able to carry out its views than the English Lunacy Commission. I do not know whether you have at all studied the Scotch system?—Yes, I have, but I am not prepared to say that any great additional powers are necessary. There are certain points, I think, more especially affecting the detention of patients, as to which I sometimes wish we had some discretionary powers. For instance, it is provided under the Act that when a patient is admitted who has not been seen by a judicial authority he or she has the right of demanding to be seen by a judicial authority, under certain circumstances. The judicial authority has to make a report and we have to give effect to that report; the law gives us no discretion whatever, and it has happened that we have entirely disagreed with the report when it has come in, but we have no discretion. I have known a case in which we have had to discharge a patient and that patient has committed suicide the next day. We had no discretionary power. We were obliged to give effect to the report of the judicial authority although we were fully aware of the true facts of the case.

25911. You have not got exactly what is in my mind. I was not thinking so much of the powers in individual cases, but the powers to enforce the proper or better administration of the lunacy law by the local authorities?—I do not think so. I think we had better leave our powers as they are, advisory. When we see things we do not like we report on them. If they are not attended to we keep on reporting and reporting, and we find, in the case of the county and borough asylums, that the committees after a time do not like its being known that the Commissioners are not satisfied, and before very long as a rule our influence in this way has the desired effect. I think there would be a danger in our having too great power and not leaving the authorities a discretion. Occasionally instances occur where it might be well if we had larger powers; for instance, in the case of the Cambridge Asylum with which we have been dissatisfied for several years, and where sanitary condition leaves much to be desired. We have been pegging away year after year trying to get improvements effected and we cannot get the Committee to do what we think ought to be done, but such a case as this is very rare. As a rule the local authorities though at first they may think what we suggest is unreasonable—sometimes they do, sometimes they think we go down and we must say something—after a time generally come round to our view, and as a rule we find that the superintendents of the asylums are wishful to act in concert with us and attach importance to the views we express.

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25912. Would you not say that in lunacy administration in England we are behind other countries ?—No, I should say certainly not. I have visited asylums in Holland, Germany, France, Switzerland, and Scotland, and I do not think that, certainly anywhere on the Continent, that the treatment of the recent and acute cases is as advanced as our own.

25913. That is the medical treatment of the acute cases ?—And the arrangements for them. We are far beyond them. In France in many districts coercion is still practised to a very large extent.

25914. I am not saying that there are not countries behind us ; I am saying that we are behind some countries ?—I do not think so. I have not personally found it so.

25915. Are we not behind Scotland ?—I do not think we are. I think our system of administration is every bit as good as the Scotch system although it is lauded a good deal.

25916. I am asking these questions because in my own view I came rather under the impression that the Scotch Commission was very much better for pushing on experiments in lunacy administration than the English Commission. I want to get at it to see how far the English Lunacy Commission has really advanced the treatment of lunatics in England. I suppose you do attach importance to giving to certain classes of lunatics considerable liberty ?—Yes.

25917. Do you press upon the English authorities the desirability of so classifying them that they can give absolute liberty to certain classes of lunatics ?—Yes, we are constantly doing that. You will hardly see any report in which we do not refer to the number of patients who are allowed liberty beyond the grounds, and to those who are confined within the airing courts, and those who are allowed liberty out in the grounds.

25918. Has that advice been adopted readily and is it in actual operation now ?—Certainly.

25919. Largely ?—Very largely. There are certain places where asylums are built in such positions that it is impossible to allow extended liberty. For instance, in the case of an asylum like the Newcastle Borough Asylum on the fringe of the town, people object to a large number of patients going out. It is found impossible to grant them extended liberty there. In my own asylum, before I joined the Commission, I may say we sent out 75 per cent. of the patients beyond the grounds.

25920. Have you taken any action with regard to the other experiment made in Scotland, boarding out ?—We have considered the question. It has been tried in Suffolk to a limited extent but we find in some districts even in the case of private patients that there are complaints from the neighbourhood of letting the patients out on the road. It was the subject of a controversy between our Board and some of the local justices whether the proprietors of Brislington House were justified in letting the patients out on the roads.

25921. I am asking with regard to your policy ; was that done in accordance with some suggestion of yours ?—We are always pressing it.

25922. You are pressing the subject of boarding out ?—No, the question of liberty. Whether the people in the neighbourhood will have the boarding out has however to be taken into consideration.

25923. Then you have recommended it ?—No, I do not think we have. We have discussed the question from time to time.

25924. You have not tried to initiate a *bonâ fide* experiment ?—No.

25925. Of course you know that in Scotland it seems to have originated from the Lunacy Commission ?—Yes.

25926. The Lunacy Commission have practically carried it through ?—Yes.

25927. They have to find suitable places ?—No, I think not : they very often take note of persons who are willing to act as guardians, but the inspectors of the poor, I think, are mainly responsible for finding homes.

25928. I think each home has to be approved by the Commissioners ?—It has to be approved by them ; they or more usually their deputies visit, but they do not as a rule take the initiative in finding homes ; it is done by the inspectors of poor, I think.

25929. Then the question of villa and block asylums ; has the Commission attempted to press the local authorities to take the initiative in that respect ?—In many instances we have suggested it to a limited extent.

25930. In what instances ?—Essex is one ; villas have also been provided at Durham Asylum, Morpeth Asylum, Abergavenny Asylum ; and at other places.

25931. Those are on the suggestion of the Commissioners ?—I will not say they were all on our suggestion, but we from the office do make the suggestion that accommodation for patients should to a certain extent be provided in this way, and as a matter of fact we are now considering plans for a new Essex Asylum in which the villa system is to a certain extent adopted. I have studied the detached or villa system carefully myself and I am not at all prepared to say that the system in its entirety is the best that can be adopted ; it is most expensive and it has drawbacks as regards supervision and administration. I have lately visited the Bangour Asylum which was opened the other day, and I am not by any means satisfied that it is the best. My own view is that a mixed asylum, consisting partly of villas and partly of a main asylum, is the best. I understood that you were throwing doubt as to whether the Commissioners did consider these points. I want to emphasise the fact that we do, because Sir John Dorington said yesterday that we did not. I can point to several of our annual reports to the Lord Chancellor in which these and other matters are discussed.

25932. I want to find out how far your powers are sufficient. Supposing you come to a decision that it is advisable to bring in some different system of treatment, how far are you able to bring that about—that is really the point ?—If it is thoroughly advisable, I think we have great power—purely advisory. I think our views are adopted sooner or later.

25933. By the individual Commissioners advising ?—Yes, through deputations from the asylums committees, of which we receive a good many in the course of the year. They come up to discuss what is the best plan to adopt before erecting or enlarging an asylum and to get the Commissioners' views. Our views are constantly sought by the local authorities on these points and we give them the benefit of our advice so far as we can, our policy having been to a certain extent previously settled at our Board meetings.

25934. What would you say to any suggestion that the Lunacy Commissioners should stand in the same position as the Prison Commissioners ; the prisons were taken away from the Justices and handed over to the Prison Commissioners (the administration of them) subject to visitation ?—I do not think it is at all desirable, personally. I think it would be very undesirable to take away the power from the local authorities. We have to bear in mind that the insane are suffering from disease, they are not analogous to prisoners at all. Unfortunately, that is so often lost sight of.

25935. What advantage do they get, from that point of view, from being under the local authorities ?—They are visited by them and so their requirements are judged and studied from local standpoints which vary considerably in different districts. It is very desirable, I think, that the local authorities should retain the responsibility for the erection of asylums.

25936. I was trying to get at what is in your mind, from the expert point of view ?—I do not think there would be any advantage.

25937. You do not think the asylums, from the expert point of view, would be improved ?—I think not. As a rule the superintendents of these institutions are highly trained medical men who discharge their duties most efficiently. It is a rare thing for us to be dissatisfied with the way in which an asylum is administered. They are men of experience having had a long course of training as assistant medical officers ; we accept nothing without going into it.

25938. Of course they would not be displaced, they would remain just the same ?—But I do not think we

want to bring them too much under a central body. If it were done, our Board would be too unwieldy, we should have such a vast amount of work to do that it would be most difficult of accomplishment, and the local authorities can do it better. That is one of the chief reasons why it would be quite unworkable.

25939. (*Dr. Dunlop.*) You personally, and the other Commissioners, are in favour of single visitation?—Subject to the limitations which I have mentioned.

25940. The limitation was power to go doubly to visit, but that in all cases single visitation should be empowered to take the place of it?—That our Board should be given authority to allow single visitation wherever we thought necessary.

25941. Would you apply that to both medical visitation and legal visitation?—Yes.

25942. Without any reservation whatever?—No, subject to what our Board thought desirable. I particularly emphasise that.

25943. I think you will agree that medical visitation singly is quite unobjectionable; the medical man is capable of doing all the work required at the visitation, is he not?—Not necessarily.

25944. What duties are there which he cannot do?—Very often legal points arise in asylums, on which I would very much prefer my legal colleague expressing his view.

25945. But your legal colleague would not require to see the asylum or the patient to answer them?—No, but there is this to be borne in mind, that there is hardly an asylum one visits where questions of ill-treatment do not arise. They may not be well-founded in many instances, but into all of them we inquire very fully, and I have very often felt the advantage at those inquiries of having by my side my legal colleague to assist me in taking and weighing evidence.

25946. There are certain advantages in having a legal assessor?—Considerable.

25947. But the statutory duties, as laid down in Section 187, the medical man can fulfil, can he not?—Yes, generally speaking, I think so. The last statement is pretty wide: "as to such other matters as to the Visiting Commissioners seem fit."

25948. Your Secretary, yesterday, informed us that common sense, combined with medical knowledge, can fulfil all the functions required in that Section. You will agree with that?—I think so. I could do them.

25949. Is the legal Commissioner capable of fulfilling all those functions independently of a medical adviser? Your Secretary yesterday, told us he was not?—I think an experienced legal Commissioner is, yes.

25950. A legal Commissioner with medical knowledge?—No, I mean an experienced Commissioner who has been on the Board some time.

25951. And acquired the medical knowledge about which you spoke?—Yes.

25952. After he has acquired the medical knowledge?—Yes.

25953. But a merely legal Commissioner, having been a practising barrister, is not necessarily competent to report on the bodily and mental condition of the pauper patients when first admitted, or as to the classification of patients?—Well, I do not know about the bodily condition. You must take that as a general term. I suppose that means whether patients coming from any particular Union are badly nourished, or whether they appear to have been roughly used. It does not mean that they are going to discuss whether that man has got heart disease or liver disease.

25954. Do you never get complaints of being made to work—asylum patients are made to work?—I do not know about "made"; they are encouraged.

25955. Very much "encouraged" sometimes, are they not?—I do not understand that insinuation.

25956. You receive complaints of a patient being made to work, or encouraged to work, when he does not want to do so?—No.

25957. Never?—I will not say "never."

25958. It is conceivable that you may get such complaints?—As a rule we find that patients who object to work, do not work. Work is done in the asylums as a rule either perfectly voluntarily, or from desire to work, or to obtain additional benefits, such as tobacco or other luxuries. Patients are not coerced.

25959. Let us come back to the point. Do you think the practising barrister recently appointed as a Commissioner is capable of expressing an opinion as to the classification of patients in an asylum?—Certainly, after he has become an expert.

25960. Recently appointed, I put it?—Do you mean the next day?

25961. Within six months?—It is a matter of degree.

25962. Common sense doubtless comes in?—Generally speaking, I think he is.

25963. Does the special qualification of being a practising barrister come in?—I do not think it does; but what I want to emphasise is that there are very great advantages in having a certain number of men on the Board who have had legal training and legal experience.

25964. But for this one particular duty, the inspection, is a barrister capable of fulfilling the conditions of Section 187, and is he a competent inspector to pay a single visit to a large institution for treating the insane?—I think generally yes, when he is experienced.

25965. The point I am trying to get at is, whether single visitation should be advised to apply to medical Commissioners, or to apply to both the medical and the legal?—I say, to both; generally to give us power to allow it, and that we may use our discretion as we think fit. May I draw your attention to a paragraph in our statement? "The Commissioners are of opinion that it would be desirable that they, the Commissioners, should have power to visit singly in all cases where now they are required to pay double visits, but they are not yet convinced that it would be wise to discontinue the double visitation of at least the county and borough asylums, some of which are now of enormous size." I want to point out that the mere fact of giving a single visitation is not going to add very greatly to our strength, because, when we now visit, one does not stand talking to a patient whilst the other listens, but we are each doing separate work; therefore it will take one Commissioner nearly twice as long as it does two to do the work, but it will facilitate it. For instance a little while ago I was visiting with a colleague, who was taken ill and had to go home, so the work of both of us came to a standstill. Of course there is power to appoint a deputy, but we cannot approach the Lord Chancellor at a moment's notice. It is not always an easy matter to get a deputy, and it takes some little time to approach the Lord Chancellor and get somebody appointed.

25966. Therefore that would be a very convenient power?—A very convenient power, and days are very often lost through our not having that power. We are working at a great disadvantage, and we want a remedy.

25967. That was explained by the Secretary yesterday; you agree with his views?—We are not convinced, as regards the large asylums, that it would be desirable to invariably visit singly, but we wish to have the power—for our Board to be able to exercise discretion.

25968. I want to know your opinion; is a practising barrister recently appointed—because we must look upon the legal Commissioner for the first year of his appointment as not having medical knowledge—competent to pay a visit to an institution for the insane, single handed?—No, and we should not expect him to do it. We do not contemplate his doing such a thing.

25969. Would it meet your views if the power of single visitation were restricted to medical inspectors?—No, it would not.

25970. Why not?—Because it would not give us that discretion. Already the legal Commissioners, when they have become experienced, do some single visitations; they visit houses in our own jurisdiction, and they are allowed to do it, and have been always allowed by Act of Parliament, and we wish the limitation removed which exists as regards other institutions. For instance the Act

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does not say, where one Commissioner has to visit our licensed houses, that he must be a medical man; he can be a barrister, and always has been so.

25971. You would not restrict that power of single visitation to medical men?—No.

25972. Even although it is possible that the barrister Commissioner is not capable of fulfilling all the requirements of the section of the Act—it is possible, I say?—No, I would not, because we ask for our Board to have the power to exercise our discretion.

25973. You save yourselves by the discretion of the Board?—Yes.

25974. Competent and thorough inspection is the primary function of your Board, is it not?—I think so; that is the great safeguard of the interests of the insane.

25975. Will you give an expression of opinion as to how many visits per annum are necessary to make the inspection efficient, to keep in touch with what is going on in the institution?—I think those provided by the Act are sufficient.

25976. Do you think one visit a year would enable one to keep in touch with what is doing in an institution?—Yes, subject to the correspondence in our office afterwards. The Commissioners go down, and we inspect and learn everything on the spot, but it does not end there. Our reports come up to the office, they are followed up, they come before our Board, and instructions are given. That is part of the business at our Board meetings, to consider what action should be taken on the report of the Visiting Commissioners.

25977. You think there is no reason why two visits should be paid instead of one?—No.

25978. You think one sufficient?—We can visit twice, or as often as we like.

25979. What should the limit be?—I think it should be as at present.

25980. You would not approve of two visits?—No.

25981. You do not think they might change the staff, change the superintendent, change the dietary, and keep the dietary going for eleven months before you saw it?—There is no risk of that at all. We should hear from the patients in the asylums. They are able to have such free communication with our Board that if any such thing happened we should hear from the patients the next day, I think.

25982. In Scotland two visits are statutory; you do not think that is necessary?—I do not think it is necessary.

25983. What is the number of official visits given by the different authorities? There are the Chancery lunatics and the Metropolitan licensed houses; how often do they get official visits in the course of the year?—I cannot tell you about the Chancery lunatics. We visit the Metropolitan licensed houses always six and generally eight times a year.

25984. If they had two visits from the Chancery Visitors they would get six to ten official inspections in the year?—Though we visit those institutions (we are obliged to visit them six times a year) we do not see the Chancery patients on the other two occasions.

25985. So they get eight official inspections in the year?—Yes.

25986. Will you tell me how often pauper lunatics receiving outdoor relief have visits of inspection?—I think it is twice a year.

25987. From the Chancery Visitors or the Lunacy Commissioners?—They are not under our jurisdiction at all.

25988. Can you tell me how often certified lunatics in workhouses are visited and inspected?—In those workhouses where there are any large number we visit them yearly; in the smaller, where perhaps there are eight or ten, often less, we visit them triennially.

25989. There are ten or twenty?—It might be twenty or rather more in a small number of workhouses.

25990. Once in three years?—Yes. Those are seen by the Local Government Board inspectors.

25991. Who do not interfere very much, but trust to the Lunacy Commission?—It is not our trust, it is theirs. The Section states we may visit such workhouses, where there are lunatics, as we may think desirable. It is not obligatory upon us to visit.

25992. What authority is the supervising authority of lunatics in workhouses?—The Local Government Board, I should say.

25993. The Lunacy Commission are the supervising authority of lunatics in asylums?—Yes.

25994. What is the corresponding authority for lunatics in workhouses?—I think the Local Government Board.

25995. They are a lunacy authority?—I do not say they are a lunacy authority, but they are the authority definitely responsible for the workhouses.

25996. We have one visit in three years for those?—No, you are drawing conclusions which I did not intend to convey at all.

25997. Some are visited annually, but some once in three years?—I told you it is in the large workhouses that you find by far the larger number of imbeciles and lunatics, and these are visited annually.

25998. There are a considerable number of lunatics in workhouses who are seen by the Lunacy Commissioners once in three years?—Yes.

25999. So some lunatics in workhouses are visited once in three years?—They are mostly imbeciles, not lunatics.

26000. Every lunatic in the Metropolitan licensed houses gets eight official visits in the year, six from the Lunacy Commissioners, and two from the Chancery Visitors?—What class of lunatics?

26001. Chancery lunatics in Metropolitan licensed houses?—I can tell you we visit them six times a year; I do not know what the Visitors do.

26002. Why should there be this enormous difference between different lunatics?—Because the law provides that we should see the patients in our own jurisdiction six times a year, they being not visited by justices. Licensed houses in the country are visited by justices every two months, and we visit them twice a year, but in our own jurisdiction the law requires, as they are not visited by justices, that we should see them six times a year, every two months. It makes the number of visitations by the responsible authorities the same in both the Metropolitan and provincial licensed houses. In one case they are visited by the justices and in the case of houses in our own jurisdiction they are visited by ourselves.

26003. You are aware that mention has been made of this in the Departmental Committee of 1877—the difference in the number of visitations between different classes of lunatics?—Yes, it is a matter of location—the overlapping.

26004. Would you mind restricting yourself to the practical purpose to be served, by dropping for the present purpose the legal requirements?—But these points want explaining, because it is merely due to the location.

26005. We have the reasons for these things in the Lunacy Act. I want to know the practical purpose served by the conditions of the Lunacy Act, and whether they require alteration?—I have said there is overlapping in the duties.

26006. Let me put the question again. You have said that one visit of inspection per annum is sufficient to keep in touch with what is doing in the institutions for the insane?—No, excuse me, I have not. I said, in the county and borough asylums.

26007. Do hospitals require more?—Yes.

26008. Why?—Because the inmates are private patients there.

26009. There are private patients in the county asylums, are there not?—Yes, but they are a different class of patients; they are those who are only able to pay very little more than the pauper charge and they are visited by the justices every two months.

26010. How many visits would you allow to hospitals?—We pay two at least.

26011. But for practical purposes?—We are only obliged to visit a hospital once a year by the law.

26012. I want to know your opinion of what should be done; how many visits per annum are required to efficiently inspect a hospital?—Two visits, as we pay at present, one of which is a statutory visit, the other is a purely voluntary visit.

26013. Two visits a year for a hospital, and one for a county asylum?—Yes.

26014. How many are required for an idiot asylum; I know the law, but for practical purposes, how many would you advise?—I think one a year is sufficient.

26015. Are there no private patients in idiot asylums?—They are not private patients at all, they come under the Idiots' Act, a totally different arrangement.

26016. Some are paying considerable sums?—That does not constitute a private patient.

26017. I thought it did. What constitutes a private patient?—One who is admitted under an order of a judicial authority on the petition of a relative. Private patients in idiot asylums are put in on the recommendation of their relative or guardian, and the certificate of a medical man; a totally different procedure. The great majority of them are children.

26018. There is a large number of adults. How often should idiot asylums be visited, do you think?—I think one visit a year for an idiot asylum is sufficient.

26019. How often should provincial licensed houses have expert inspection?—We visit them twice.

26020. Is that a desirable number of visitations?—I think so.

26021. You would not change the number?—I think we are satisfied with it, having regard to the fact that provincial licensed houses are visited every two months by Visiting Justices.

26022. Do they serve the same purpose?—Yes; they are assisted by a legal expert, they have to appoint a medical Visitor who has to visit with them.

26023. How often should lunatics in the workhouse be visited?—How can I say?

26024. I am asking your opinion. In order to have efficient inspection of them, how often should they be visited?—We are quite satisfied with the present arrangement, which is broadly once a year for the large houses and once in three years for the smaller ones. As regards our own visitation, having regard to the fact that they are inspected by the Local Government Board inspectors and very frequently seen by the Guardians, we have every reason to be satisfied with the condition of lunatics in workhouses.

26025. (*Mr. Byrne.*) Do you think one visit a year, or one in three years, is necessary?—I think it does good; I think it brings us in touch with a considerable section of certified lunatics, and we are able to give a good many practical suggestions for their care and treatment. We think it would be undesirable for that visit to be dispensed with.

26026. (*Dr. Dunlop.*) I take it you disagree with the finding of the Select Committee of 1877 where they state: "There seems to be no valid reason why the possession of property requiring protection should make any difference in the personal treatment of lunatics or in the supervision exercised over them." You disagree with that finding?—I do not quite understand the scope of your question.

26027. I have been asking you the number of visitations necessary in each class of institution?—I think my answer would be this: it is unnecessary for the Commissioners in Lunacy to visit all institutions with the same degree of frequency. You must take into consideration the frequency with which those institutions are visited and inspected by other bodies and other inspectors.

26028. And these differences are quite sufficient to justify the present differences—that is your opinion?—That is my opinion. It would be quite unnecessary for us, for instance, to have to go down to Earlswood frequently.

26029. The number of visits is regulated according to the visitations by other authorities?—Yes, the frequency with which we visit is dependent, to a large extent, upon whether the houses are within our jurisdiction. I suppose the Legislature thought that, as our Headquarters were in London, it was desirable that we should have our own jurisdiction, apart from the Justices.

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26030. Do you think it is desirable that you should hold all this jurisdiction in London and not in the provinces?—Yes, I think so.

26031. What is the practical difference?—There are a large number of institutions near London where there are a great number of changes constantly going on, and we are able to be kept in close touch with them.

26032. Could not you go down to the provinces and keep in touch with them?—It would mean such an unnecessarily unwieldy and costly system. Originally the Metropolitan Commissioners, I think I am right in saying, had no authority outside the jurisdiction which is ours at present. It was only by the Act of 1845, I think, that our powers were extended to the provinces.

26033. But I want to know the practical bearing of it. Is it desirable that certain licensed houses should be put under your entire control (I am talking about you as a Board of Experts), and other licensed houses only partly under your control, and partly under a non-expert body?—I think we have almost as much power in the provincial licensed houses. There may be a few details, but we have almost as much power in the licensed houses as we have in our own jurisdiction. Our powers are much greater over the provincial licensed houses than they are over the county and borough asylums.

26034. But is there any valid reason why the Metropolitan and provincial licensed houses should now be separated, independently of any historical reason?—I think it is a satisfactory arrangement I would not disturb. It answers exceedingly well in practice.

26035. You would not like to see the Justices introduced into the Metropolitan houses?—No, I think it is far better that it should remain as it is.

26036. Principally for historical reasons?—No, for practical reasons. I think it would be a pity to disturb the system; we find it answers very well.

26037. Regarding your powers in these different institutions, you have fairly wide powers in Metropolitan and provincial licensed houses?—Yes.

26038. In lunatic asylums and hospitals, I understand, your power consists in making rules and seeing those rules carried out?—No, we have model rules which we suggest for the general guidance of the Visiting Committee, but it is with the Committee that the framing of the rules rests, and they are sent up for the Secretary of State's approval: we act as his advisers in the matter.

26039. Might I describe those as bye-laws, and these published rules as the statutory rules?—I thought you were talking about the rules for the asylums. What we call the rules for the asylums are rules in force in every institution, and which have to be sanctioned by the Secretary of State; they are altogether different from those rules, which do not refer to county asylums only.

26040. But the point I am trying to get is this: you have a control over county asylums and hospitals in the fact that you can draw up rules which must be observed in them, and which become statutory?—Rules in conformity with the Act of Parliament.

26041. Have you similar power regarding the idiot asylums?—No.

26042. Is that a power which should be given to you?—Yes, we do not think our powers are extensive enough in the idiot asylums. I think as a matter of fact there are no abuses, but it is conceivable that abuses might arise which we have no power to prevent. For instance we have no power to prevent overcrowding.

26043. But the power to make rules which must be adhered to, and which become statutory rules, is a valuable power which you possess?—Yes, which we possess under the Lunacy Act, but they would have no effect in idiot asylums.

26044. But is it desirable that you should have similar power?—We think we should have more power than we have.

26045. Have you power to draw rules to regulate the treatment of the pauper lunatic in the workhouse?—No, workhouses do not come under our jurisdiction.

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but as a matter of fact we find that the Local Government Board, who have the framing of all rules in workhouses, are always exceedingly willing to consider any suggestions that we have to make for the better treatment of lunatics in workhouses, and as a matter of fact it was on our recommendation, years ago, that in a matter like the bathing of the patients the Local Government Board framed rules.

26046. Is it desirable that you should, as a Commission, have that power to regulate the treatment ?—No, it should be under the local controlling authority.

26047. Do you disapprove of the system in Scotland whereby the lunatic wards in poor-houses are under the absolute control of the Lunacy Commission ?—Our own system acts very well, and I do not wish to see it altered.

26048. Do you understand about the present position of the Lunacy Commission in Scotland ?—I understand it thoroughly.

26049. Do you think it a better working position than it is in England, or not so good ?—They say it answers well in Scotland ; let them be satisfied with theirs, let us be satisfied with ours.

26050. Do not you think it is reasonable for a Board of Experts like the Lunacy Commission to regulate the treatment of lunatics in poor-houses ?—No, I think it is better to let the Local Government Board have entire control, because we know they always will be willing to consider any suggestion we make to them. You doubtless know the wording of the section giving us power to visit the workhouses.

26051. That does not apply to the drawing up of rules ?—You cannot imagine that under that section we have power of making rules.

26052. I am not talking about present powers, but what the powers ought to be ?—I do not think we ought to have power to make rules for the management of lunatics in workhouses ; we find that, as a rule, recommendations which we make are carried out.

26053. (*Dr. Needham.*) I think there is confusion as to what the rules are. You are referring to statutory rules which the Commissioners have power to make, which have nothing whatever to do with the management of the institution.

26054. (*Dr. Dunlop.*) Have the Commissioners no power to regulate the management by rule ?—The only way in which we can have any control of the asylums as regards the rules, is that the Committee are obliged to make rules for the government of their asylums. Before these can come into force they have to be submitted to and approved by the Secretary of State, and we are the advisers of the Secretary of State with regard to those rules.

26055. Is it desirable that the Commission should have wider powers in this respect ?—I think not.

26056. Your opinion is that the Commissioners should have nothing to do with the making of rules for the treatment of lunatics in workhouses ?—No, not in workhouses, not any absolute power ; we have an advisory power.

26057. Do you think it advisable that the Lunacy Commission should have power to lay down rules as regards the treatment of lunatics in private dwellings, the boarded out lunatics in the quarterly list. Is it a proper function for a Lunacy Commission ?—Yes, I think perhaps it might be.

26058. You deal with the pauper lunatics there, but not in the workhouses ?—At present it does not come under our cognisance.

26059. You receive reports of their existence ?—That is all. All we can do, when a report by the medical officer is adverse, is to write to the Guardians and ask them to investigate the case. The result, however, generally is that, instead of any improvement being made in the condition of the patient where he is, he is at once carted off to the asylum. That is the usual effect of our remonstrating in a case where there is any unsatisfactory treatment of an outdoor pauper.

26060. I think I gather from your answer that it is desirable that the Lunacy Commisisoners should have power to make rules to regulate these boarded-out paupers ?—Perhaps it would be desirable ; we should have more authority over those people than we have at present. At present they are about the only class of lunatics over which there is no direct authority.

26061. One of the duties of the Commissioners is to visit every institution where there are alleged to be lunatics ?—Do you mean Section 206 ?

26062. Are you often called upon to exercise your powers under that section ?—No. We very often exercise it under the two previous sections.

26063. Does it never come to the knowledge of the Commissioners that persons of unsound mind are detained in other institutions ; you say you never exercise these powers ?—We exercise our powers usually under the two previous sections.

26064. Does that come to the same thing ?—To a certain extent ; not quite.

26065. The Lunacy Commissioners, when they have reasonable ground for suspicion, do not themselves visit the institutions ?—I do not remember a charitable institution, since I have been a Commissioner, in which we have had any knowledge or any suggestion of a patient being confined who was supposed to be insane. I do not remember one since I have been on the Board.

26066. I suppose you are aware that there is a certain class of institution growing up under the authority of the Board of Education for dealing with defectives ? —Yes.

26067. The border-line between a defective child and an imbecile is very fine ?—It is a matter of degree, of course.

26068. Have the Lunacy Commissioners gone round to these institutions to know whether or not they are receiving imbecile children ?—No, certainly not.

26069. Do you not think they have reasonable ground for suspicion that such children are received ?—I do not think so ; we have not had any reasonable ground for suspecting that.

26070. It has not been suggested to you ?—No.

26071. Do you think it should be the duty of the Lunacy Commission to go round and inspect these institutions ?—No. You must have a line of demarcation, where they come under the Education Committee and where they come under us. The only people who come under our jurisdiction are those who are certifiably insane, as lunatics, idiots, or persons of unsound mind.

26072. I suppose a person of unsound mind includes everything ; everybody of unsound mind can be certified ? —There must be degrees ; there are many people of unsound mind whom you could not shut up as insane.

26073. Subject to the necessity of shutting them up ? —Or certifying them.

26074. I have in my mind's eye one epileptic colony where there are several epileptic dements ; would it be the duty of the Commissioners to go and visit that place, or should it be the duty of the Commissioners to visit an epileptic colony ?—I do not think so, you could not turn our Board into a sort of detective Board. Wherever there is reason to suppose—and we do get information from time to time that persons of unsound mind are improperly detained, wherever there is reasonable cause to suspect that, we at once follow it up and do what is necessary, or obtain the Lord Chancellor's order to visit, or whatever course of procedure we consider advisable. It is not our business (and it would be most undesirable that it should be) to go into all the institutions in the country, or into the private houses, to search out whether there may be lunatics there.

26075. I was speaking of institutions likely to contain lunatics ?—I do not think so ; I think it would be most undesirable, it would be greatly resented.

26076. This power is not acted upon at present ?—I do not remember any particular instance in which that particular section has been acted upon.

26077. And you have been a Commissioner since the Section became law ?—No, I have not. I have only been a Commissioner nine years, and this is sixteen years old.

26078. Have you any strong opinion to express as to the advisability of it being the duty of the Commission to visit institutions for mentally defective persons, or not ?

—No, certainly not; I think it would be most undesirable; it is such a question of degree.

26079. Putting aside the most moderate defectives that do not require institutional care?—Subject to what I said just now to Mr. Greene when he asked me.

26080. I cannot see your objection. I would like you to explain your objection to making it the duty of the Lunacy Commissioners to go round institutions and make sure that these institutions are not keeping lunatics and defective persons?—I do not think it is any duty of ours to be a sort of police inspector. We must have some reasonable information upon which we can act, in the first instance.

26081. Sworn information or written?—No, we do not wait for sworn information. We get a letter from someone, say in Kent, stating that somebody in the village is keeping several imbeciles. We at once take steps to find out whether there is truth in it. If we find that probably there is truth, we follow it up and ultimately may have to decide whether it is a case for a prosecution.

26082. One other point: that is the possibility of decentralising the Board; have you considered the matter of having a central board with subsidiary boards in different centres?—We have considered that; we think it would be undesirable; we have often talked it over and thought it would be very undesirable.

26083. Can you give us, in a few words, your reasons against decentralisation?—For one reason it is not a large enough matter. We feel strongly that our work should be done by the Commissioners as at present. That being so, there must be one headquarters.

26084. A head board in London with subsidiary boards?—No, not with subsidiary boards.

26085. Are you prepared with the answer, or shall I postpone it?—We have considered it, and think it would be most undesirable to have subsidiary boards.

26086. You said in answer to Mr. Dickinson that the English lunacy administration was as far advanced as that in Scotland at the present moment?—Yes, "quite as satisfactory," I said.

26087. I think it was the matter of advancement, he asked?—When you say "advancement," you mean merely experiments.

26088. A good deal further than experiments?—I think our lunacy administration in England is every bit as good as it is in Scotland.

26089. Have you got such things as observation wards in England, inspected by the Lunacy Commissioners?—You find observation wards in every asylum in the country.

26090. Outside asylums, for dealing with incipient insanity; reception houses outside the asylums?—No; there has been a scheme for having reception houses in London which we have rather favoured, but the cost has hitherto been regarded as prohibitive.

26091. You have not got them yet?—No.

26092. Can you tell me how many years it is since airing yards were abolished in Scotland?—Yes.

26093. And they still exist in England?—So they do in a good many asylums in Scotland. I should be very sorry to see them abolished in England. It is no credit to the Scotch system, I think, if they are entirely abolished.

26094. And there is the advantage of boarding out in Scotland which has not been tried in England?—It has been tried to a certain extent.

26095. In some ways you will allow Scotland is a little more advanced?—No, I will not, in any way; not in the least.

26096. We were speaking about the severe physical and mental strain of inspection; it is a very severe day's work?—Inspecting asylums of between 2,000 and 2,500 patients, which lasts sometimes three days, is very exhausting work, both mentally and physically.

26097. The duties of Lunacy Commissioners entail, occasionally, very exhausting work?—Yes.

26098. Do you think it advisable that the sixty-five retiring rule should apply to them?—No, I think not. The majority of the Commissioners are not appointed until they are forty-five to fifty years of age. Take for instance the last Commissioner who retired, Sir Charles Bagot; I think he was about the very best Commissioner we ever had on the Board; he was a man of wonderful physical strength and mental vigour, and was, at the age of seventy-three, of the greatest possible use to our Board.

26099. (*Mr. Greene.*) At seventy-eight, he died?—After seventy-three he began to fail a little.

26100. He resigned five years before his death, did he not?—No, three years before his death. He was acting as a paid Commissioner until he was seventy-five, and certainly the last two or three years he was able to do his work wonderfully well, with our sparing him now and then a very little.

26101. (*Dr. Dunlop.*) You will allow it is an acknowledged principle in the country that sixty-five is a very good age at which to retire, in the Civil Service; you say you are not civil servants?—No.

26102. And in the highest branch of the Civil Service?—Yes.

26103. Is there any reason known to you why that principle should not be applied to the Lunacy Commissioners? Is there any difference in a Lunacy Commissioner as regards his longevity or physical powers which puts him on a different level from civil servants?—My experience of the Commissioners is that several of them have been at their very best at about the age of sixty-five.

26104. What is your experience of Under-Secretaries of State?—I have had no experience.

26105. Or Prison Commissioners?—I have none.

26106. You cannot make the comparison?—No.

26107. (*Dr. Needham.*) With reference to the questions which were asked you as to the honorary Commissioners, you remember that Lord Shaftesbury was an honorary Commissioner, Sir Thomas Salt, Lord Emlyn, Mr. Davenport, M.P.?—Yes.

26108. Lord Milltown?—I did not know that.

26109. And Sir John Dorington; would not it have been a great disadvantage to the Commission if they had never had the services of these men?—Lord Shaftesbury, undoubtedly; Lord Emlyn too.

26110. Sir Thomas Salt was Chairman?—Not whilst I have been on the Board.

26111. Would it not have been a great loss to the Commission not to have had the benefit of the wide grasp some of these men had of matters generally. Does it not bring a new element into the Commission which is of great value?—I have been speaking rather of the last nine years during which I have been a member of the Board. If lay honorary Commissioners could be found who would attend regularly their presence on the Board would, as I said before, be an advantage.

26112. As regards hospitals, you were asked about the accounts. Is it not the fact that the hospitals are charitable institutions, and in consequence of that, great autonomy has been given to them?—Yes.

26113. There are only fourteen hospitals, therefore whether the accounts are carefully examined or not is not of very great consequence?—I do not think so; the Committee would be responsible for them.

26114. Do you think it is desirable that the people who are now boarded out, outdoor paupers, should be visited by some member of the Lunacy Board?—I am not prepared to go to that extent.

26115. (*Mr. Byrne.*) You said to Dr. Dunlop that you thought you required some further powers?—Yes, that the Commissioners should have some further powers in connection with them, but not necessarily requiring us to visit every one.

26116. (*Dr. Needham.*) Do you think if there were Assistant Commissioners it would be desirable to visit these people, who may be said to be in the position of boarded-out patients?—I think so; I had that rather in my mind. I think it would be an undue wasting of the powers of the Commission for a full Commissioner to have to visit such cases.

26117. As regards the legal members of the Commission, you have been asked whether the honorary Commissioners

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are the only new blood which is brought into the Commission. Is it not a fact that all the present legal men brought in new blood when they came into the office?—Of course; they did not come in direct.

26118. They did not come as Commissioners?—They had had experience in our office of the work of the Commission; that is what I mean.

26119. (*Mr. Greene.*) Before they became secretaries?—No, not before they became secretaries.

26120. (*Dr. Needham.*) Was it an advantage, their having the initial training in the office?—An immense advantage.

26121. As regards the introduction of women, you say you do not think it is desirable that there should be women inspectors; do you think it would be an advantage to have on the committees of, say, county asylums female members?—No, personally I do not.

26122. You do not think they would serve any useful purpose?—No.

26123. Can you tell us why?—I do not see any advantage in having them, and I think there are disadvantages.

26124. Are there no useful purposes they would serve upon the committees—I restrict myself to committees?—No, I do not think it is desirable.

26125. Would there be any advantage in having women who could go into the wards with the other members of the committee and pay periodical and rather frequent visits to the female wards in the asylums?—I do not think so, speaking of county asylums.

26126. (*Mrs. Pinsent.*) I should like to ask you, as regards the constitution of the county asylums committees, do you know at all what kind of people make up the committees? You spoke just now of people who were trained to look after lunatics. Take the asylum committees of county councils, what sort of people do you find on those; would they be trained people?—No, I did not intend to imply that the members of a Committee of Visitors were trained.

26127. Would you mind telling us why you would consider that a carpenter, or a farmer, or some working man on the Asylums Committee, is better qualified to look after women lunatics than a lady who would give up some time to do it? I only want to know the better qualification; is it a question of sex?—I think a woman going round with men would see and hear all sorts of things in a lunatic asylum which are very undesirable, and that raises certain difficulties.

26128. Does it not occur to you that women whom men inspect might also take that view? As regards the Government inspector whose duty it is to inspect the women's wards and to go carefully into all the small matters which concern women and women only, perhaps, in an asylum, has it ever occurred to you that it would be pleasanter, from the women's point of view, that the inspector should be a woman?—I think in a large public asylum it is much better for all these matters to be left to the medical superintendent. The medical superintendent occupies a very different position from the ordinary workhouse master.

26129. I should like to ask whether you have ever considered it from that point of view that a woman on the staff would be an advantage to the female patients; an advantage for them to have someone to whom they could speak on those matters which concern women only. I should like to suggest to you that this view has been taken to a large extent in America, and there they find women on the staff are, as far as we can hear, very useful?—Speaking from my experience as a medical superintendent, I should say no.

26130. (*Dr. Needham.*) As regards the duties of the Commissioners on their visitation, is it desirable, having regard to the qualifications and position of medical superintendents of asylums and the medical staff generally, that the Commissioners in going round should deal more largely with medical matters than at present? Is it desirable that they should be more inspectors and critics and not medical advisers? Do you think that their *role* should be that of critics or that of advisers?—I think they should be both.

26131. But I mean as regards medical treatment; do they go there as consultants of the medical superintendent?—No.

26132. Do you deprecate going as consultant to interfere with his medical treatment?—To interfere with his medical treatment, certainly.

26133. Also with reference to the Commissioners' inspections, is it desirable that they should limit themselves to being inspectors, and that they should avoid assuming the position of managers? Is it desirable to leave the management of the asylums to the managing committee; broadly and generally that the Commissioners should not interfere in the management unless there were something wrong with it?—Most certainly.

26134. Is it desirable that the Commissioners should have more power to enforce their suggestions and wishes, or do you think it is better for them to be advisory?—I think it is better to leave it as it is, as I said in reply to Mr. Greene—to be advisory; to leave it as it is now. There are instances which I cited, such as the Cambridge asylum, where it might be advantageous to have some more power to compel the Committee to do what we thought desirable, but generally speaking I think, no; it would be better that it should remain as it is.

26135. Have you known in your experience any asylum committee or any local authority, county council or otherwise, who have resented, and would resent very strongly, any dictation on the part of the Commissioners; for instance, take one point with reference to the adoption of plans: have you known local authorities resent the attempted imposition of a special kind of plan upon them?—I do not know that we ever positively insist upon any.

26136. No; but have you ever known any county council which has been unwilling to accept any suggestions made by the Commissioners, and would accept only suggestions made by themselves?—No; but perhaps I do not quite follow your question.

26137. Refused to accept the suggestions of the Commissioners?—No, they have been, at all events, willing to hear our suggestions. They have not invariably adopted them.

26138. You have not known them resent them?—No, I do not know that I can put my finger on a case in which they have resented suggestions.

26139. You were asked whether the Commissioners had tried to introduce the boarding out; is there any provision in the Act of Parliament which enables them to suggest boarding-out?—Not on the lines, quite, of Scotland.

26140. Can the asylum committee board out any patients from the asylum?—Yes.

26141. Under what conditions?—Under Section 57. "Where application is made to the Visiting Committee of an asylum by relative or friend of a pauper lunatic confined therein that he may be delivered over to the custody of such relative or friend, the Committee may, upon being satisfied that the application has been approved by the Guardians of the Union to which the lunatic is chargeable or the local authority liable for his maintenance, and, in case the proposed residence is outside the limits of such Union or the area subject to such local authority, then also by a justice having jurisdiction in the place where the relative or friend resides, and that the lunatic will be properly taken care of, order the lunatic to be delivered over accordingly."

26142. Is there any power by which the committee of the asylum can take the initiative in that matter. Can they of their own initiative board out people from the asylum?—No.

26143. There is no power?—No.

26144. Do you think it is desirable that there should be power given?—I should like to see it tried.

26145. Has it been raised ever in any of the Bills, or has it been discussed ever amongst the Commissioners, as to whether there should be introduced into a Bill power to deal with patients in that matter?—That is so.

26146. (*Mr. Dickinson.*) When?—The first Bill after 1891. I think it was one of the Bills introduced between 1891 and 1905, but I forget which.

26147. (*Dr. Needham.*) I suppose the difficulty of getting any Bill introduced into the House of Commons, or certainly of getting it through the House of Commons, has

not encouraged the Commission very much to press for fresh legislation ?—We have pressed several times.

26148. There has been a good deal of difficulty, I suppose ?—There has.

26149. There are a great many things, even now, which require to be remedied in the work of the Commission, and in the carrying out of the law, which have not been able to be accomplished because the Bill could not be passed ?—That is so.

26150. (*Mr. Dickinson.*) That is what I was asking. I understood from you that there were no additional powers that you wished for as a Commission ?—I did not understand that question.

26151. I asked you whether there were any additional powers which you thought the Commission desired ?—I thought you meant increasing our powers. The question of Dr. Needham was whether we sought for powers enabling the committees to board-out.

26152. (*Dr. Needham.*) As regards the promotion of fresh ideas with reference to building, you are familiar with the "considerations and suggestions to architects," issued by the Commissioners, dated 1904 ?—Yes.

26153. Do you remember the fly leaf: "The Commissioners are very desirous of not in any way discouraging the evolution of new designs for asylums, and many of the following are therefore to be regarded as suggestions only in any circumstances in which it has been decided to adhere to the forms of building which have hitherto been used" ?—I do.

26154. "The modern principle of arrangement, for which many advantages have been claimed, consists in the provision of a main building, a hospital for cases of acute sickness, their being of simple and inexpensive construction and arrangement, special provision for separate treatment of cases of phthisis and dysentery, for which buildings might be erected of inexpensive but fire-resisting construction." Are you familiar with that ?—I am.

26155. Has it been the practice of the Commissioners not to dictate what the form of the building should be, but to encourage very much the evolution of new types of building ?—Yes.

26156. So long as questions of expenditure have been duly considered ?—Yes; in the year 1898 I spent the greater part of my vacation, knowing it was the wish of the Board that we should be in as full a position as possible to advise committees as to the desirability of the villa system, at Alt Scherbitz and other places on the Continent; I spent a good deal of the vacation studying that system in order that I might be able from personal knowledge to advise committees when they sought our advice.

26157. Has not the villa system been introduced into some asylums ?—Yes.

26158. At Hellingly and Napsbury ?—Yes, and Durham, Morpeth, the Manor Asylum to a small extent, Cumberland, Abergavenny, and at Bexley, one of the London asylums; it is also being adopted, or it is proposed to be adopted, in plans which are now almost ready for submission to the Secretary of State in the case of the Essex Asylum.

26159. For cheap detached buildings ?—Yes, and we are constantly pressing for them to be made cheaper.

26160. When application has been made to the Commissioners to admit this kind of development, has it been favoured or discouraged ?—Favoured.

26161. With reference to the application of the London County Council as respects the new development in the treatment of epileptic defectives, did the Commission willingly accept the new departure which resulted in the building of the Ewell epileptic series of cottages ?—We did, and I should like to draw attention to the fact that in our report to the Lord Chancellor in the year 1903 we made this mention referring to the Horton Epileptic Colony: "This last-mentioned institution, some particulars of which were given on page 38 of our 56th Report, is the first asylum provided by the rates which has been built in this country on the colony system for the separate and special treatment of insane epileptics, and great hopes are entertained for its success."

26162. (*Mr. Dickinson.*) Are you able to tell us how long it took before the County Council could get the plans of that epileptic colony approved ?—I can tell you if you will allow me to send to the office.

26163. I can say that it took nearly two years. I was wanting to ask you why it was ?—By looking through the plans I could tell. It was a new system and no doubt there were all sorts of matters which had to be carefully considered; it involved large expenditure. It was through no obstruction on the part of our Board as to the system.

26164. I should have liked to know how it was that that new departure took nearly two years ?—I may say that all these plans take a long time, they involve enormous expenditure of money, and it is most important in the interests of the ratepayers that these plans should not be hurried through. We think that where there is an expenditure of perhaps nearly £500,000 incurred in the erection of these asylums, every point should be looked into as carefully as it possibly can be, and there is no doubt that it does take a long time. I should also like to point out that some of the delay which may occasionally arise is no doubt due to the Commissioners being overtaxed with work. Very often plans are delayed from our being obliged to go away on circuit, with the result that they must stand over until our return. That is one way in which the over-work of the Commissioners is manifested. Plans might be got through more quickly if more time could be given to them, and if they were not hung up for other work which the Commissioners must perform without delay.

26165. (*Mr. Greene.*) Does not the consulting architect do the work ?—We consult our architect, but, all the work passes through our hands and we ourselves deal directly with the local authorities on all points concerning it. The practice is, when a set of plans are sent in, for them to be handed over to two Commissioners, generally a legal and a medical Commissioner, to carry through the examination and amendment; and those two Commissioners are expected to control and be in touch with everything connected with that particular set of plans until they have received the sanction of the Secretary of State. It would never do to leave it entirely in the hands of our architect, if only because our architect will sometimes recommend amendments to which the local authorities take strong objection, and we have, as it were, to be a sort of final appeal between our architect and the Committee of Visitors and their architect, which we could not be if we were not fully *au fait* with the whole question.

26166. (*Dr. Needham.*) Do you remember an application being made to the Commissioners with reference to the building of a new asylum for the County of London, the idea of which was that it might be built on the cottage or villa system ?—I do.

26167. Do you remember whether there was any objection made to that ?—None whatever, but my impression is that at the time when the Asylums Board was so pressed for accommodation and it was thought that so much delay would be incurred in building an asylum on a new principle, that in order to avoid delay and to pick up some of the arrears of accommodation it was deemed desirable that another asylum, which is the Long Grove, now in course of erection, should be erected on the old lines in order that adequate time could be taken to discuss the plans for an asylum on the proposed new system.

26168. The arrangement by which the asylum would be built on the old lines would of course get rid of the necessity for fresh plans and the delay which fresh plans involves ?—Yes. I am only speaking from memory, but I think the whole thing was put through in about three months. It was just after the lamentable fire at Colney Hatch when additional accommodation was urgently required.

26169. Is it not the fact that there were 1,900 patients belonging to the County of London waiting for admission to asylums ?—I daresay quite that number.

26170. And it would have taken four and a half years to build an asylum on the new lines ?—Yes.

26171. And that was the only reason ?—Yes.

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26172. Not that the Commission wished to discourage development on new lines?—No, on the other hand, they wanted the committee to take that course in order that there might be ample time to construct an asylum, partly at least, on what is called the villa system.

26173. (*Mr. Dickinson.*) Were you present when the Deputation asked for that?—Yes.

26174. Am I right in saying that the Commission expressed their opinion that those who favoured such edifices as Alt Scherbitz had largely modified their views as to their usefulness and adaptability for the purposes required—it is quite accurate what you say, the point was the pressure, that you could not wait for that—but we also had this intimation from you at the same time?—I expressed this view to the Deputation that a great many of the patients in the Alt Scherbitz asylum, which is the one the Asylums Board proposed to take as a pattern, were persons who in England would hardly be in a county asylum at all, and that it did not necessarily follow that the accommodation which was thoroughly suitable for the class of patient they had at Alt Scherbitz was suitable for the patient you have in England in a county asylum. To this day I am not prepared to say that the best form of asylum which can be built is an asylum entirely on the villa system. What we wanted the Asylums Board to do was to discuss and thoroughly thresh out the whole question. We thought there were certain objections, both on the score of expense, and in the interest of the patients, as well as of administration, which wanted to be thoroughly threshed out, and we were very anxious that you should not go into the matter too hurriedly, and without very carefully considering all the points.

26175. (*Dr. Needham.*) Do you remember that in the 54th Report of the Commissioners of Lunacy, page 10, they say: "The arrangement of the buildings for the new East Sussex Asylum and of the Acute Hospital and Working Patients' Villas at the West Riding Asylum at Wakefield carries the differentiation of asylum buildings to a point further than has been previously reached in asylum construction in England and Wales, and we welcome this new departure as an experiment which is distinctly evolutionary in its nature, and to which, as such, we wish success. Should the present experiment succeed it would seem possible to differentiate expenditure as well as buildings, and while liberally providing for the recoverable those appliances which can minister to their recovery, to limit the provision for the chronic and helpless to a cheaper and simpler form of building and a less expensive machinery." Do you remember that being published?—Quite well.

26176. (*Mr. Byrne.*) As regards delays which occur, they are sometimes attributable, to a very considerable extent, to the delays of the local authority in first waking to a sense of their responsibility, and secondly, making up their minds how they will attempt to meet it?—Yes.

26177. That extends over several years in many cases?—Very often. I have an asylum in my mind now where we have been pressing for seven years for them to provide additional accommodation.

26178. Although the authority knows perfectly well that it will have to do it?—Yes.

26179. Does that indicate to you any improvement which could be made in your statutory powers, or the Secretary of State's statutory powers, to put an end to such a state of affairs? May I suggest certain courses to you? Would it be possible, in a case like that, in which, say, for a year or two years, you tell the Secretary of State that the accommodation at such and such a place requires to be supplemented, that the Secretary of State should direct you to hold a local inquiry immediately and report to him how that should be carried out? Would you approve of that, or would you leave it to your advisory influence?—I am disposed to let it remain to our advisory influenced. There are questions which delay sometimes the erection of an asylum for a year or two; perhaps the number of patients goes down, and the committee are hopeful that they are going to get over their difficulties without building.

26180. They have no right to hold such an opinion as that; you as experts can tell them that they are labouring under a delusion?—I think the great majority of them come up to their responsibilities fairly well.

26181. But fairly slowly; mostly several years behind?—I know. I think there is something to be said for the Committees; they have a very difficult position with regard to the ratepayers, and the ratepayers want a good deal of educating in regard to this heavy expenditure.

26182. And the elected bodies are fairly frequently replaced now-a-days?—Yes. We have powers, to report extreme cases of dilatoriness to the Home Secretary, and whenever we have had occasion to do so (it has not been very often) he has at once come to our aid and has done what is necessary. I think I would leave it as it is.

26183. Of course there will never be worse cases than the insufficiency of accommodation in Lancashire and London during the last few years?—No, I think not.

26184. As that period has been got over, you do not think it is necessary to do more?—In London of course they have had very uphill work; they have spent an enormous sum of money in fifteen years on asylum accommodation and provided many thousands of beds. In the case of Lancashire the delay is rather due to unforeseen circumstances over which the Committee themselves have had no control. There has been immense delay there, but owing to local opposition the Committee have had great difficulties to contend with.

26185. Roughly speaking, they have been arguing for months and years about a matter which competent people might have argued out in a fortnight?—They have, but in addition they have met with serious opposition which for years delayed the acquirement of a site for an asylum.

26186. May I put another case, and ask if you would like your powers supplemented there? If the sanitary condition of an asylum such as the Cambridge one were very seriously bad, would you still be content with your merely advisory powers? I think you told us that for seven years you warned the Cambridge people?—I think that perhaps in that case it would be advisable.

26187. You would like to have further powers?—Where there is a question of sanitation, a matter of health, I would like to qualify what I said to Mr. Greene. In a matter of sanitation it would perhaps be desirable that we should be able to enforce what we considered necessary.

26188. May I put another case? Would you like to have further powers, supposing the authorities of asylums used part of their plans of which you approved for one purpose, for another purpose which you considered undesirable?—Yes; we have asked, in one of the Bills, for that to be given. I am obliged to you for reminding me of that point. I should like to modify what I said this morning in this respect too. We have asked for powers for this in a Bill which was presented to Parliament, but never passed, but we hope to get it inserted in some future Bill.

26189. Would you like to have a general power of prescribing that the different parts of an asylum shall be used for the different purposes for which they were intended or shall not be used for a purpose which is undesirable?—That is what we want.

26190. That would apply to buildings becoming dilapidated and unhealthy or dangerous?—Yes. The reason why we desire that power is because sometimes, when asylums become overcrowded, the Committee are apt to use some of the day accommodation as night accommodation, with the result that the wards become seriously overcrowded by day.

26191. As regards such a situation as now exists in Lancashire and is coming to an end, you say generally you would like to stick to your advisory powers; would you like to be able to do anything more than you do now? Would not you like to have power of summoning these people to a conference and saying "you must decide at once, and we will help you in every way as to the nature of the accommodation you require." You have no power of that sort?—We very often suggest interviews. Section 247 says: "If the Commissioners report to a Secretary of State that any local authority has failed to satisfy the requirements of this Act as regards asylum accommodation, the Secretary of State may require the local authority to provide such accommodation in such manner as he may direct, and the local authority shall forthwith carry the requisition into effect."

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26192. You have said that is a power which is very rarely used and has not even been thought of in connection with the serious defaults in recent years?—No, not used, but we have threatened in some instances to use it. I think I am right in saying that we have threatened the London County Asylums Committee more than once; but of late years they have made efforts to recover the lost ground, and we think they are now doing what can reasonably be expected.

26193. But Lancashire have not been; they are in arrears now substantially?—I think it is five years this month since I inspected a site for a proposed asylum for Lancashire, but owing to the opposition and the number of inquiries that have had to be held since by the Local Government Board and otherwise, practically four years have been lost.

26194. Before the site was approved?—Yes.

26195. I can tell you they have not begun to draw the plans yet. Should not that be pushed forward in some way; I do not suggest coercion, but should not there be some system by which the Commissioners should in a more public way than by a mere friendly letter call the local authority to a sense of its duties? When we go to the various asylums we see how the question of accommodation stands and report to our Board. Frequent letters are written in flagrant instances of neglect with a view to the provision of adequate accommodation, and in that way we bring pressure as we are doing now in the case of the Salop Asylum.

26196. You do not care to have any further powers?—I do not think so. That is my own view. I am not now giving the view of the Board.

26197. To what extent have the Commissioners a corporate opinion on a matter like that? You say it is a common custom for the local authorities to come in a deputation before you and consult you as to the accommodation they should provide, and you then advise them; have you got a common opinion on such a matter as that?—Yes. If there is any doubt as to the policy to be pursued, before we see a deputation, we ask for an outline of the scheme, and if it presents any features which are novel, we discuss them and arrive at a decision as to what our policy shall be before we see that deputation.

26198. You would not therefore in any case say, "We think you should in this case build such and such an asylum, and we call upon you to do it"?—No. We have said distinctly, "We think you should build such an asylum," but we cannot say, "We call upon you to do it." Before I joined the Board I think an opinion was expressed that they should endeavour to build a cheap asylum for chronic patients in Lancashire. That idea was carried out to a certain extent, but after the plans were drawn for a building which would have been very suitable, the whole idea was thrown over, and instead of getting the sort of cheap building we intended, we could not do so, and were obliged to content ourselves with a building which was anything but cheap.

26199. For practical purposes the Commissioners act on a corporate opinion?—Yes.

26200. There is neither doubt nor hesitation; nor different streams of opinion?—No, not at all.

26201. As regards the work of Visiting Committees of public asylums, they are fairly energetic bodies, are they not?—As a rule.

26202. There is a great deal of unpaid inspecting and visiting work?—As a rule the Visiting Committees devote a great deal of time to the work. There are some asylums in which we have to draw them up a little with regard to visitation, sometimes we discover that the provision of the law requiring the Committee to see as far as possible every patient once in every two months has been neglected, then that forms the subject of adverse report to our Board and steps are taken to see that the omission is rectified.

26203. When the Commissioners go to an asylum, it is a very "spick and span" and well managed, highly organised institution, already?—Yes, as a rule.

26204. So there will be very little discovered; we are happy to say there is little discovered because there is little to be discovered?—As a rule.

26205. As a rule they are managed by competent authorities; perhaps extravagant; but competent?—Extravagant; not as a rule.

26206. In great measure they listen to the medical superintendent wherever he is obviously right?—Yes, as Sir John Dorington indicated yesterday.

26207. You agree with that?—I do; I think it is the best way, subject to the Committee keeping certain important matters in their own hands. There may be in one or two asylums rather a tendency for the Committee to delegate entirely to their medical superintendent certain important matters relating to the patient more especially, which we think ought invariably to be reported and inquired into by them—I mean such matters as injuries to patients and suspected cases of rough usage. We do not favour that. We press urgently for inquiries by the Committee in such cases.

26208. You believe in formal inquiries into anything serious?—And press for them, and when we find as is sometimes the case, that the Committee will not, we hold a special one ourselves. We should like to hold more special inquiries than we do, but we have not the time. There are often inquiries which we should hold if it were possible for us to do so.

26209. The institutions are in a very satisfactory condition before you go; still scandals occasionally happen and continue, do they not?—Yes.

26210. There has been an asylum in the north of England in which the superintendent, to the knowledge of the Visiting Committee and of the Commissioners, was a drunkard, and criminally assaulted one of the insane?—I will not say "within our knowledge."

26211. Your guessing power?—No, not in the least. It came quite unexpectedly to us.

26212. Is not that rather a reflection on your powers as a Commission or on anyone who visited; the Visiting Committee all knew it?—I believe that was so. A man might be a drunkard and yet escape detection for some time at our visits, even if they were made more frequently. The Committee were responsible in this case, and being on the spot and knowing the facts, ought to have taken action.

26213. I do not want to press this matter; it is probably a unique case. It was a very scandalous case?—It was.

26214. Reflecting the greatest discredit on the Visiting Committee?—It was found out then and there.

26215. It continued for years; the misconduct and the tenure of office had continued for years?—You mean the particular instance in which there was a criminal assault?

26216. Have you any reason to think such things go on at all in England?—Occasionally we find an asylum which is badly administered, or in which there are defects. There was last year an asylum in which we discovered serious defects, but I do not think they had been of very long standing.

26217. Those defects were in the nature of immorality on the part of the staff?—Yes.

26218. Do you think the Visiting Committee ought to have discovered them?—In that particular instance we thought there had been laxity on the part of the Committee and told them so.

26219. It is a legitimate conclusion from that, is it not, that your visitation and inspection, in addition to the local authorities' inspection, is desirable?—We think it is highly desirable.

26220. If you did not exist, probably there would be more laxity?—Undoubtedly; we are very strongly of that opinion, that things would fall back.

26221. Have the Lunacy Commissioners a corporate opinion upon the subject of the employment of ladies on the Visiting Committees, and on the subject of female medical officers; you have never published anything on it?—With regard to ladies as members of the Visiting Committee that has not been considered. I have given rather a halting opinion about it to-day, because it is a matter I have hardly fully considered myself. It is so entirely new. So far as I can remember I have never heard it suggested before I came into the room to-day.

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26222. It would be useful in such matters as we have been discussing; in the case of irregularities?—Perhaps you will ask Mr. Urmson that question; it is not within my knowledge.

26223. Have they formed an opinion on the subject of the employment of female medical officers?—We raise no objection to them, but we are doubtful somewhat as to the advisability of the practice of it. We are not prepared to discountenance it.

26224. You have discouraged it, have you not?—No, we have not discouraged it; it has not been tried very largely.

26225. It has only been tried once or twice, has it?—There are four or five asylums, roughly speaking, in which there are lady medical assistants now.

26226. It is getting a fair trial?—I think so; on the whole it does not increase. In some instances where it has been tried it has been a distinct failure. I know of one superintendent who was most enthusiastic, and at whose asylum special quarters for lady doctors were built, but the practice of employing them there has been abandoned.

26227. At any rate, you think it is getting such a trial as it deserves?—Yes.

26228. If it is a failure, it will show itself?—Yes. As regards lady assistant medical officers, I could point to one or two who are admirable, but personally I have grave doubts as to its becoming a general system.

26229. The advisory powers of the Commissioners are exercised mostly by friendly talk and letters?—And in the reports.

26230. Which I presume most of these people read—every superintendent?—Yes, and of course the report by the Visiting Commissioners to our Board, which is left at the asylum, and read by the Committee at their next meeting.

26231. The Commissioners have never published any essay or treatise or criticism of the methods of treating lunacy, as their predecessors in the year 1847 did; you remember the report of 1847?—Yes.

26232. It was quite an interesting description of the methods then in vogue?—You will find in the annual reports many opinions of the Commissioners expressed from time to time on particular subjects, and also circulars that have been issued setting forth the Commissioners' views on certain subjects.

26233. Especially important matters such as mechanical restraint?—Mechanical restraint, attendants' salaries, attendants, all sorts of subjects. You will find a great many in the annual reports to the Lord Chancellor.

26234. Are the medical superintendents usually men who are highly distinguished as experts in lunacy?—Many of them have the best qualifications.

26235. They all have great experience?—Yes.

26236. They are all promoted from the lower ranks?—Yes.

26237. Are the greatest authorities on lunacy in England included among the medical superintendents, or are they among private practitioners and private asylum keepers?—Some of the great authorities on lunacy matters are in the county and borough asylums of England and Scotland.

26238. I want to ask some questions about a possible extension of the Commissioners' jurisdiction. It has been suggested that the Lunacy Board, if added to, might take over the work of the Masters. Can you give us any opinion on that?—I am afraid I cannot.

26239. Sir John Dorington put it that the Masters might swallow you, or you swallow them, and that if the Masters were attached to your office you would have them to carry out the work with which they were familiar, and yet it would add to your numbers; do you agree with that?—In saying I thought that under certain conditions it might be advisable that the Visitors should be merged with us I rather took it that the Masters would be affiliated to us as a department, much in the same way as the Visitors are now affiliated to them. If we were one department we should have to be the Visitors for the Masters.

26240. That is so?—I should think the relationship existing between the Masters and the joint department of the Commissioners and the Visitors would have to be the same as it is between the Masters and the visitors now.

26241. Can you tell us to what extent the Commissioners are concerned with the property of lunatics?—If, when we go to asylums or to visit single patients, we have reason to think a patient has a good deal of property, and to suppose that it is not properly protected, we report. That report is considered by our Board, and the Secretary is directed to obtain further information about the property. This is done by issuing what we call a property enquiry, and it depends upon the replies received to that property enquiry, whether we press for steps being taken, for the appointment of a Receiver under Section 116. There are also certain cases which come under the notice of our Board in which we act upon the powers conferred upon us of reporting to the Lord Chancellor that we consider a lunatic's property is not properly protected; and thereupon his Lordship takes such action as he thinks desirable.

26242. That is Section 100. That report, when laid before the Master, is equivalent to the initiation of proceedings before him by petition?—Yes. Those constitute our chief actions with regard to the property of lunatics. But also, when we visit a patient who has a considerable amount of means, we carefully enquire whether he is having such accommodation as his means entitle him to. That is another important part of our duty, to see whether patients have that care, comfort, and attention, carriage exercise and the like, to which their incomes entitle them.

26243. Am I right in understanding that in some of these cases the Lunacy Commissioners are so successful in eliciting the facts themselves by their own inquiries, and in obtaining assurances or security from the next of kin or person in charge of the patient, that the patient's property will be devoted to his use in the way they approve, that they leave it there?—I would rather you asked my legal colleagues that; that is one of the matters with which they more particularly deal. I think it may be taken generally that if there are trustees who are apparently satisfactory, and the arrangements are such that there can be no misappropriation of the property, we leave it at that.

26244. I will ask one of your legal colleagues, because I want a definite opinion as to whether the Commission would or would not like more distinct powers in this matter, or would rather leave it as it is at present and report it to the Masters, which, as you say in one of your reports, sometimes puts a poor person to considerable expense?—To my own knowledge it is very often a great hardship on some poor people; the management of the property and the application for a receiver entails an undue cost.

26245. Then it could be done in your office and no doubt would be done cheaper than by legal proceedings where fees are involved; all administrative work is cheaper than legal work?—Perhaps you will ask the legal members about that.

26246. Many suggestions have been made about higher grade imbecile people or feeble-minded people whom it is suggested should be put under greater control as to the way in which their detention should be brought about, and it has been suggested that the Lunacy Commissioners among others should have certain additional functions. For instance, if they were found in an asylum of which they had been in and out several times a year, and they would find themselves brought back very soon if they were released again, and the medical superintendent felt bound by the existing law to discharge them, that it might be right that the Lunacy Commissioners would have power to say "This man shall not be discharged, he is likely to fall into drink, crime, or insanity again, he shall be kept in a suitable place for more permanent detention." Would the Commissioners be prepared to take up that duty if it were thought fit to place it upon them? This is in pursuance of what you were asked when you first gave evidence. You then felt that the responsibility was too great to trust on the Medical superintendent and that some other thrust on the medical superintendent and that some other means should be devised?—It is a question which I have not fully considered, but speaking offhand, I am not sure it would not be better to give the power to detain to the

Visiting Committee who would have all the facts before them. We have always held that it is not our duty to shut up people, but it is rather our duty to release them and to see that they are not improperly detained. I am sure that it would not be advisable for such a duty to be imposed upon us.

26247. *Prima facie* you would prefer legislation giving definite power to the Visiting Committee?—Of course we have not considered that as a board. I think my own opinion is that it would be better for steps to be taken in that direction. I may say I hold it is most important that it should be done. I think the gravest injury is now done by turning out from idiot asylums and other places persons, especially women and imbecile girls who have come to maturity, when they are still in a weak-minded condition.

26248. If the Masters were amalgamated with you and carried on their present functions with you in your office and as part of your Board, they would be to a considerable extent exercising judicial functions, that is to say, you would be finding such and such persons were, on the evidence brought before you—the affidavits of medical men—incapable of taking care of themselves and their affairs, and you would be putting them under disabilities. You have no powers analogous to that?—No.

26249. Your powers over certification are few?—Partly to enable reception orders to continue in force, or to consider the advisability of their continuing in force.

26250. You have certain slight powers of ordering people into institutions?—By transfer. I take it those are merely imposed upon us to ensure that a lunatic should not be taken from one institution, or one house, to another, without our cognisance.

26251. Suppose amalgamation took place and these judicial functions were taken over, do you think your amalgamated Board could deal with them?—I do not see why not.

26252. Along with the normal duties of your Board?—Yes.

26253. Supposing the Masters, Visitors, and the Lunacy Commissioners were amalgamated and they were called the Lunacy Commissioners, would the present members of your Board in a short time be able to take over these judicial functions and do them as part of their ordinary work just as Master Fischer does now with the assistance of your staff?—There would still be Masters.

26254. Then there would not be amalgamation; I am contemplating amalgamation between the Masters, Visitors, and the Lunacy Commissioners, so that the Masters and Visitors should cease to exist, or the Lunacy Commissioners should cease to exist, and you should all be called Masters, or all called Commissioners?—In the earlier part of my evidence I intended to convey that I understood in such an amalgamation there would still be Masters, and that their relation to the amalgamated Commissioners and Visitors would be very much what the relation is now between Masters and Visitors. I did not contemplate that it would be possible to do away with Masters.

26255. That is the question I am asking; you told me you did not recommend it?—I did not think it would be feasible at all.

26256. You do not think it would be advisable to bring the Masters into your office and make the carrying out of their duties part of the ordinary duties of the Lunacy Commissioners, adding to your numbers so as to enable you to do it?—I do not think so. I think they would want to be distinct officials.

26257. Will you tell us your reasons?—I think my answer would be that it is a matter altogether outside our ordinary visitation and functions; it is a duty by itself to administer the estates.

26258. It is very analagous to your duties of examining reception orders and continuing certificates?—But it involves investment of funds. I do not know fully what the duties of Masters are, but they involve very large questions affecting estates, funds, and accounts which could not properly be dealt with by the Commissioners.

26259. I am coming to that later. I am asking about the judicial functions first; the judicial functions of the Masters under which by affidavit, sworn evidence, and certificates they decide whether A. B. is or is not capable of taking care of himself and put him under disability if they think he is incapable; that is what I call their judicial functions. Could the Lunacy Commissioners take over that duty if their numbers were sufficiently increased, suitable persons, of course, being appointed to fill up any vacancies?—No, I think they had better be kept distinct. Supposing the Visitors were called Commissioners or we were called Visitors, I think they should be distinct from the Masters; there would be so much for the Masters to do, and their functions are so distinct from the duties of Commissioners, that I think it would be desirable to maintain the difference between the two, although the departments might be associated and called one.

26260. You see certain advantages in the amalgamation and having it under the same roof?—Yes, but the function of the Masters should remain as at present and those who have to discharge the duties of the Masters should be quite distinct from those who have to discharge the duties of the Commissioners.

26261. Supposing amalgamation took place and everyone dealing with lunatics were a Commissioner in Lunacy, and that included the existing Masters, would you think it a practical scheme that the Lunacy Commissioners who did Masters' duty should continue to do it and be relieved from inspectorial work, but should do it in your office and as part of your department?—I think they might do it as part of our department, but yet remain a different class of official from the Commissioners. All the Commissioners should be required to do the same work, and the same work as we now do, and that should not be mixed up with purely judicial functions of the Masters, nor with the other duties now performed by them.

26262. I understand you to say that you think the duties, although analogous and easily carried out in the same building, are so different that you ought to have two different sets of persons attending to them?—Yes.

26263. There is a good deal of Commissioners' work which is analogous to the judicial part of the Masters' work?—Yes, except that there is no question of a jury.

26264. A Master puts persons under disability every day of his life and there are only a few juries in a year, so the bulk of the work is done by the Masters?—I think it would be better to keep it distinct.

26265. You would not think that the legal training and close association with medical men engaged in the work would be an advantage to the Master in dealing with these cases, or the Commissioner with the duties of a Master—I do not think so. It is a matter of receiving evidence. The Master has expert evidence tendered by both sides. One of the advantages certainly would be that if the Master wished to have a medical adviser that could be arranged, if at any time there were a very difficult case. I have never been present myself, but I take it that all the evidence for and against is fully placed before the Master by the two sides, and medical evidence is called on each side, so the full medical view is placed before the Master.

26266. That is so. In the ordinary course it is office work; he reads the affidavits, rarely sees the person, and comes to a decision. That is rather like your work reading orders and certificates and seeing that they are right. You would not see any particular advantage in bringing the Masters into your office?—No; further than that, I think there would be very distinct disadvantages.

26267. So that in any possible amalgamation you contemplate the Masters as still being outside?—Yes, though associated with us.

26268. But you would like to have certain additions to your powers to deal with property without going to the Masters?—Yes.

26269. You said you thought that paupers receiving outdoor relief in their own homes should receive more attention?—They receive none, practically.

26270. You said you thought they ought to be under inspection; do you think your authority is sufficient over individual lunatics in their own, or other private houses not kept for gain?—That is, persons of unsound mind who are not within our official cognisance.

26271. Take the two classes first; if they are not certified they are not under your cognisance; a person

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can be certified to be of unsound mind but not requiring care and treatment in an asylum ?—Yes.

26272. It has no legal effect ?—No legal effect.

26273. I am speaking of persons over whom you have at present no authority, such as lunatics and other persons of unsound mind, who are not kept for gain who are living in their own houses or with relations' under coercion, mostly; they are not single patients within the meaning of the Act and you have no authority ?—We have no authority and no knowledge of them.

26274. Have circumstances ever come to your knowledge, making you think there ought to be any authority over those; have you heard of scandals ?—Very seldom. Occasionally we hear of a case, which we follow up. No doubt there are a large number of people in those circumstances, but I believe the instances in which they are badly treated are extremely rare. From my experience I do not think there is any reason why we should have enlarged powers in that direction. It would not be well for every person in private care to have to be certified merely because he was insane. It should, as at present, depend upon whether he is received for payment, and whether he is not under proper care and control.

26275. Some members of the Commission have heard of cases of people who have been badly treated, kept in dirty outhouses ?—We should be very glad if our Board could be informed of those cases. We should take steps to find out the circumstances.

26276. What would you do ?—We should obtain the Lord Chancellor's order to visit if we were satisfied that there were grounds for doing so. We should have a report and judge whether it was a case for prosecution.

26277. How could it be a case for prosecution; I am, of course, not speaking of cruelty, but what other case ?—I am rather missing your point. There is "ill-using a lunatic."

26278. (*Dr. Needham.*) Section 206.

26279. (*Mr. Byrne.*) That section would be effective ?—That would be effective.

26280. You do not think you require any further authority ?—The "ill-using of a lunatic" clause is sufficient.

26281. Do you hear of many cases like that ?—Not very often. We hear of them in some way or other from neighbours or the police. There are various sources through which we hear of abuses. We are constantly getting letters. Of course, the correspondence which comes to our Board from institutions is one great safeguard against the ill-usage of patients in institutions, because every patient has the right to write every day, as I know to my cost, to the Commissioners.

26282. I want to go back to another point about workhouses. The effect of your evidence has been that the Lunacy Commissioners do not want greater power over lunatics in workhouses, because they have sufficient power by advising and conferring with the Local Government Board ?—That is so.

26283. That is a perfectly reasonable and proper attitud to take, but at the present moment the results of it are not perfectly happy, are they ? Most of the Commissioners here have been a good deal in the workhouses in all parts of the United Kingdom, and both in wards specially set apart for them or for imbeciles, and in the ordinary wards, we have found lunatics, and lunatics of a most unpleasant and admittedly dangerous condition, in some institutions, who were not going to be removed to asylums. That is an unsatisfactory state of affairs, is it not, admitting the facts ?—Of course there are workhouses and workhouses. The provision for dealing with them varies so much in different workhouses. Take Prestwich; their arrangements with lunatics in a detached building enable them to deal with a class for which another workhouse would be totally unfit. There are some workhouses in Lancashire where the arrangements are almost upon the lines of a small asylum, where there are padded rooms and all arrangements for dealing with dangerous people, at all events for a time.

26284. I am not referring to these cases; I am referring to the cases in which there is less perfect provision for lunatics, and to the residence of lunatics in places where there is no provision for them at all; that is to say in the ordinary wards. I myself have seen dozens, if not hundreds, of such cases. I have drawn the conclusion that it comes from the neglect of the medical officer to properly select these cases and to pack them off either to wards specially designed for their care, or to asylums ?—In some workhouses in Lancashire overcrowding has entailed very great difficulties upon Guardians, and they have frequently complained to us that they cannot get their cases taken into the asylum. It is a matter on which we often report, ourselves.

26285. That is one of the causes; want of accommodation ?—Yes.

26286. Do you think another cause is the neglect of the medical officer of the workhouse, his indifference to the importance of this question ?—Sometimes the medical officer of the workhouse will not see eye to eye with us.

26287. Do you think it ever comes from the injudicious orders given by Guardians that such persons shall not be certified ?—I do not think so. I think, on the other hand, there is rather a tendency sometimes to send cases off to the asylum, especially old senile cases, which we think should be retained in the workhouse.

26288. To sum up, supposing the facts are admitted, could you make any suggestion to us which would lead to the state of affairs being changed, because I must say several of the Commissioners have been shocked frequently in their visits to institutions by seeing lunatics shut up with practically sane paupers, and sometimes children, and lunatics of an objectionable sort too ?—That ought not to be, of course.

26289. How can it be remedied—should the Local Government Board take steps ?—I think the inspector might. Of course we confine ourselves strictly to the imbecile wards of a workhouse, if the patients are in the workhouse, but very occasionally we find that there are lunatics in the other wards of whom we have no cognisance.

26290. Still you do see them ?—Not always. Very occasionally we are told about them. "This one is not certified, this one is not in the imbecile wards, and therefore he is not certified;" that is a point to which we are constantly directing attention.

26291. You are exercising steady pressure against this evil ?—We are, if we find it.

26292. If anyone wants to complain, I suppose they should write to the Local Government Board ?—Yes, I think so.

26293. I want to ask how the orders are dealt with in your office; the orders of detention and accompanying certificates, and the continuing certificates, and the reports after one month's detention of private patients ?—I think your Commission yesterday asked for some information as to the numbers. I have them. The average daily number in the year 1902 of the reception orders, including urgency orders, was seventy-six.

26294. Is this a six days a week average ?—No, taken upon the year. The total for the year was 23,800, giving an average of seventy-six per day in 1902, as compared with an average of fifty a day in 1882; the medical statements at the end of the week, seventy-four in 1902 as against forty-nine in 1882. The month-end reports were eight a day, none in 1882; the continuation reports and certificates were 103 a day, as against none in 1882.

26295. The law did not provide for them then ?—No. Then there were the death certificates; the number of deaths of which notice was received in 1902 was 9,335, as against 4,875 in 1882; that is, nearly double. The Secretary deals with from about one-third to one-half of the seventy-six a day. That is the reception orders.

26296. Would you mind telling us how they are distributed; they come into your central register ?—They are registered, then they are sent round to certain of the higher clerks, they have a certain number of them; all the certificates are dealt with by certain clerks in certain proportions. That is the day on which they come in. Most of them are cleared off that day, as regards the clerks. Sometimes under great pressure, if there is a heavy Board meeting, or after a Bank Holiday

when the clerks are not there, there is an accumulation, and perhaps they are not all dealt with, but generally speaking they are cleared off. The marked or defective reception orders are laid before the Secretary the next morning. The rest of the certificates, what are called clean certificates, that is certificates which do not appear to require amendment, or in which the clerks do not see any technical errors, come before the Commissioner on duty, as do also the seventy-four medical statements, the eight month-end reports, the continuation reports and certificates, and the daily average of the 9,335 deaths.

26297. (*Dr. Needham.*) Which is about twenty-six ?—Yes; the Commissioner on duty looks through them all. I do not mean to say, as I think was rather implied yesterday, that we read every word of these certificates. I do not do so, it would be an utter impossibility.

26298. (*Mr. Byrne.*) To what extent does your experience tell you that you have to read them ?—After some experience in looking at these certificates, you can examine them very much more rapidly than at first. Probably I can read three certificates now in the same time, or grasp three in the same time as I could read one when I first joined the Board. There is a great deal in practice. Roughly speaking, I consider these certificates take me two hours a day, when I am in the office on duty. During that time I believe I have looked through them sufficiently to satisfy my mind that they are right. It is a good two hours' hard work.

26299. That refers to the clean ones ?—To the clean reception orders and all the other certificates I have just mentioned as being submitted to the Commissioner on duty.

26300. To what extent do you think it necessary that the clean certificates should go every day before a Commissioner ?—Originally none of these certificates came before the Commissioners at all. It was, I believe, as the result of what was said at the Dillwyn Committee, that the reception orders, especially in the case of private patients, were considered by the Commissioners first of all. I do not know that any reference was made to the subject in their report, but evidently the Commissioners of that day thought it was the view of the Dillwyn Committee that the reception orders were so important, as being the authority for depriving the patients of their liberty, that they ought to be seen and followed up to a certain extent by the Commissioners, and that was the beginning of it. Accidents, and some occasional scandals, have gradually increased the practice until I think the last which was decided, six or seven years ago, was that we should see every death certificate. To come back to the certificates, I do think there is a great advantage in it. We often find that a patient will say, "I am not here properly, I am sane, I have never seen anybody, I have never been medically examined." Well we are able to say, "Yes, we know you have, we have got your certificate, and have seen it." This often satisfies them and so does them good. I think that sort of sympathy extended to the patient does a great deal, and sets an example in the asylum.

26301. You do not mean that you are able to say to a patient that you have seen his or her certificate in the sense that you remember it ?—No, but we take to every asylum a name book, and we can assure them, "Your name would not be in this book if your certificate had not been seen by one of the Commissioners personally." Then with regard to death certificates, we think it very desirable that post-mortem examinations should be made in the case of lunatics. Many of the poor creatures are quite unable to complain, and from time to time gross instances of cruelty have been discovered by a post-mortem examination, injuries having been discovered on the post-mortem table of which patients were not able to complain during life. In that way we have been able to bring to justice attendants who have been guilty of gross cruelty. Therefore we think it is very desirable that we should watch the number of post-mortem examinations which are made. Unusual circumstances that have occurred prior to death have to be stated on the death certificate, as well as any injuries, and Coroner's inquests. We closely follow these up, with the result that in that way too we do much to check abuses, and certainly cruelty and rough usage of patients.

26302. Supposing you get a certificate from an asylum, "Death, colitis," and you get another a week afterwards of the same thing, would they be brought together in any way, or would you depend on the chance of your remembering ?—We have a book called the "Insanitary Death Book," in which there is an entry of everybody dying of typhoid fever, colitis, or other infectious or zymotic disease. This register is brought up to the medical Commissioner on duty. If he has a case of typhoid fever before him he turns up the asylum in question, and sees when the last occurred and whether there was any special enquiry made; In this way we keep ourselves in touch with the sanitary conditions of the various institutions. *E. Marriott Cooke, Esq., M.B.* 16 Nov. 1906.

26303. I understand this process is useful to the Commissioner ?—Undoubtedly.

26304. It adds to his knowledge. Do you consider it an undue tax on the time of such a highly-paid official, or do you think it so operates that it might be left as it is ?—I think it ought to fall upon us.

26305. It ought not to be left to the Secretary, or assistant secretary ?—No, and there are points that are purely medical which must be dealt with by the medical Commissioner from time to time. If my barrister colleagues are doing the work and there is a case upon which they have any doubt, that is reserved for consultation. The arrangement is that two Commissioners, a legal and a medical, are on duty week by week; they are responsible for the office for that week. They may not always both be there. Supposing the medical man is not there one day, the barrister will reserve for the next day, to talk over with him, any cases as to which he has any doubt.

26306. (*Mr. Chadwyck-Healey.*) What do you say to the practicability of a Lunacy Commission constituted something like this: So many medical Commissioners with visitatorial duties, so many legal Commissioners with analogous duties, two Commissioners to do judicial work and the work which is now being done by the Masters in Lunacy ? Is not that a practical Commission ?—I take it that is very much what Mr. Byrne was suggesting just now.

26307. It is, but I am putting it in a concrete form ?—I think the Masters should be kept separate with a different title.

26308. What is there in the title; why not call the Masters 'Commissioners' and give them Masters' duties ?—Are not their functions purely judicial ?

26309. Suppose they are purely judicial ?—The Commissioners, I think, should be all of the same grade, able to interchange, and I do not think two of their number should be on an altogether different plane.

26310. Let me suppose you have a sufficient number of Commissioners, legal and medical, to interchange and do anything which the Commission might think fit, outside the judicial duties; is there any objection to appointing two additional ones to do the Masters' duty ?—It being understood that they were to confine themselves to that work, no. It would have to be clearly understood that that was their duty.

26311. You would have to define their duties, I agree ?—What occurs to me is, what is the necessity for the change ?

26312. Supposing there were a concentration of the other business, Chancery business and Chancery Masters, that would work all right ?—Yes.

26313. And you would have your two Masters practically acting as part of the Commission ?—Yes.

26314. (*Chairman.*) Is there anything you would like to add ?—Only one point in connection with the architect. I should have been glad to have been asked a few questions upon that point. The drawbacks to the present system of our criticising the plans is the difficulty of arranging a personal conference with our consulting architect. We are away from London a great deal on official business. When we are not away from our office our consulting architect has often other important engagements, frequently at a distance, hence the difficulty of our having that personal interchange of views which is so essential. As long as we have only a consulting architect it is almost impossible to expect him to give up enough time to enable

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the work to be done as satisfactorily and in the way it should be done. We think a competent person should always be available.

26315. (*Mr. Byrne.*) Would not the difficulty be prevented by having the possibility of consulting several architects ?—No, I think not. We want somebody at our elbow whom we can have there day by day.

26316. You remember the remarks of the Commissioners in 1847 on the subject; they said they had employed and would employ several architects, in the first instance, because they did not want to employ anyone engaged on the particular asylums in question; secondly, because they wanted to have different views, not stereotyped views ? —In those days the question of criticising the estimates and trying to cut down the expenditure was not considered. Now the Home Secretary is most anxious that we should pay special attention to that matter. During the year to which these notes refer we had to deal with something like 107 different sets of plans and contracts, some relating to matters of small moment, but others to matters of great magnitude. Then there is another point to consider in reference to this question. Some of the asylums are now nearly a hundred years old, and the number of plans and contracts must increase as time goes on, on account of the expensive remodelling and renovation that will be required, so that in that way there would be an increasing demand on our time. Further, we want a man whom we can send about more ; our architect should go down and investigate proposed alterations and extensions on the site much more often than is possible at present. If you have a highly paid consulting architect he has not the time available, and he will not do it.

26317. Would the appointment of a permanent architect meet the whole of your requirements ?—No. We want to have a competent architect attached to our office who would assist us generally, but in addition we ought still to be able to fall back in very large matters upon one of two architects specially skilled in asylum construction who would advise us as consultants. We ought also still to be able to consult one or more engineers of eminence in large matters of drainage and electric lighting, whenever we consider this desirable—I have as yet arrived at no conclusion as to what the salary of our own architect should be.

26318. And farm buildings ?—Yes. I think if we had more time and assistance we ought to be able to cut down expenditure a great deal more than we do in matters like that. We have not the time to devote to it. The present system has a tendency to cause, no doubt unwittingly, all new asylums and extensions to be built too much after the ideas of the consulting architect, who himself constructs many asylums. He affords us an enormous amount of help, but I think it is impossible, under the present system, to avoid the tendency I have indicated. Asylums after the design of the annexes at the Lancashire Asylum, the asylum near Chartham and the Caterham Asylum, which have many good points, are not erected now. Expense could be saved in future by some of us accompanying our architect to an expensively constructed asylum like Napsbury, and helping him to schedule everything which is too good or unnecessary, and instructing him to take care that they are not repeated in other plans or in specifications, or he might be asked to go down and indicate where £150,000 might be saved. There are many ways, I am quite sure, in which under a new system the cost of building might be largely curtailed.

26319. I suppose in the past expense has not been kept down, because the authorities did not believe anyone was in earnest in wanting to do it ?—I do not think anybody is particularly to blame. Extravagance in asylum construction has gradually grown. It originated in the first place from a very laudable desire to place the insane in the very best conditions for promoting their recovery and alleviating their state, but it has got out of hand, and nearly every architect in the country who now builds an asylum wants to go one better than the last. Only by a very firm hand on the part of the Commissioners will it be possible to cut down expenditure, but to enable us to do it effectually more assistance must be given.

FIFTY-FOURTH DAY.

Monday, 19th November, 1906.

PRESENT.

The Right Hon. The Earl of RADNOR (*in the Chair*).

W. P. BYRNE, Esq., C.B.
F. NEEDHAM, Esq., M.D.
H. D. GREENE, Esq., K.C.
C. E. H. CHADWYCK-HEALEY, Esq., C.B , K.C.
The Rev. H. N. BURDEN.
W. H. DICKINSON, Esq., M.P.
Mrs. PINSENT.
H. B. DONKIN, Esq., M.D.
J. C. DUNLOP, Esq., M.D.

HARTLEY B. N. MOTHERSOLE, Esq., M.A., LL.M. (*Secretary*).
E. A. H. JAY, Esq., M.A., LL.B. (*Assistant Secretary*).

G. H. URMSON, Esq., called ; and Examined.

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26320. (*Chairman.*) Would you be so kind as to tell us how long you have been a Commissioner in Lunacy ?—Eleven years ; I was six and a half years Secretary before that.

26321. Do you agree generally with the statement of the evidence which we have had given to us, and the statement of the Secretary ?—Yes.

26322. (*Dr. Dunlop.*) You say you agree with this statement ; have you any reservations to make on the Commissioners' statement ?—No.

26323. You agree as to the appointment of medical Commissioners rather than legal ?—Yes.

26324. What are your reasons for advising that ?—I think there has been a bigger growth of questions relating to medical matters both at our office and on our visits. There is a general feeling in the community, too, in its favour.

26325. Both in the office and inspecting ?—Both.

26326. Do you think the medical Commissioners and legal Commissioner are equally efficient as inspectors, or not ?—After they have been on circuit a year or two, certainly.

26327. After they have acquired some knowledge of lunacy ?—Some knowledge of inspection.

26328. Do you not think a knowledge of lunacy is an essential ; does not one require to know what a lunatic is ?—Not to the same extent as a doctor does.

26329. Is it not essential for a Commissioner to understand lunacy ?—To a limited extent. I do not profess to be an expert in lunacy.

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26330. You heard me ask some questions on Friday as to whether legal Commissioners can fulfil the statutory requirements of inspection. Do you agree with the answer then, that they could not fulfil all the requirements ?—I think that a Commissioner going round for the first time can no more fulfil all those statutory requirements than an ordinary medical practitioner would who had not had special training.

26331. Could the experienced legal Commissioner question the classification of patients ?—I think one very soon gets a very fair knowledge of what is a good classification or not a good classification.

26332. What about the state of bodily and mental health on admission; does that come to the front at all on inspection ?—No. May I explain that that is a revival of an old condition of things earlier than 1845 ? In those days there was no statement of the bodily and mental condition of patients supplied to the Commissioners on admission, and it was found that to inquire into those matters on a visit which might perhaps be eight, nine, or ten months after a patient was admitted, would be ridiculous; so under our rules we have prescribed that within seven days of the admission of a patient a statement of his mental and bodily condition shall be supplied to our office. We know, therefore, what his bodily and mental condition was on admission. If any question arises on that we pursue it further; so when we go to the asylum it is a branch of the matter which we do not really take up.

26333. Would you suggest that that should be omitted from the statutory duties ?—Yes; it is out of date; it is better dealt with under the present system of knowing what the condition is within seven days of admission.

26334. The suggestion is that one Commissioner should be able to make an inspection in place of two. Would you apply that to both the legal and medical Commissioners equally ?—Yes.

26335. Do you think one visit from a legal Commissioner is quite sufficient for efficient inspection ?—A legal Commissioner who has been round and has some information and knowledge. I do not think a general medical practitioner would go round single-handed for the first time. That is why we want to reserve power to have double visitation.

26336. You would extend that equally to both classes of Commissioners ?—Not to an asylum superintendent, if he were appointed, because he would know.

26337. What are your reasons for advising this change —it practically doubles the power of a Commission ?—I do not know that it does as regards the large asylums; it would as regards smaller institutions.

26338. It practically doubles the inspecting capacity of the Commission if one can act in place of two, does it not ?—In a way.

26339. Is that an essential change; are you much undermanned ?—Yes.

26340. How does that affect you ? Are the inspections made too rapidly or not sufficiently frequently ?—Too rapidly.

26341. Have you ever tried to make an estimate of what would be a proper rate for inspecting an asylum; how many patients would be one day's work for one man ? —No, I cannot say that I have.

26342. Could you give us your individual opinion ? Is one inspector capable of inspecting 500, 800, or 1,000 patients ?—800.

26343. In what length of time ?—Ten to five, with half an hour off—twenty minutes generally.

26344. Do you find an inspector can keep it up for all that time ?—You get fagged at the end of the time; the inspection is too fast.

26345. You would cut down the 800 then to a smaller number ?—Yes, I would work shorter hours.

26346. What do you think is the right length of time and the number of patients to see ?—If we were to work from ten to four, with half an hour for lunch, we could see 500 to 600.

26347. Assistant Commissioners are advised. What duties do you suggest to put upon them I I would not suggest any, I would leave ourselves a free hand to depute them to do any work which was thought proper. I do not suppose we should ask them to visit asylums, except in cases of emergency. I would not give special work to them, I would not say, "You shall do the triennial workhouses," or "you shall visit single patients." I would reserve power for them to visit every class of patient.

26348. You would have them competent to do any work ?—Yes.

26349. If you are to have such competent assistants, why do you want to increase the Board ?—We only want assistants if there is increased work. We ask for two more Commissioners to do our present duties, to meet the present growth of the work; we only suggest Assistant Commissioners if this Royal Commission throws more work on us in respect to the feeble-minded, or outdoor paupers, or cases of incipient insanity, because we feel those branches of the work will throw upon us such a large amount of work that we should have to have eight or ten more Commissioners; you cannot work with a large number of Commissioners like that; the discussions at Board meetings would be endless.

26350. You do not advise, then, the immediate appointment of Assistant Commissioners ?—I think not.

26351. But an appointment, should occasion require ? —If more work is thrown upon us. Assuming that we have two more Commissioners appointed, if we find that through the growth of the ordinary work, or extra work thrown upon us, we want more assistants, we do not think there ought to be more than eight or nine Commissioners, therefore it ought to be done by assistants.

26352. Have you any information to give us as to how many visits a year should be made to an asylum ?—I think one is sufficient.

26353. Is one quite sufficient to supervise and to be intimately acquainted with all that is going on in these large asylums ?—I do not know about "intimately acquainted with what is going on."

26354. Presumably the supervising authority ought to know what is taking place in an asylum ?—Yes, I think one visit would do. We have power to visit twice if we think it desirable, or whenever we like.

26355. Do you think one, as a minimum, should be increased; is it not desirable to have two or four visits a year ?—I do not think so.

26356. Can you give any reason why different classes of lunatics should be visited such a varying number of times ?—I do not think they are visited such a varying number of times. May I take them step by step; asylums are visited six times a year by the Visiting Committee and once by ourselves—that is seven.

26357. Would you count the visit from the Visiting Committee as equivalent to the Commissioners' visit ? —No. It is a visit of inspection, the patients are all seen, the way the aslyum is being administered is seen, every part of the asylum is visited by the Visitors at their bi-monthly visit, and at the sub-committee's visits too.

26358. There is a very big difference between a visit of the Visiting Committee and a visit of the Commissioners; the Commissioners boast of being experts, do not they, and the Visiting Committee do not ?—We are not experts as regards the mental condition of patients in asylums; we have no power to discharge patients.

26359. Let us say you are expert inspectors ?—Yes.

26360. The Visiting Committee cannot legitimately boast of that ?—I do not know about that. I should have thought some of them would, after some experience.

26361. They are not necessarily so ?—Not from the beginning; they learn their business.

26362. Would you agree with me the visit from the Visiting Committee is not the same thing as the visit from the Commissioners ?—No, I do not agree with you.

26363. Do you say it is equal ?—No, I say it answers the purpose, it satisfies the patients and the public interest.

26364. Then why have visits from the Commissioners at all ?—I think it is desirable that all these public institutions should be visited by an independent authority, as we are; a Visitor is a manager of the asylum.

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26365. They are the managers and you are the inspectors?—Yes.

26366. A visit from the managers and a visit from the inspectors are two very different things, are they not?—From what point of view?

26367. As regards satisfying the public as to the management?—I do not think so; I think the public want both.

26368. Is one visit per annum enough from the independent body of inspectors?—I think it is, in the present condition of our asylums.

26369. If it is, why in the Metropolitan licensed houses should they get six to eight visits from the Commissioners?—That is by statute.

26370. It has always been so?—It has always been so.

26371. Is it desirable for it to be continued?—Yes, I think so.

26372. For what reason?—So that every patient should be seen about once in every two months.

26373. Why should the Metropolitan licensed houses have six to eight each and the provincial houses only two?—The provincial houses have many more, they are visited six times by the Visitors and twice by us.

26374. Which is the more satisfactory condition, all the visits being done by the Commissioners or their being partly done by the Commissioners and partly by the justices?—I do not know; I cannot form an opinion.

26375. Which do you think is the more efficient inspection?—I have never been round with the Visitors so I cannot tell. They visit every patient; they visit every part of the house; their duties are the same as ours except regarding discharge.

26376. What are their qualifications?—They are magistrates.

26377. Does that imply any knowledge of lunacy?—No, there is a medical Visitor who goes with them.

26378. Why should a hospital have two visits a year and a county asylum only one?—A hospital is only bound to be visited once a year by us. As a matter of fact we visit twice. Every patient in a hospital is visited six times a year by the managing committee. They get the same number of visits practically—asylums, hospitals, and licensed houses, in one way or another.

26379. Your view is the visits are equally efficient whether made by the managing committees, Visitors, or inspectors?—I think the Visitors of the managing committee are efficient, the patients are satisfied.

26380. It is your duty to supervise the managing committee practically?—Yes, of a hospital.

26381. And of asylums; the whole management of the asylum; they are the managers?—We have to know something about the management of the institution.

26382. Regarding inspection of workhouses, are you satisfied that it is efficiently carried out, so far as insane paupers are concerned; are they sufficiently inspected?—Yes.

26383. Once in three years?—The larger ones are inspected annually.

26384. A certain number are only seen once in three years; is that sufficient?—They are seen by the Local Government Board inspector twice a year.

26385. Dual authority; is that satisfactory?—I think all overlapping authority is unsatisfactory.

26386. Would you advise any change in that procedure; should they be inspected entirely by the Local Government Board or should they be entirely inspected by the Lunacy Board?—By the Lunacy Board.

26387. And very much more frequently?—No, I do not say that.

26388. Once in three years?—It depends on the workhouse.

26389. Suppose there are half a dozen lunatics there?—I do not think half a dozen lunatics, if they are old chronic cases, need inspection so frequently. Some of these workhouses only contain one or two.

26390. Others contain ten to twenty?—Yes, they may.

26391. Once in three years would be quite enough for the inspection of them if they were handed over to you entirely?—If we had more Commissioners I think we should probably extend the visitation of the triennial workhouses.

26392. Do you not think it should be a statutory duty to do so?—No. Looking at all the workhouses I think once in three years enough having regard to the fact that they are seen by independent authorities too.

26393. Is it your duty to go into the workhouses and see whether there are any lunatics there?—No.

26394. It was at one time the duty of the Commissioners, was it not?—I do not think so; we do not now anyway.

26395. Can you tell me when that duty was stopped?—No; some long time before I joined it.

26396. What about the inspection of the outdoor paupers?—They certainly ought to be inspected.

26397. How often?—Once a year, as a minimum.

26398. Is that sufficient?—We have not seen them. We do not know the conditions under which they live. I think it ought to vary according to the conditions in which you find them. At the present time they are seen four times a year by the medical officer of the workhouse. He reports to us where they are, their condition, and the conditions under which they live. If his report is not satisfactory we make further inquiries.

26399. How often has it happened that you have made further inquiries in those cases?—I should say every quarter one or two cases turn up not satisfactory.

26400. They are reported by the medical officer not satisfactory?—Yes.

26401. Otherwise you accept the statement. You never institute inquiries on your own account—independent inquiries?—No.

26402. There is one other class of lunatic I should like to hear about; those confined in idiot asylums. Is the inspection of them sufficient—once a year?—No; personally I should like to see them visited twice.

26403. Why do you make an exception there?—They are not so frequently seen by other authorities.

26404. You make that a recommendation, that they should be seen at least twice a year?—Some; I think we should have power to visit more frequently.

26405. Has the Lunacy Commission sufficient control over this question?—I do not think so.

26406. In what way would you suggest that being amended?—A suggestion has been made in one of our reports on the topic; may I read that to you? This is what we said in our report for 1897: "We visited all these institutions during the year and are able to give a generally favourable report of their condition, and of the care and treatment of their inmates. But in our opinion the present state of the law as respects the safeguards for the proper care and treatment of this most helpless class of insane persons is very unsatisfactory. The Act which exempted these institutions from the full operation of the Lunacy Acts provides for the registration by us of any institution for idiots as to which we may be satisfied that it may properly be registered for that purpose, but there is no provision for the certificate of registration being withdrawn if the institution is subsequently made quite unfit and unsafe for its purpose, and plans for alterations in its structure have not be to submitted to or approved by us. The numbers to be accommodated and the occupation of unsuitable accommodation are not within our control. The rules which in asylums have to receive the approval of the Secretary of State have no necessary legal existence in idiot establishments, nor are there any penalties except such as are provided by the common law for ill-treating or neglecting the inmates, and the legal restrictions upon the improper use of mechanical restraint do not apply to them. We think it very desirable that these anomalies should be corrected."

26407. That is, in short, a general condemnation of the working of the Idiots Act from a practical point of view?—Yes.

26408. It would be more satisfactory to have idiots regulated by the Lunacy Law than by the Idiots Act?—I think so. The Idiots Act was passed in a very great

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hurry; brought in and passed in a few weeks, and I have been told we never saw the Bill.

26409. What is your general impression of it; is it a success or otherwise; if it were repealed would it ever be missed?—I do not think so.

26410. Do you advise its repeal?—No.

26411. Why not?—Because we have been working fairly satisfactorily under it.

26412. I thought you told us the working under it was most unsatisfactory?—We want an extension of our powers.

26413. In fact you want all the powers you have under the Lunacy Act?—Yes, I suppose it would be better repealed.

26414. Have the Lunacy Commissioners sufficient control over all asylums, or do they want to have more control? Do you want more power of control over the management of asylums than you have at present?—Direct or indirect? Indirectly we can put pressure on them through the Home Secretary.

26415. Do you think that the Lunacy Commissioners should have more power and control over asylums than they have at present?—I do not think we want any more direct powers over them.

26416. Where do your powers come in at the present moment?—They are more in the way of advising and persuading them to do things.

26417. That is not actual power, is it?—No.

26418. Do you think the Lunacy Commissioners should have power to insist on recommendations?—If the Commission is going to run on its present lines, I think not.

26419. You are quite satisfied with the powers you possess at present, which are very small?—They are practically none.

26420. Only moral suasion?—That is all.

26421. Do you think, for instance, that it is advisable that the 4s. grant should depend on a favourable report from the Commission which would immeditaely give the Lunacy Commissioners the whip hand over all the asylums?—I never thought of that.

26422. I suppose you know that is the case in Scotland?—No, I did not.

26423. You are not prepared with an answer to that question?—No.

26424. On an off-hand opinion, would you advise it?—No; I would rather think it over.

26425. Are you familiar with the duties of a Chancery Visitor when he visits an asylum or a single patient?—No.

26426. You know the statutory duties?—Yes.

26427. Are you aware of a single duty that could not be performed by a Lunacy Commissioner?—*Qua* Visitor, no.

26428. Is a Lunacy Commissioner quite capable of performing the duties of a Chancery Visitor at the time of his visit?—Yes.

26429. Is a Chancery Visitor capable of performing the function of a Lunacy Commissioner at the time of his visit?—Yes.

26430. It is the same qualification, is it not?—Yes.

26431. (*Dr. Needham.*) Have you formed any opinion as to the desirability, or otherwise, of having women as members of Visiting Committees of county asylums?—The point arose and was considered at the time I was Secretary by the Commissioners of the day, in connection with an application made by Mr. Lloyd, who was chairman of the Birmingham Asylums Committee. Under the Local Government Act, 1888, when the first election took place, ladies were elected members of the County Council of London, and two ladies, Lady Sandhurst and another, were, I think, appointed as members of the Cane Hill Asylum Committee. They worked very well and the thing answered. Subsequently a decision of the Law Courts decided they were not eligible for election, that the Act did not apply to women, and therefore they were ejected. From that time to this there has been no Visiting Committee containing lady members. Mr. Lloyd came to me and said he found it very difficult to get people to consent to go on the Visiting Committee at Birmingham, and he wanted to know whether it would be possible to get statutory power to appoint ladies members of the Visiting Committee. I said, "That raises a very large question, it would require some consultation with the Local Government Board and other public departments," and I suggested it might be possible in the next Lunacy Bill that power might be granted for Visiting Committees to appoint two or three outsiders to act as Visitors and in that way he might be able to get a lady representative. I said I did not know the feelings of the Commissioners on the topic, but if he would call in a week I would ascertain. I mentioned it to the Commissioners and they were all in favour of the idea. There are many things that a woman would confide to a lady Visitor that she would not confide to a man.

26432. That is altogether irrespective of ladies being inspectors; it is simply members of a Visiting Committee?—The Visiting Committee of an asylum.

26433. You think as members of the Visiting Committee that might serve a very useful purpose?—Certainly.

26434. Do you know why the Lunacy Commissioners are not members of the Civil Service for all purposes. As a matter of fact I suppose they are not?—No, not at all, not even the Secretary until the new Act. The reason, I suppose, was that they came in too late in life.

26435. Why too late in life? Why should the Commissioners be appointed too late in life?—Because the necessary qualifications of a Commissioner preclude his being appointed sufficiently young to earn a large pension at sixty-five. The ordinary civil servants come in at eighteen, nineteen, or twenty, and I suppose the average age of the appointment of a Commissioner would be about forty-five.

26436. Of course there is nothing in the law to prevent a man being twenty-seven when he is appointed, is there?—No, nothing that I know of.

26437. What would probably be the effect of appointing a young man to be a Commissioner in Lunacy, to supervise the superintendents of the different asylums?—I suppose the opinion of a young man of twenty-seven would not carry much weight in an asylum

26438. He would be, I suppose, younger than the superintendents and younger than a great number of the assistants?—Yes.

26439. I suppose the superintendents of asylums would resent that very much?—I will not say "resent" it, they would not pay any attention to him.

26440. If he were armed with certain statutory powers, such as have been suggested, the superintendents might resent it, but they would be compelled to take notice of it, would they not?—Yes, they would then.

26441. Would that produce a satisfactory state of things?—No, that would create friction, I think.

26442. Friction of an undesirable and serious character?—Yes, between the superintendents and the Commissioners.

26443. Is it very much to the interest of the whole service on both sides that there should be the present relations between the superintendents and the Commissioners?—Obviously, most desirable.

26444. I do not say relations of familiarity, but pleasant relations; relations without friction?—Precisely.

26445. As regards the workhouses, do you think there should be lunatics in workhouses at all?—I would prefer not to see them there.

26446. In which case the workhouses would fall back into what you would consider to be their proper position of having only sane people and having them controlled only by the authority which controls workhouses now generally, the Local Government Board?—Yes.

26447. It would not be any part of the duty of the Commissioners then to go and visit workhouses?—No.

26448. Is that desirable, do you think, that the Commissioners should not have occasion to visit workhouses, if other provision were made for the weak-minded people in them?—There would be no occasion to visit workhouses if there were no lunatics in them.

26449. Supposing the imbeciles still remained in the workhouses, do you think it is desirable that the practice should prevail, as in Scotland, of having the wards in which the lunatics are maintained licensed by the Com-

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missioners and that their certificates should be the only means of obtaining the 4s. grant; in other words that the 4s. grant should not be given unless the Commissioners were satisfied that the accommodation and treatment in the lunatic wards were satisfactory?—I think that is desirable.

26450. Do you think that the present system of having lunatics and imbeciles in workhouses, the Commissioners only visiting and expressing pious opinions, is not quite satisfactory?—Yes.

26451. I suppose if the Commissioners see anything of which they disapprove in the management of the imbecile wards in the workhouses, the only power they have of influencing the management is by making a report to the Local Government Board, and then the Local Government Board act; they have no power of direct action?—That is so.

26452. (*Mr. Byrne.*) Do you find that power effectual at present?—Yes.

26453. If you make a recommendation to the Local Government Board do you find it frequently carried out?—Yes.

26454. (*Dr. Needham.*) Would you say that the Local Government Board, when any matters are pointed out to them which require attention, do second the efforts of the Commissioners?—Yes.

26455. As regards the visitation of idiot asylums, would not it be an advantage if the asylums were visited more frequently than once a year?—I have said so already.

26456. You also expressed your view that the Idiots Act requires very large alteration?—Requires strengthening.

26457. So as to give the Commissioners more power?—Certainly.

26458. Have you any document that you can put in, or can you give us any information as to the work of the Commissioners; what the Commissioners do?—There is a memorandum accompanying a letter we sent to the Lord Chancellor when we made an application for an increase in the Commission which set forth in detail the nature of the work at the office. I think that sets out more fully than has been represented to the Commission the nature of our duties, how they grow, and of what they now consist. I do not know whether we might put in a copy of that memorandum. (*Vide Question 25323.*)

26459. (*Mr. Byrne.*) Have you any suggestions to make as to any mode in which the office work of the Commissioners could be reduced without disadvantage to the service?—I am afraid not. The present practice is that the office work is allotted to a legal and a medical Commissioner for a month. Those two are responsible for one or the other being at the office every day to look over the documents which are allotted to him to look over, but chiefly for the visits of relations and friends and patients themselves; you would be surprised at the number of people who come and ask to see a special Commissioner.

26460. How many visitors are of such importance that they should see a Commissioner? Do you have one a day?—Sometimes more.

26461. More on an average?—Yes. The last day I was at the office I had four. Last Friday when we broke up here I went to the office and found the superintendent of an asylum waiting to see me. He said he must see a Commissioner about a point of management of his asylum. I saw him; he would not be content without.

26462. So a Commissioner is quite necessary at the office?—Yes.

26463. If he is there he sees the important and interesting work that comes?—Yes.

26464. I suppose, as regards the mere doing of the work, the Secretary and an experienced staff could do the work themselves?—As regards the legal documents, yes. There are some medical questions also.

26465. The Secretary is a qualified gentleman, and I have seen your chief clerk several times on business; he is an experienced officer, is he not?—Not on all the topics with which we have to deal. He could not act as assistant secretary at all.

26466. He is confined to dealing with papers?—He has not the qualifications to deal with all those.

26467. He cannot take the Secretary's place?—No, a Commissioner always takes the Secretary's place for that reason; there is no one qualified in the office to take it.

26468. Under your rules you receive a considerable number of returns, and so forth, from the asylums?—Yes.

26469. Do you think the number of these could be reduced without loss in any way; the rules were made some time ago?—Yes.

26470. Very admirable rules they are, but are you entirely satisfied with their smooth working, or do they in some instances make too much work?—No, I do not think they make too much work.

26471. You get a return from an asylum whenever any *employé* of any sort is dismissed?—That is necessary.

26472. And yet you have no powers whatever over the staff?—No. We have power to prosecute; that is the reason why we get the notice, because if it is misconduct affecting the patients we make inquiry. In certain cases, if we think it necessary to prosecute we do, for ill-usage or neglect; we have no power over the staff.

26473. Are all the other returns you receive necessary; for instance, the seven-day return, is that of essential importance?—I think so.

26474. You cannot suggest any improvement as regards that?—No, I cannot suggest any reduction in that direction.

26475. Is there any other branch of clerical work in the office in which you can suggest a reduction or relief to the Commissioners?—No.

26476. Judging from my experience of the Home Office, you probably get a very large number of letters every day?—Yes.

26477. Including a large number of letters from lunatics in institutions?—Yes.

26478. We get about seventeen a day; how many do you get?—We get more than that; I get five or six a day myself.

26479. Perhaps you get thirty or forty a day?—I should think more. A letter sent to me is put in my pigeon hole and comes to me direct.

26480. Even the nonsensical scrawl of the lunatic who writes twice a week?—Once a day sometimes. They are put in my pigeon hole. The letters sent to the Commission direct are looked at by a clerk; I do not say they are all read, they are supposed to be all read; if there is any charge of ill-treatment or anything of that sort, that paragraph is brought to the notice of the Secretary.

26481. They mostly contain charges of ill-treatment, do they not?—No, I do not know about that.

26482. If a high official were to read or glance over all these letters an hour and a half of more or less valuable time would be wasted. In the Home Office many of them are never sent to a person of the dignity and position of a Commissioner or even of a senior clerk. Would not that be an improvement?—That is done as regards letters to the Board generally. If a letter is addressed to the Commissioners in Lunacy a clerk looks at it.

26483. These are all written to us—"Most private and confidential; to the Home Secretary; to be delivered to him personally"?—Those letters are looked at by a clerk; but if one is sent to me or to Dr. Needham individually, it will be in our pigeon-hole with our correspondence for the day.

26484. (*Dr. Needham.*) I suppose the Commissioners visiting asylums are constantly interrogated as to whether they have received letters which have been sent by patients?—Yes.

26485. If they were unable to say the letters had been received by them and had been looked at by them, they would be placed in an extremely unfavourable position in respect to the patients?—We should lose their confidence.

26486. (*Mr. Byrne.*) You would not use that as an argument for the Commissioners wasting their time over lunatic scrawls—that they should be able to say to the patients that they had been read by the Commissioners, because you could not say you had read his or her letter; you would not remember one out of 2,000?—No. I say

any letter written to me individually must come into my hands; that satisfies them.

26487. That you think makes it worth while? I will not press it any more; you cannot suggest any improvement?—No, I cannot.

26488. Are you satisfied as regards your powers in respect to asylum authorities? We have been told they are mostly of an advisory sort. Of course you have some compulsory powers; for instance, in the matter of rules which occasionally the Visiting Committee delay sending out?—I think we ought to have further powers; we ought to have powers to call upon them to submit their rules for revision.

26489. What remedy would you give in a case of neglect? Can you suggest a practical remedy?—A penalty.

26490. A penalty that might be sued for. The mere appearance of such a penalty would ensure compliance, perhaps?—Yes, I think so.

26491. The accounts of asylums are audited by statute, in the same way in which county council accounts are audited?—County asylums.

26492. There is no audit of stores of a similar character?—Not in all asylums. In some asylums they have had a very close audit of the stores for years past.

26493. An outside audit?—An outside audit.

26494. Are the Commissioners in favour of it?—Yes.

26495. Would they like to see it universal?—Yes.

26496. Have they power to enforce it?—No.

26497. Would they like to have power; would they like to be able to put it in the rules?—They would.

26498. Could you tell us whether the Commissioners would be in a position to give practical proof of the desirability of this improvement? Do you know cases in which serious public loss has occurred on account of the want of a proper store audit?—There is the notorious case of the Horton Asylum, where thousands of pounds were wasted through the stores not being properly audited.

26499. Which would have been impossible with a strong outside audit?—Yes.

26500. Have you other cases?—It has occurred more than once. We constantly find that the Visiting Committees object on the score of expense, though we point out that it only costs £40 a year; they still object.

26501. What would be the system of audit which you would recommend?—An outside independent audit for the stores.

26502. These outside auditors would have no power except to publish what they discover?—That is all.

26503. The local authority would publish the auditor's report every year?—Certainly.

26504. If they did not it would rouse suspicion?—Yes.

26505. You would not give the outside auditors legal powers of surcharging?—No, simply to report what they find.

26506. Are the Commissioners, as a body, in favour of special provision being made for the chronic harmless and quiet lunatics on a less expensive scale than is usually provided in asylums?—They have been advocating that for some years; as long ago as 1850 I think they began advising it.

26507. Do you advocate it very strongly now?—Yes.

26508. The asylum authority of a county might provide for these persons an asylum giving cheaper accommodation; on the other hand the Poor Law authorities might take the lunatics from existing workhouses and collect them in a sort of workhouse asylum. Which of those policies would you recommend?—I think I would keep it uniform; in the lunacy authority.

26509. You would not only take the lunatics out of the workhouses, but you would take them from the control of the Guardians?—I would.

26510. With regard to the persons who are not actually certified lunatics, but who are feeble-minded or imbecile, or persons occasionally certified and occasionally not, would you suggest the same; would you think that they should be dealt with by a lunacy authority and not by a Poor Law authority?—Yes, I think so.

26511. Do you think substantial economy would come from the adoption of such a policy?—I cannot judge that.

26512. You have recommended it partly with a view to economy, but chiefly in the interest of asylum management?—Of asylum management.

26513. To keep the hospital cases together and the chronic and harmless cases more or less together?—Yes.

26514. When you visit asylums you have to keep an eye on every department of the management, do you not?—Yes.

26515. You have to hear the complaints of the people, you have to hear about discipline and observe and examine all the sanitary arrangements and so on, and that on the female side as much as on the male. Do you think that your efficiency as inspectors would be improved if you had an equally qualified lady on your Commission?—It is difficult to say.

26516. A lady doctor experienced in inspectorial work?—If I may judge by the experience of lady doctors in asylums, I think not; they seldom gain the confidence of their patients, as far as I can make out. When I go round an asylum in which there is a lady doctor I generally find the patients prefer having a male doctor.

26517. Inspectorial duties are rather different from medical and managing duties in an asylum?—Yes, I do not think lady doctors are popular among patients.

26518. That is not quite an answer to my question?—No, it is not, but I have no means of judging.

26519. Have any details ever come before you in which you have felt inclined to say: "I wish there were a qualified lady doctor with me to deal with these"?—You mean delicate matters might arise in the course of a visit?

26520. Either delicate, or purely domestic matters of clothing, sanitary arrangements, and things like that?—They do not hesitate to talk to us of their clothing, or about delicate matters either.

26521. You have never felt the want?—No, I do not think there is any reserve on the part of patients due to the absence of a lady inspector; it never struck me so.

26522. That is to say as regards the patients. As regards the female staff, do you think you get as close an acquaintance with its real working and efficiency as a keen-eyed and competent lady would?—I do not know that I can judge.

26523. At any rate you have no strong opinion that a lady doctor, or any other lady, would materially help you on your Commission?—No.

26524. With regard to workhouse visitation, you do not as a rule go into the ordinary wards of a workhouse?—No, we go into those rooms where the lunatics chance to be.

26525. Most of our Commission have been through workhouses in all parts of the country, and we find, at any rate in a considerable number of cases we have seen in the ordinary wards, lunatics, some of whom struck the qualified members of our Commission, who advised the others, as being dangerous, some were obviously so to the non-medical eye, others were distinctly unpleasant, especially among children. That we know you have no responsibility for at all; the responsibility is entirely with the Guardians' medical officer and the Local Government Board, the supervising authority?—Yes.

26526. Our experience has been that the authority is not altogether well exercised. Do you think you ought to have any special powers in regard to these people, supposing your staff were sufficiently increased to make the work possible?—As to removing them from an undesirable workhouse to an asylum?

26527. Yes?—At the present moment we only do that through the influence of the Local Government Board.

26528. But you do not see them as a rule—the people in the ordinary wards?—One often comes across them when going through. Like you, I have observed some. I say: "Surely he ought to be on the list," and if he is not I suggest that he ought to be put on the list, that he should be removed.

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26529. Your experience has been that of our Commissioners ?—Yes.

26530. That substantial evils are found in that direction ?—Yes.

26531. Leaving out questions of staff entirely, would you like your powers to be increased in the matter ?—Yes, I think one ought to have power to direct their removal to an aslyum. We have the power already; two of us have power to remove a patient from the workhouse.

26532. But as a matter of fact you do not visit workhouses ?—I have only known one instance of exercising that power.

26533. You have probably seen many instances in which, if you could do it, you would do it ?—Yes.

26534. That indicates that you would like some further power ?—Yes.

26535. It is a matter that ought to belong to the Lunacy Commissioners, is it not ?—Yes. Last year in one of the Yorkshire workhouses, the visiting Commissioner found thirty or forty people not classed whom he thought ought to be classed with the lunatics; he suggested in his report to the Local Government Board that this should be done, but nothing was done. The next Commissioner found the same condition of things prevailing, and the medical officer refusing to certify, and things got into an *impasse;* the only alternative was to prosecute for allowing these inmates to be in the workhouse without being classed. We got a Commissioner to have a little talk with the medical officer, with the result that he took a reasonable view and certified them all.

26536. Does this, to your mind, point out that some further powers are required ?—Yes.

26537. In another place we found that the failure to certify obviously certifiable cases came, not from the unwillingness of the doctor, who was willing but a rather timid creature, but from the definite orders of an incompetent member of the Board of Guardians ?—That has been the case more than once to my knowledge.

26538. Does that point to the same conclusion ?—Certainly.

26539. In fact, under a sufficiently numerous and properly authorised Commission in Lunacy, such scandals ought not to exist at all ?—No.

26540. The eccentricity of one doctor or Board of Guardians ought not to allow a departure from the ordinary practice of the profession ?—That is so.

26541. Then you would like to have that power ?—Certainly.

26542. If you had that power you would not have to exercise it often before it became well known, and it would have good results all over the country ?—It would ensure certification before we got there.

26543. So you would not anticipate much trouble ?—No.

26544. But just an improvement of the system and much greater comfort and welfare of the inmates of the workhouses ?—I think that would follow.

26545. Is there any other department of your work in which you would like to have enhanced legal powers in addition to those which you have mentioned ?—As regards hospitals I think we want further powers.

26546. Power to make rules ?—Yes, and to insist on their being complied with.

26547. Do you, speaking as a representative Board, agree with all the provisions which have appeared in the successive Lunacy Bills which have been introduced ?—Yes.

26548. Finally, with regard to your offices, I presume that the Commission would not mind furnishing us with tabulated details of the work which goes on there, as is usually done when a Departmental inquiry takes place, such as the number of letters issued, warrants and orders and the hours of work of the staff of the Commission when they are at the office, and also the number of days' travelling, such as Dr. Cooke gave us in regard to himself ?—Yes, I have them here as regards our travelling for a year. I am afraid our office hours are irregular. It is rather difficult to send a return of our office hours.

26549. Would you do it in a rough form, so many days inspecting, or half-days, so many days or half-days at the office, just to enable us, if need be, to support your application for a greater staff ?—Yes, I think all that can be furnished. (*The information was subsequently furnished. Vide Question 25323 ante, and pages 73 (col. 2) and 74 post.*) I suggest having power to insist upon revision of the rules of asylums. The same would apply to hospitals too.

26550. (*Mr. Greene.*) Do you think it would do just as well, instead of having statutory power given to you to make these rules, if the Lord Chancellor were to make rules, or if rules could be made by Order in Council by which from time to time incidental powers could be given to the Commissioners ?—And do away with the Lord Chancellor's power ?

26551. By Orders in Council instead of Statutory, so as to give you the powers to which Mr. Byrne has been referring, of having greater authority to enforce your orders and so on ?—What would be the difference between an Order in Council and Statutory Rules by the Lord Chancellor ? Do you mean that the Lord Chancellor would not have to consent to them ?

26552. There are two or three ways. Mr. Byrne suggests that a statute should be passed giving you additional powers. I am suggesting an Order in Council, for a Lord Chancellor's Rule or Order might take the place of a statute and be more easy to get ?—It would be much more convenient if it could be done.

26553. If it were done by Order in Council or by the Lord Chancellor you would be able to get, from time to time, such extended powers as the Privy Council might be led to confer ?—Yes, with Parliamentary consent. The Lord Chancellor already has power to prescribe by rules under our Act.

26554. What has he power to prescribe ?—It does not cover the points you mention.

26555. To you it would be immaterial whether it were Order in Council or whether it were the Lord Chancellor ?—Quite.

26556. Now I want to turn to the Constitution. Are you in favour, or not in favour, of having any lay Commissioners, neither lawyers nor doctors ?—Do you mean honorary Commissioners ?

26557. Yes, honorary means unpaid; it does not refer to whether they are skilled people belonging to a profession; they may be honorary, and they may be grocers or hatters or anything else. I want to deal with lay Commissioners who are not specially qualified by belonging to a profession. Are you in favour of having lay Commissioners ?—If the Commission is going to run on its present lines I should say, yes; I am in favour of it if you can get people who are keen about the matter and will take up office and attend. About two years after I joined there were five honorary Commissioners. Two years afterwards we got the full number of honorary members, they were all interested in the matter and attended very regularly, gave us the benefit of their advice, and brought outside influence to bear upon our views. As long as they continued they worked admirably. Of late years it has been impossible to get people to fill up the vacancy.

26558. Were those gentlemen laymen ?—There was Mr. Salt; he was our Chairman. Then Mr. Wilkes; he was a retired Commissioner; there was Lord Emlyn, the present Lord Cawdor; he was an excellent man; then there was Lord Milltown and Lord Hatherton. Lord Emlyn had to retire because of his Great Western Railway duties. Then we had Mr. Davenport; he was a very regular attendant.

26559. You found that you got great benefit from those gentlemen who were non-professional ?—Yes.

26560. Do you know that Lord Shaftesbury, whose name was introduced by your Commissioners, held very strong views on the matter of the lay element ?—Yes.

26561. He went a very long way, I think; so far as to say that the lay element was considered to be of very great importance indeed in the working of the Commission: "I can say from very very long experience in this matter that the non-professional element, not only upon the Commission but among the visiting magistrates in the country and in every possible department relating to the treatment and care of lunatics, is of the most indispensable importance, and without it I am quite

certain that the whole system for the management and care of lunatics would fall into the greatest disorder and we should relapse into many of the errors from which we have been extricated''?—That is true to-day.

26562. I daresay you are aware that in the same Commission there was a suggestion that clergymen should be employed as Visitors, it being a cheaper way of doing it?—I was not aware of that.

26563. Was not Mr. T. J. Percival an authority in bygone days?—He was Secretary.

26564. Did not he hold this view, according to his evidence in the same Commission: "Clerical men might err at first, but I think they are entitled to acquire experience in the working of these hospitals as well as medical men; medical men have been walking hospitals for years and practising sufficient cruelty and causing the death of many patients, and are at last only arriving at a certain amount of knowledge how to treat these disorders."

26565. (*Dr. Needham.*) That is not Spenser Perceval, the Secretary of the Commission.

26566. (*Mr. Greene.*) Anyhow, the view has been held by important people for many years that lay members should be kept on?—Yes.

26567. I notice that in the statute of 1845 the words are that the Lord Chancellor "shall" appoint in case there is a vacancy. Under the present Act the word is "may" appoint. Do you know how that came about?—No.

26568. Would you like the word to come back to "shall" or "must" appoint?—I have been down to the Lord Chancellor's office four or five times in the last few years to talk over the question as to who could or would act, and they cannot get anybody.

26569. People will act as chairmen of asylum boards in the country, they will act on county councils and various other positions connected with this very subject; do not you think that a little diligence would find laymen to act, and why should not laymen be appointed, with payment, if necessary. My point first of all is the lay element?—You want to get the outside element in. I should be in favour of it.

26570. Do you see any objection to altering the statute so that if there is a vacancy, or if new Commissioners have to be appointed, one at least of them might be an unpaid layman?—No.

26571. Whether he is paid or not does not matter; do you see any objection to altering the statute to enable a paid laymen to be appointed instead of having a doctor or a lawyer? When a new Commissioner is added, why should not he be a paid layman?—There are a good number of legal matters which arise which a layman would not acquire for years.

26572. If you have a difficulty in getting unpaid ones, why should not you get a paid layman? Why should not he be one of the six, or, if there are seven or eight Commissioners paid, why should not he be a layman who is paid?—I think on the legal side he would not be able to carry out those duties; he would be of no assistance to his medical colleague.

26573. As regards the chairman, the chairman, I see, is selected by the Commissioners themselves; why should not he be appointed by the Lord Chancellor?—I do not think we have any objection.

26574. You might get an independent gentleman from outside, of sufficient distinction and ability to be able to initiate policy and to carry great weight on the Commission?—I think as a matter of fact the last two chairmen have been found by the Lord Chancellor.

26575. They must have been selected under statute by the Commissioners?—Yes, but they were appointed straight away.

26576. Forced on you?—No, not forced on us; we were anxious to get somebody.

26577. The appointment has to be by the Commissioners?—That is quite true, but the present chairman was certainly appointed that way.

26578. With regard to the medical members, under the Act of 1845, a physician or a surgeon had to be appointed?—Yes.

26579. It is a matter of construction whether he had not to be, as well as the barrister, of five years' standing; now it is a medical practitioner?—Yes. *G. H. Urmson, Esq.* 19 Nov. 1906.

26580. A medical practitioner is merely somebody who chances to be on the register; no qualification by experience or standing is necessary. Section 151 says: "Every person appointed in the place of a medical practitioner shall be a medical practitioner, and every person appointed in the place of a barrister shall be a practising barrister of not less than five years' standing, and every person appointed in the place of any other Commissioner shall be neither a medical practitioner nor practising barrister." So in the case of the lawyer you have at least the qualification of practice, in the case of a medical practitioner you have neither number of years' standing nor any special experience or medical qualification beyond being on the register. In the definition clause "medical practitioner" is defined as "a medical practitioner duly registered under the Medical Act, 1858, and the Acts amending the same, and the Medical Act, 1886"?—That is so; he need have no experience.

26581. His *minimum* qualification might be that he was a licentiate of the Society of Apothecaries?—Yes.

26582. Or he might have a foreign or colonial qualification?—No, I think not; he must be registered.

26583. Colonial, at all events; the Medical Act of 1886 provides for the registration of colonial and foreign practitioners with recognised diplomas. Tables showing the foreign and colonial degrees entitled to registration are annually inserted in the medical register so that there might be people merely licentiates of the Society of Apothecaries here?—As long as they are registered.

26584. I want to know whether you think that is satisfactory or whether you do not think every medical practitioner ought to have some higher claim to distinction than merely being on the register?—I do.

26585. What would you suggest?—Practising for five years. My medical colleague suggests the qualification should be, Member or Fellow of the Royal College of Physicians or Surgeons. You would get the proper qualification that way.

26586. It would not follow from that, that he knew anything about lunacy?—No.

26587. Would you think there should be some special qualification or experience such as an ex-superintendent of an asylum or a person who has made lunacy a special study?—No, I should leave that to the discretion of the Lord Chancellor, who appoints.

26588. I am not suggesting that we have not got very excellent ones now, but do you think the qualification should be raised?—I do.

26589. Now lunacy matters are so much more studied, do you not think it is desirable that some of the three medical gentlemen should be qualified with experience in lunacy practice?—Certainly they are; or the majority is.

26590. When they are appointed?—Yes. The rule has always been, two specialists to one ordinary physician. That is the understanding; one outsider to two specialists. I should leave that to the Lord Chancellor.

26591. I am not sure that I got from you an answer whether you agreed with me that the Lord Chancellor should be the person who is to appoint the Chairman?—I have no objection; I think he might.

26592. There is no qualifying age, apparently, either for barristers or doctors except that they may both of them come in, one immediately he is admitted, and the other five years after he has been in practice. Do you not think it advisable to fix some standard of age?—No, I should leave that to the Lord Chancellor.

26593. About the ending of the career of a Commissioner, can you see any reason why there should not be an age limit for retirement, sixty, sixty-five, seventy, or some definite age?—I do not suggest going very often beyond seventy.

26594. You think some age limit should be imposed?—Not judging by my experience of the Commissioners under whom I have been.

26595. Do you mean that they have all been so old?—They have gone on to over seventy and worked very hard; done just as well as the others.

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26596. It is not a question at the moment what age should be fixed, but whether some age should be fixed?—Yes, I suppose some age should be fixed.

26597. In many branches of the Civil Service and, I think, in the Army and Navy and among law officers in the Law Courts, definite ages are fixed at which retirement is compulsory. Do you see any objection to that with the Lunacy Commissioners?—No, I cannot say that I do.

26598. Would you suggest any age?—No, I would rather not.

26599. Is the work of visiting, travelling about all over the country in all weathers and in all seasons, suitable for persons very far advanced in life?—Some, well advanced in life, to my knowledge have done it as well as the younger ones.

26600. That is an argument for fixing the age pretty high?—Yes.

26601. What is your idea; have you got any idea how high?—No, I prefer not to say.

26602. With regard to the Secretary, is there any reason why the choice of secretary should be limited by statute to being a barrister?—Yes, I think the duties are such that he must be a barrister.

26603. Why not a solicitor?—Somebody of legal training, I meant.

26604. You would not limit it to a barrister?—I would, personally.

26605. But you think certainly someone with legal training?—Yes.

26606. If a sufficiently qualified solicitor could be found, would there be any objection to him, on principle?—No, I do not know that there would. I should prefer a barrister.

26607. What work is there for which it is necessary to have a lawyer?—All sorts of legal conundrums come in, even now; we had two last week, to my knowledge, at the office.

26608. Do you think it is advantageous to continue that proviso in the section that the Secretary may be made into a Commissioner?—Yes.

26609. You think it is good for the office that there should be continuity, and that Secretary after Secretary might become appointed and so have no fresh blood into the office except as Secretary?—Yes.

26610. Do you think that is desirable?—I think it is desirable there should be power to appoint the secretary.

26611. I do not know whether it occurs to you that there is very little new blood infused if this system is carried on?—At the moment it so chances that all three legal Commissioners have been Secretary, but that was not so before.

26612. How many years does that extend, the continued succession of Secretaries being eleveated into Commissioners?—I succeeded a Secretary who died.

26613. What date was that?—That was in 1889. I was succeeded by Mr. Giffard also a Secretary; he succeeded Mr. Frere.

26614. Was he a Secretary?—No, he was an outsider. When Mr. Giffard went, he was succeeded by Mr. Shadwell, and during Mr. Shadwell's time Mr. Inderwick was appointed.

26615. Mr. Shadwell became a Commissioner?—After Mr. Inderwick.

26616. Mr. Inderwick was not a Secretary. Has the system always been kept up of putting Secretaries up to be Commissioners?—No, because when the vacancy occurred and Mr. Inderwick was appointed the Secretary was not appointed; Mr. Inderwick came straight.

26617. I have not made myself clear. I mean Secretary after Secretary has succeeded to be Commissioner?—The last three Secretaries.

26618. And the one before you—Mr. Percival?—No.

26619. The Commissioners' salaries were fixed in 1845; are they sufficient?—I think so.

26620. There is no difficulty on that score?—No.

26621. There is superannuation for the Commissioners, is there not?—A pension, yes.

26622. Is that fixed with reference to the number of years' service or to the age at which it shall come into operation?—It is fixed according to the number of years' service *plus* added years.

26623. You said you would be good enough to let us know how many visits you paid, and how your time personally was expended for the last year or so?—We will send that in. (*Vide* "*Summary of Facts and Reasons for an Increase in the Number of Commissioners*" *at foot of Dr. Needham's evidence, pages 73 (col. 2) and 74*).

26624. Is it necessary or desirable that there should be anyone to represent the Lunacy Commissioners in Parliament? You have had Sir John Dorington for many years?—He is not our mouthpiece in Parliament.

26625. Who is your mouthpiece?—The Home Secretary.

26626. How do you get at that?—It is by arrangement of the Offices; it has always been so; I never heard how it arose.

26627. Did not Sir John Dorington answer questions in the House?—No, he merely looked after our interests as a member.

26628. With reference to amalgamation of the Chancery department with yours, that has been frequently advocated, has it not?—Yes.

26629. In the Committee of 1859?—It has been in the air frequently.

26630. I think I am right in saying that it was recommended in the Commission of 1860, and a scheme for effecting it has frequently been suggested; the Select Committee of 1859 recommended it in their report in 1860, and a scheme for effecting it is embodied in one of the appendices to their report. The present section is the outcome of the labours of the Dillwyn Committee—that is the section which enables the Lord Chancellor to amalgamate—the Dillwyn Committee recommended it?—Yes.

26631. The Lord Chancellor has the power?—Yes.

26632. Has any attempt been made by the Commissioners to have that put into force?—No, it is rather an invidious thing for us to start.

26633. Is it your idea, if there is an amalgamation, that precedence should be given to the Lunacy Commissioners or to the others?—We have no preference.

26634. Who should absorb whom?—I do not care at all.

26635. Do you not think great economy might be achieved?—Yes.

26636. And that the time is ripe for it?—I do.

26637. Do you not think that by some alteration of the salaries of some people in the Chancery side sufficient funds might be obtained to strengthen the Lunacy Commission in a way in which you would like it to be strengthened?—If we get the three Visitors, they get the same salaries as we do.

26638. The Masters get £2,000 a year?—Yes.

26639. Possibly one of them, on public grounds, might be disposed to part with £500 a year so as to facilitate the appointment of an additional Commissioner?—I cannot say whether he would; I should think not.

26640. Do you not think the Chancery Visitors, or the number of Visitors, might be reduced. Is it necessary to keep up your six Visitors and three in Chancery, having regard to the number of patients that they have to visit?—I think two would do for us, provided the Judge in Lunacy did not exercise the power he has of calling upon the Commissioner to go up and down the country reporting upon cases especially for him. It would hamper all the circuit and other arrangements. If I found myself on circuit in Northumberland and got a message from the Judge in Lunacy to go down to Cornwall to see a special case, it would break up the circuit work. If we had eight Commissioners their work would be allotted for the whole year round.

26641. It rather depends on the mode in which the amalgamation is effected?—Yes.

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26642. There might be one Commissioner allotted for that kind of work ?—The ninth man, supposing we had nine, might be allotted for this special duty.

26643. And to fill up places when a Commissioner is ill and cannot act ?—No, I would not do it that way. We should have eight Commissioners working; the ninth, the odd man, would be visiting too, but he would be the man for the time being liable to be called for this special work.

26644. Do you know whether these visits up and down the country are very frequent ?—No.

26645. Your answer will depend upon what we find as to the frequency with which the Judge in Lunacy has to send these gentlemen ?—Yes.

26646. With reference to Assistant Commissioners, is there any reason why some part of your work could not be done by Assistant Commissioners; you recommend it, in fact ?—Yes, because we find that if we get beyond eight we shall be an unwieldy body for consultation.

26647. What would be the function of the Assistant Commissioner ?—Whatever work was deputed to him for the time being—no special work.

26648. I observe that you recommend, in anticipation of a suggestion by this Commission, that defectives should be brought under some central body ?—Yes.

26649. But surely if Assistant Commissioners are to be used for inspection of defectives you are going to entrust them with a very difficult duty ?—I do not know that we should; I do not think we should allot any portion of our work to the Assistant Commissioner; only certain work. For instance, supposing defectives were allotted to our Department, I take it the Assistant Commissioners would not be told off to look after that only; we should, too. Probably at first we should look after them, till we got the work started, and we should send assistants into the small workhouses and to look after single patients.

26650. I do not quite understand whether the suggestion which is put before the Commission is that Assistant Commissioners should be appointed by your body, or by the Lord Chancellor ?—By the Lord Chancellor.

26651. Does the same remark apply about them, that the qualification should be somewhat higher than merely being medical ?—Yes.

26652. As regards ladies, have you any experience of their work in connection with Home Office or Local Government Board inspection ?—No.

26653. Assuming that we find they are satisfactory on these bodies I dare say you would be willing to accept it that they might be equally satisfactory in your Commission ?—Yes, personally.

26654. Whether they should be Assistant Commissioners or whether they should be full Commissioners, or whether they should be inspectors only, is a matter about which you would be willing to be guided by the experience of other departments ?—I think there would be a difficulty about their inspecting asylums. You mean inspectors only going round to see the women in these factories, I believe.

26655. Why should not the inspection of the female side be limited to ladies ?—That has never arisen yet.

26656. We are hoping that we shall open our eyes and see something we have never seen, something improved, if possible. Do you not think ladies might well be allotted to inspect the female side of the lunatic asylums and hospitals ?—They might, yes.

26657. Advantageously ?—I am not so sure about that.

26658. In the asylums and hospitals the female side is administered by wardresses ?—Yes.

26659. Why should they not be more effectively inspected by a woman ?—They might be; I do not think it would make much difference.

26660. Has this matter been considered by your Commission ?—No.

26661. Then they have no view against it ?—No.

26662. You have been asked about the office arrangements, as regards letters. Section 41, I think, of the last Act, after the Dillwyn Commission, provided for the letters of patients being passed by the superintendent unopened ?—Yes, to a certain extent.

26663. Does that lead one rather to suppose that the addresses should be the recipient's and not those of a clerk or a subordinate ?—Yes.

26664. The principle is, I suppose, that if a patient has the right to send a letter without interception, the addressee ought to be the person to receive and open it ?—I believe that is why we have ours.

26665. I suppose it does not take very long to get through the letters of lunatics ?—I generally read mine in the train.

26666. Do you report to the Local Government Board or have any direct communication with them if you want anything enforced ? If you see a local body is neglecting its work of sanitation or otherwise do you have to complain to the Local Government Board ?—No.

26667. Are you brought into communication with them, or do they communicate with you if things are brought to their knowledge which are unsatisfactory at workhouses or asylums ?—As regards workhouses, we communicate with them.

26668. The case of Cambridge has been called to our attention; I take this from your Blue Book this year. "An outbreak of enteric fever. The danger had been pointed out to the Committee of Visitors by our Board in October, 1904, in a letter addressed to them on the subject, being brought to our notice by the Local Government Board. In that letter we expressed the opinion 'that the matter is one which demands the immediate and earnest attention of the Committee of Visitors'" ?—They had neglected it.

26669. I want to know how you came to be in communication with the Local Government Board about the sanitation of the Cambridge Asylum. "The occurrence naturally gave rise to anxiety on the part of those responsible for the public health; therefore we welcome the proposal that the Local Government Board should hold an enquiry" ?—I suppose the attention of the Local Government Board was called to the risk and danger to the town and University of Cambridge, and they thought the matter so important that they communicated with us at once.

26670. That is abnormal ?—Yes.

26671. Quite exceptional ?—Yes. I think I can recall one other case in which they did it.

26672. You have no other power except to keep writing to the local authority ?—No; to keep pegging away.

26673. They defied you till 1903 I see ?—They are still doing so.

26674. Can they defy the Local Government Board too, or can the Local Government Board insist on the sanitation being done ?—I do not know.

26675. Do you not think somebody ought to have power, when they see an asylum in danger for three or four years, and keep trying to get it improved ?—Somebody ought to have power.

26676. Do you think that you could act jointly with the Local Government Board or that you should have power to act jointly with the Local Government Board ?—I do not think any overlapping is desirable. I think one department or the other should have it, not in conjunction with the other. I understand that the Local Government Board have declined to take any further action in the matter.

26677. And you have no power to take action, however willing you might be ?—No.

26678. So that the danger which you stated in 1903 "is one which demands the immediate and earnest attention of the Visitors" must continue ?—Yes.

26679. Is that satisfactory ?—Not at all.

26680. Suppose power were given for some central body like yours to overlook the condition of defectives in addition to lunatics, would it not be necessary to have some power to deal with a question of this kind ?—Certainly.

26681. What would you suggest; that the new central authority should do it ?—Yes.

26682. Should have power to do it, or should have power to insist on the Local Government Board doing it ?—To call upon the local authority to do it.

26683. And if they did not do it ?—*Mandamus*, I suppose; the usual thing.

26684. Or something better than *mandamus*, the Local Government Board to be able to do it or the County Council to be required to do it ?—A *mandamus* generally answers, or has answered with regard to the deficiency of asylum accommodation. We had difficulty with Lincolnshire, where the asylum authorities were in default, and we reported to the Home Secretary, who sent requisitions to provide asylum accommodation and this step brought the authorities to book; the next step would have been a *mandamus*.

26685. You talked about *mandamus* ?—Yes.

26686. And that frightened them ?—Yes, in another case *mandamus* did not frighten them. That was before my time. Lincoln was in my time.

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26687. (*Dr. Donkin.*) I suppose when the Commissioners recommend Assistant Commissioners to be appointed in the event of there being additional work of the nature of supervising the mental defectives, they have it in their minds that it would be necessary, for that purpose, to strengthen the medical element on the Commission?—I think so.

26688. I quite understand what you said to Mr. Greene, that they do not propose simply to make the Assistant Commissioners do this work alone, but it was in their minds, in recommending these trained assistants, that they should be medical, because they regarded the additional work that would be imposed upon them as very essentially medical?—Very largely medical.

26689. That being the case, would it be your opinion that the Lunacy Commission, as at present constituted, with a numerical addition, or with an altered constitution (such as has been suggested in your answers to Mr. Greene with regard to the addition of laymen), would be the best body to deal with this additional work which might be imposed as regards defectives, taking it roughly to mean that there would be probably a large body of mental defectives of various grades treated as certified under a new Act and cared for in many institutions?—I think it is undesirable that there should be two bodies dealing with persons who are mentally defective, there would be friction between them at once; it is desirable to have all forms of mental deficiency supervised by one authority; if you set up another authority to deal with them there would be friction at once.

26690. What I wanted to get at was, that admitting the great desirability of having one body to deal with all, and also admitting that very largely the medical element would require strengthening because of this additional work, would it not be desirable to constitute the Commission rather differently from what has been suggested? Might it not be desirable to strengthen the medical element among the full Commissioners, who would have to deal with another and more difficult branch of work?—As at present constituted there would be a preponderating majority of medical men, even under the scheme suggested by Mr. Greene.

26691. It would be very slight, would it not?—Six honorary members; they would not be working Commissioners. The men who supervised and did the actual work in the office would be in the proportion of five doctors to three barristers, without the Assistant Commissioners who would all be doctors. You get a preponderating element of doctors. Mr. Greene's Honorary Members would attend Board meetings only, they would take no active part in visitation or management.

26692. (*Mr. Greene.*) Why not? If they were paid they could, and if they were not paid they should have the option.

26693. (*Dr. Donkin.*) Would you be prepared to admit that some special strengthening of the medical element on the full Commission having to deal with such an enormous amount of work, should be made *ad hoc*, supposing this new department were added?—We have said so ourselves.

26694. It would be regarded as special and somewhat difficult medical work, not to be done with complete efficiency by a layman?—I do not think so. I think the barrister Commissioners could go round, and would go round, defective institutions, quite as well as the others; after a time, any way.

26695-6. Would not you think it required medical men to inspect effectively?—To be purely medical, no.

26697. (*Mr. Dickinson.*) Could you provide us with a list of the persons who have been appointed Commissioners, and the dates of their appointment right away back?—Yes.

26698. Perhaps you would give us information as to what their profession was, as far as you know?—The paid, or the others?

26699. All of them. I am rather anxious to see how this disappearance of the honorary Commissioners came about; it has only been of recent years, I understand?—Yes, there were five in my time.

26700. Five until 1891, since then they have dwindled down to two; only since 1891, you have found difficulty?—I think there was a little difficulty before, in 1889. Lord Shaftesbury was alive almost up to the time when I was appointed Secretary. He had great influence and generally got men willing to act. On his disappearance the difficulty arose at once.

26701. What sort of attempt is made to get these vacancies filled?—I have been asked by the Board to see the Lord Chancellor's secretary, to see whether the Lord Chancellor could suggest anybody. Names have been put forward, but the gentlemen have declined; it is very difficult. The last three or four years I have been to the Lord Chancellor's office several times to see the secretary about it. *See* 3486

26702. Has any attempt been made to invite well-known members of the Visiting Committee in the country who are interested in it?—There is no limit to the number of people who might be asked; anybody would be welcome who would take an interest in it.

26703. Have you yourselves suggested names?—Yes, we have, one or two.

The list of Commissioners asked for was handed in subsequently and is as follows:—

HONORARY COMMISSIONERS IN LUNACY.

Those marked * were Chairmen.
Those marked † were previously Paid Commissioners.

Name.	Date of Appointment.	Date of Death or Retirement.
*Rt. Hon. Lord Ashley (afterwards Lord Shaftesbury)	1845	Died 1st October, 1885.
Rt. Hon. Lord Seymour	1845	Resigned November, 1852.
Rt. Hon. Robert Vernon Smith (afterwards Lord Lyveden)	1845	Resigned 1860 (or 1861?)
Mr. Robert Gordon, M.P.	1845	Died May, 1864.
Mr. Francis Barlow	1845	Resigned April, 1886.
Lieut. Colonel Henry Morgan Clifford	April, 1853	Resigned April, 1872.
†Mr. Bryan Waller Procter	February, 1861	Died 4th October, 1874.
Hon. Dudley Francis Fortescue, M.P.	February, 1867	Resigned December, 1882.
†Mr. John Forster	April, 1872	Died 1st February, 1876.
†Mr. James Wilkes	April, 1878	Died December, 1894.
†Mr. William George Campbell	June, 1878	Died 13th June, 1881.
*Mr. Thomas Salt, M.P.	December, 1882	Resigned February, 1892.
†Dr. Robert Nairne	July, 1883	Died 5th November, 1886.

HONORARY COMMISSIONERS IN LUNACY—*continued.*

Name.	Date of Appointment.	Date of Death or Retirement.
Viscount Emlyn	May, 1886	Resigned February, 1892.
The Earl of Milltown	April, 1889	Died June, 1890.
Mr. Harry Tichborne Davenport, M.P. (afterwards Mr. Hinckes).	April, 1889	Resigned July, 1893.
*Lord Hatherton, C.M.G.	July, 1890	Resigned April, 1898.
Sir John E. Dorington, Bart., M.P.	March, 1891	
Mr. Victor Alexander Williamson, C.M.G.	December, 1893	Resigned August, 1894.
†Mr. John Davies Cleaton	January, 1894	Died December, 1901.
*Rt. Hon. Earl Waldegrave	January, 1899	
†Mr. (afterwards Sir) Charles Samuel Bagot	January, 1903	Died 21st July, 1906.

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PAID COMMISSIONERS.

Medical.	Legal.	Appointed.	Resigned.	Died.	——
Dr. Turner		4th Aug., 1845	11th Oct., 1855		
Dr. Southey		„ „ „	4th Aug., 1845		Dr. Southey, though appointed by the Act of 1845, never took up the appointment.
Dr. Hume		„ „ „		1st March, 1857	
	Mr. Proctor	„ „ „	14th Feb., 1861		
	Mr. Mylne	„ „ „		24th Nov., 1855	
	Mr. Hall	„ „ „		30th Oct., 1845	
Dr. Prichard		31st Aug., 1845		— Dec., 1848	
	Mr. Campbell	26th Nov., 1845	15th June, 1878		
Dr. Gaskell		1st Jan., 1849	19th June, 1866		
	Mr. Lutwidge *	24th Dec., 1855		28th May, 1873	Murdered by a lunatic.
Dr. Wilkes		7th Nov., 1855	4th April, 1878		
Dr. Navirne		— March, 1857	5th July, 1883		
	Mr. Forster *	19th Feb., 1861	8th April, 1872		
Dr. Cleaton		21st June, 1866	31st Dec., 1893		
	Mr. Phillips *	11th April, 1872		27th Sept., 1895	
	Hon. G. T. Howard	14th June, 1873	26th Nov., 1877		
	Mr. Bagot	4th Dec. 1877	31st Dec., 1902		
Dr. Williams		4th April, 1878	8th April, 1889		
	Mr. Frere	17th June, 1878		11th Dec., 1900	
Dr. Southey		5th July, 1883	30th Sept., 1898		
Dr. Allbutt		25th April, 1889	25th April, 1892		
Dr. Needham		6th April, 1892			
Dr. Wallis		18th Jan., 1894		30th Dec., 1897	
	Mr. Urmson *	12th Oct., 1895			
Dr. Cooke		13th Jan., 1898			
Dr. Coupland		28th Oct., 1898			
	Mr. Giffard *	14th Dec., 1900			
	Mr. Inderwick	1st Jan., 1903		16th Aug., 1904	
	Mr. Shadwell *	18th Oct., 1904			

* Had been Secretary.

The age on appointment of Dr. Turner, Mr. Hall, and Mr. Campbell is not known. The average of the other Commissioners on appointment was between 49 and 50.

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26704. With regard to the compulsion which has been suggested sometimes over local bodies, have you ever considered whether the Commissioners should have some power of recommendation with regard to the withholding of the 4s. grant ?—We have never considered that.

26705. That is a power they have in Scotland ?—Yes, but there is no 4s. grant in workhouses in England.

26706. No, I was thinking of your compulsion over lunacy authorities, the local authorities ?—No, we have not considered that.

26707. Would that give you power ?—Yes, the great power of the purse.

26708. You told Mr. Byrne that since 1852 the Commission have been advocating the establishment of cheaper buildings for chronic patients ?—Yes.

26709. In what way have you advocated it ?—By reference to it in our Annual Report.

26710. Have you ever pressed any local authority to do it ?—Yes, Lancashire. Lancashire wanted to build a general asylum at Winwick ; we suggested that they should build one for chronic patients only.

26711. Have they done it ?—Yes.

26712. Is there any other instance ?—I believe the Banstead Asylum was originally built in the same way too. Banstead was a chronic asylum originally, now it is an all round asylum, the same as Winwick ; they convert them all in time, the pressure of new cases is too great.

26713. Can you tell me how many of these cheaper asylums for chronics you have managed to get introduced into the country in fifty years ?—I can recollect no others offhand.

26714. Then your pressure has not been very effective ?—No, I can only recollect that one.

26715. With regard to the lunatics in the workhouses, you have some power, have you not, by which you could compel a lunatic to be sent to the asylum ?—Yes, two of us can go down and make an order.

26716. Have you ever thought of exercising it ?—No, it has been exercised once, but we found the other power was quite efficacious.

26717. I understood you to answer Mr. Byrne that you wanted new powers for that ?—No, I think Mr. Byrne asked about new power to get them certified in the institution itself, in the workhouse. We have no power to compel their being certified in the workhouse. If we find a patient in the workhouse who is not suitable for workhouse treatment, two of us can make an order for him to be removed to an asylum.

26718. If he is certified ?– Whether he is certified or not.

26719. If you find a person in the workhouse, whether certified or not, who is in the opinion of two of you a suitable case for an asylum, you can make an order ?—Yes.

26720. Surely that is all the power you want ?—Yes, but Mr. Byrne suggested whether we should not have power to compel them to certify any uncertified person in the workhouse, not an asylum case. Mr. Byrne asked whether there were not a great number of obvious lunatics in workhouses who are not certified there, who are in the ordinary wards.

26721. And who ought to be in the asylums ?—No, in workhouses.

26722. (*Mr. Byrne.*) What I intended was that you should have the duty of going to see them, and on finding them, that you should either certify them yourselves or get someone else to certify them, and have them treated as lunatics ?—In the workhouses ?

26723. In the workhouses or in any other appropriate place.

26724. (*Mr. Dickinson.*) The answer is that you can send them to an asylum. Two of you can give that order. What power do you want ?—If we find lunatics in the workhouse who are suitable for workhouse treatment, but who are not certified, we want power to place them on the lunatic list in the workhouse itself.

26725. If you compel them to be certified now, they must go to an asylum ?—Yes.

26726. How does that come about ?—That is the only statutory power we have. I do not know how it arose.

26727. You cannot compel a person to be certified unless he is to be taken to an asylum ?—That is it.

26728. Could you, in giving the information for which Mr. Byrne asked as regards particulars of the office, also give us the number of Board meetings which the Commissioners have held, say, during the last five years ?—I think I can answer that question now. With the exception of August and September, which are holiday months when we have Board meetings as we can get them, they are held every week.

26729. Could you give us a list of the attendances for the last four or five years ?—Yes.

The list was handed in and is as follows :—

BOARD ATTENDANCES.

November 18th, 1903, to November 9th, 1904.—Fifty-four Meetings held. Attendances :—

Dr. Needham	40
Sir C. Bagot	33
Mr. Urmson	32
Dr. Cooke	32
Mr. Giffard	32
Dr. Coupland	22
Mr. Inderwick	18
Mr. Shadwell (only just appointed)	3
Sir J. Dorington	4
Earl Waldegrave	1

November 16th, 1904, to November 8th, 1905.—Fifty-one Meetings held. Attendances :—

Dr. Cooke	35
Sir C. Bagot	33
Mr. Shadwell	32
Mr. Urmson	31
Dr. Coupland	31
Dr. Needham	29
Mr. Giffard	22
Sir J. Dorington	5
Earl Waldegrave	1

November 15th, 1905, to November 14th, 1906.—(For several weeks could not get Board). Forty-six meetings held Attendances :—

Mr. Shadwell	30
Dr. Coupland	27
Dr. Needham (ill part of time)	25
Dr. Cooke (More than usual on circuit)	25
Mr. Giffard	21
Mr. Urmson (ill part of time)	15
Sir C. Bagot (ill part of time)	11
Sir J. Dorington	4

26730. (*Chairman.*) One or two questions about these honorary Commissioners. You have told us that a few years ago you had five of them and they were extremely valuable members of the Board. Did they do any visiting ?—Lord Milltown went to see one or two institutions.

26731. Only casually ?—Only casually ; he went with the Commissioners.

26732. He did not count as one of the two ?—No, he went simply to see how the inspection was worked.

26733. Is there any reason why an honorary Commissioner should not be one of the two who have to visit according to the Statute ?—I believe there is no power.

26734. In what way are they of great assistance to you ?—In this way ; that if we had a discussion with the local authorities and they found that these honorary members took our view, it had much greater weight. They helped us largely in that way.

26735. Did they attend very regularly at Board meettings ?—Those five I mentioned were very regular. The old honorary members were very regular indeed and they were extremely useful in helping us when we had questions of policy with local authorities. At the time when the Local Government Act was coming into operation there were all sorts of questions cropping up, and it was most useful having their opinion backing us up when we came, I will not say into conflict with them, but into discussion with them. When they saw that these outsiders, as they call them, agreed with our views, they tumbled to our views much more rapidly ; it removed friction.

26736. (*Dr. Needham.*) Do you not think it is desirable that the 5,000 pauper lunatics who are boarded out should be visited by the Commissioners ?—Yes

26737. Would not that be very desirable, independently of any addition made by this Commission; that there should be Assistant Commissioners who would discharge that work, amongst other work?—Yes, some of it.

26738. Do you think, or do you not think, that it is desirable that an alteration should be made in the law which enables committees to board out patients from the asylums in convenient localities?—Yes.

26739. You think that would be a matter which should be considered, with a view to its being carried out if possible?—The failure of the present system is due to the conditions with which it is hampered. The Visiting Committee cannot initiate this now; it is desirable that they should. At present it can only be done at the instance of friends.

26740. Do you think it is desirable that it should be extended as largely as possible?—Yes. There is one county in England where they are trying the boarding-out system, Suffolk; but the mental superintendent has really taken it up on his own behalf; he is placing eight or ten patients out and he finds great difficulty in doing it. He does not act on the Statute; when he finds a place he writes to the friends to ask if they are willing.*

26741. This was done in the County of Sussex to a large extent?—Yes. When he was there there were thirty or forty lunatics boarded out, but the thing did not take on.

26742. It might be done to a large extent in suitable localities?—Yes.

26743. (*Mr. Byrne.*) Do they get the 4s. a week?—No, they get the same allowance as in the asylum; it would include the 4s.

26744. (*Dr. Needham.*) With reference to lunatics in workhouses and with reference to the provision of cheap asylums, does it not occur to you that the building of chronic asylums only, has not been an unqualified success?—No, because they have been converted into general asylums under pressure of circumstances.

26745. In the county of Lancaster it has been found that the building of a chronic asylum and relegating people to this so-called chronic asylum, has had a most disastrous effect?—That is so.

26746. In what way?—On the patients.

26747. In what way?—When I went to Whittingham Asylum it was looked upon as a sentence of death to be sent to Winwick, by the patients.

26748. Did you have that expressed to you?—Yes.

26749. (*Mr. Dickinson.*) Why?—They feel they are beyond recovery. As long as they remained in the general asylums they did not think they were there for life.

26750. (*Dr. Needham.*) How did that react on the patients at Winwick?—They were more discontented than in any other asylum.

26751. Were they willing to work?—No, they generally refused to work.

26752. Why?—Because they knew they had no chance of release.

26753. They had no encouragement?—Absolutely none; it was hopeless.

26754. What you would propose would be, not the building of chronic asylums, but the building of composite asylums with differentiated accommodation?—Yes.

26755. Would you have the accommodation for all classes of patients on the same estate?—Yes.

26756. You would have your acute asylum?—Yes, the villas and the chronic blocks.

26757. And cheap cottages for the more or less feeble minded?—Yes.

26758. And all classes of lunatics you would accommodate on the same estate, only with different accommodation, accommodation suitable to their mental and physical condition?—That is what I should prefer.

26759. Do you think it is essential for the proper conduct and working of the asylums that the Commissioners should have the power of calling upon county asylums and hospitals to submit their rules for revision from time to time?—I have said so already.

26760. With reference to asylums as well as hospitals?—Yes, both.

26761. With regard to the honorary Commissioners and paid laymen, would there be any advantage in having a paid layman, as opposed to a paid barrister, who is a layman as regards medical matters?—No, I think there would be a disadvantage.

26762. You think there would be no advantage in having a person who is neither a lawyer nor a doctor?—No.

26763. I suppose a layman would not have the medical qualifications of a doctor or the legal qualifications of a lawyer?—He would not have that special training which I think necessary.

26764. Are there not barristers who have a great deal of business capacity?—I should think plenty.

26765. There is another point; that is with reference to dealing with plans. Do you not think it is very desirable that there should be every effort made by the Commissioners in the direction of economical administration of asylums and provision of accommodation?—Certainly.

26766. Do you regard it as one of the duties of the Commissioners to see that that is done?—Yes.

26767. Would it or would it not facilitate that, if there were an architect, as has been suggested, attached to the Commission as a permanent officer?—It would facilitate it.

26768. It would enable the specifications to be examined carefully?—Yes, which we cannot do.

26769. And the details of construction and ornament, and that kind of thing, being carefully scrutinised and all the expensive items eliminated?—That is where the economy would come in.

26770. Then you think that the expense of asylums is not so largely in bricks and mortar as in the matters which do not appear on the plans?—No.

26771. Which are in the specifications and which are nowhere else?—Yes.

26772. (*Mr. Byrne.*) Do you think, considering Lunacy Commissioners are appointed by the Lord Chancellor, who has full knowledge of the duties which they have to carry out, and consequently of the varying qualifications necessary, that there is any good obtained at all by the Lord Chancellor's choice being tied down either by legal or medical qualifications? Do you think anything is gained by having the Lord Chancellor's discretion fettered by statute?—I think I told Mr. Greene that I should leave it to the Lord Chancellor.

26773. About the qualification of the medical men, what I am putting to you is whether you would leave it to the Lord Chancellor with the whole of the qualifications knocked out of the Statute?—I would.

26774. And you think that preferable?—I do.

26775. (*Chairman.*) Is there anything you would like to add?—No, excepting with regard to the architect; I think we should have to have a sum of money allotted to us to enable us to employ a specialist in certain cases, drainage matters and water supply, and that sort of question.

26776. Do you mean, if you do not get an architect?—If we do; there are certain questions regarding water supply, and so on, rather outside his province, and it is desirable that we should have money allotted to us to call in a specialist for that purpose.

26777. (*Dr. Dunlop.*) Do you see any practical disadvantage in using the Office of Works as your architect, the skilled opinion there; is there any reason why the Lunacy Commission should not utilise it?—I think I would rather have the man at our beck and call upstairs in our office.

26778. Do you see any real disadvantage in referring the matter to the Office of Works?—Yes, they have nothing to do with us at present in regard to our duties; it would bring in another department in contact with us.

26779. You think that would be a disadvantage?—I do.

* *Vide* Appendix Papers p. 451 *post.*

SIDNEY COUPLAND, Esq., M.D., called; and Examined.

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26780. (*Chairman.*) Will you tell us how long you have been a Lunacy Commissioner?—Eight years; I was appointed in November, 1898.

26781. And before that?—I was physician to the Middlesex Hospital.

26782. Do you agree generally with the evidence which has been put in by the Secretary on behalf of the Commissioners?—I do.

26783. (*Mr. Byrne.*) On the subject of the discharge of patients from asylums we have been told of a certain class of cases, with which you are no doubt familiar; a patient has become rational and tranquil under the asylum treatment, who, from his past history, the superintendent has no doubt, will become drunken, criminal and insane within a few days of his discharge; we have been told that the superintendent has really to discharge such cases whether he likes it or not, and that it would be imposing too great a responsibility on him to say that he must not discharge; how would you deal with such cases?—I think it would be well for us to have power to retain such notorious people as that. It would have to be very carefully exercised.

26784. Would it require a judicial act, or could the Commissioners do it?—I should think the Commissioners might be empowered to do it on sufficient evidence. Of course they would have to be very careful how they exercised it.

26785. Do you think it would be better, in the public interest, that the Commissioners should do it, rather than that the Visiting Committee should take the case before the local magistrate?—I think so.

26786. There would be many disadvantages in that?—Yes.

26787. Unpleasant publicity, arguing and fighting about what was really partly a matter of the personal history and partly a technical medical matter, and no good result would be obtained?—No.

26788. If the Commissioners did it on the application of the superintendent you are satisfied that the liberty of the subject would be secured?—I think the Commissioners are very jealous of the liberty of the subject.

26789. Do you think that, if you had, and exercised, that power, it would apply to a considerable number of persons?—Yes; I should not like to say how many; I think a fair number. There are about 25 per cent. of the patients who have been discharged who are returned to asylums. Not 25 per cent. within the year, but a good many within a year. Of those a large proportion are the alcoholic cases.

26790. Who are a great public difficulty and nuisance?—Undoubtedly.

26791. If this method dealt successfully with people of that class, in that respect alone it would be doing good?—Undoubtedly.

26792. Are you entirely satisfied with your advisory position in medical matters connected with asylums, or is there any statutory power you would like to have which you have not got?—I cannot think of any.

26793. But you agree with the suggestions which have been made by the other Commissioners?—Yes, I fully endorse what Mr. Urmson has said.

26794. I think you have heard all the evidence?—I have been here every day.

26795. With all the suggestions which have been made, you practically agree?—I do.

26796. (*Mr. Greene.*) Among the suggestions with which you agree is one for raising the medical qualification?—Yes.

26797. You think that at present it is inadequate?—It is indefinite.

26798. And inadequate?—It might be. It is very probable that no Lord Chancellor would appoint a man unless he were highly qualified, so the omission is practically not of much importance.

26799. Supposing recommendations were made that the Lord Chancellor should always put in a certain number of lunacy specialists?—I do not think I should dictate to him. He would probably follow the practice.

26800. All the medical Commissioners are not specialists?—No, I am not.

26801. Have you found that to be an advantage, that there should be one who is not a specialist?—An advantage to me or to the Commission, do you mean?

26802. To the Commission?—I do not think I am in a position to say. My colleagues would answer that.

26803. Do you know whether in the medical journals there have been any criticisms on the action of the Lunacy Commissioners? Have they been found fault with at all for anything?—I think they have. That is the fate of every public body.

26804. What is the principal grievance against them; no doubt it is an unjust one, but what is it?—I have read articles which are hostile, but I do not think there is very much importance to be attached to them. It is simply, perhaps, that the body is not large enough to do the work we ought to do.

26805. What work is there which the public feel—if these journals express the view of the public—is left undone, which ought to be done?—I am bearing in mind particularly a publication in one of the medical journals about twelve months ago of an inquiry into the system of boarding-out which is carried out to such a large extent in Scotland, and the contrast which was drawn between that and the provision for what are called outdoor paupers in this country. It was very unfavourable to England. It was shown that the Commissioners in England took no notice of these outdoor paupers, that they did not come within their purview at all. We endeavoured to ascertain where it was defective but we did not succeed, no information was vouchsafed to us as to the particular places which were visited and found to be defective. There were descriptions of the homes, but all names of the localities were omitted. Undoubtedly that is a weak point in our supervisory functions. I admit the criticism was just.

26806. You ought to have power?—Yes, although it would very considerably add to our work.

26807. You think it would be a good thing to get power to deal with boarded-out paupers?—Yes.

26808. Power ought to be given to some central body, whether it is the present Lunacy Commission or whether it is the Lunacy Commission after a resurrection—perhaps they may perish and be revived in another form—some central body should deal with them?—Yes, just as we visit the private single patients.

26809. You could not possibly tell what augmentation of the staff of the Commission would be necessary?—I can, I think. Supposing it were done on the same scale as it is done in Scotland, where 19 per cent. of the pauper lunatics are so boarded-out, and the numbers are 2,704; in England the same percentage of pauper lunatics would amount to 20,300 and we should require ten times as many people to visit as in Scotland. I believe in Scotland there are two Assistant Commissioners to whom is assigned the sole duty of visiting them, so we should have to appoint twenty in England and Wales.

26810. The Assistant Commissioners would be subordinate to the Commissioners?—I imagine so.

26811. And they would have no vote at the Board but merely be reporters?—Yes.

26812. What is the very worst thing which the bitterest enemy of the Lunacy Commission has got to say against it?—I cannot say.

26813. Are you satisfied with it in its present form?—Yes; I cannot say that I am dissatisfied.

26814. You would not add to its jurisdiction? Beyond adding to its number, you see no way in which it could be improved?—I think we should, perhaps, have more power in some directions as has been already pointed out.

26815. The suggestion for improvement did not emanate from the Commissioners. Have the Lunacy Commissioners any corporate idea of possible improvement in their constitution, jurisdiction, or working?—No, I do not think the matter has been discussed.

26816. They are quite satisfied?—I think so.

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26817. (*Dr. Donkin.*) I think you heard the questions I asked Mr. Urmson with regard to the fitness, in his opinion, of the Lunacy Commission, unmodified or modified as has been suggested, to undertake the work of supervising this possible new body of mental defectives, not now certified, but in the future possibly to be certified. What is your opinion about that?—When this Commission on the feeble-minded was first started I felt very averse from having the control of that class under the Lunacy Authority, in the interests rather, perhaps, of the individuals who would have to be so supervised. I thought they did not require probably more special dealing with, and also that it would be a hardship to associate them with insanity. But I must say I have rather modified that view now. I think that it would be very difficult to separate departments which, as it were, merge into one another, and I do not at all see why the present Lunacy Board should not be able to control the feeble-minded department, because one merges into the other.

26818. Have you changed your view mainly with respect to the greater administrative facilities?—Yes, mainly in that respect, and I think it may possibly have a good effect on the insane if they are classed with people who are not actually insane. It would be good both ways; whereas a feeble-minded person would object to be considered an associate of an insane person, an insane person might perhaps feel that he was not so bad, nor be so regarded, if he were classed with the feeble-minded. It is perhaps a purely sentimental point, but I am sure it would have a great influence.

26819. Suppose there were, before long, a very large number of various grades of defectives put under certificate, do you think the matter of supervising certificates and revising certificates would be very hard work?—I do; it would be very onerous.

26820. Would not that almost necessarily be mainly the duty of a medical Commissioner?—Yes, it might be, the work could be apportioned. It is all in the air; we do not know what this extension of our work may lead us to. It is quite possible it might necessitate the relegation of that to a department of our Lunacy Board.

26821. Supposing that took place—if it were established at all—it would be before long taking care of large numbers. Would not it, in your view as a medical authority, being a medical matter (both in the matter of supervising certificates and inspecting the treatment of these people), be more difficult than the supervising of the recognised insane now?—Yes.

26822. Therefore, supposing the Commission undertook all this, the increased Commission for that particular object should be mainly medical?—It would have to be in the medical direction, undoubtedly

26823. You would want not only the addition of assistant medical Commissioners to do this work, but full Commissioners with full power and authority?—Yes, provided the Board were not made too unwieldy by it.

26824. I only want to get your real opinion as regards the medical and lay strength of the Commission with a view to the possible charge of this body of people; you think the medical element is very important?—Undoubtedly.

26825. (*Dr. Dunlop.*) In answer to Mr. Greene, you were talking about the duties of deputy Commissioners in Scotland, saying they were exclusively to attend to boarded-out paupers?—I should have said, so far as I know. I do not know from personal knowledge, but I have been informed that that is generally their duty.

26826. Are you aware that to a large extent they act as Chancery Visitors in Scotland and visit the curatory cases?—No.

26827. To enable the Commissioners to estimate the requisite strength of the Lunacy Commission, it is necessary to know what should be the limit of one day's inspecting by one man. How many asylum cases can be efficiently inspected by the inspector in one day's work?—I think I heard the same question put to my colleague. I should agree with him. I think he said about 800.

26828. He brought it down to 500 or 600?—Yes, I should agree with him. I should like to point out that the inmates of an asylum vary very much with regard to the amount of attention which has to be paid to them. In the chronic blocks, with people who are quite demented, there is very little that the Visitor can do except see that they are properly dressed. You cannot get any information and they do not proffer any, but in the more acute blocks, especially those with many delusional cases, you are detained a long time, so it is difficult to give any number; you might see 1,000 one day, possibly.

26829. Taking patients altogether, I understand you see about 1,000 a day?—We do.

26830. That is far too much?—Yes.

26831. The Scottish Commissioners only see about 300 a day; is that too little?—No. There is nothing I like better than going to an asylum with 300 or 500 patients; that is the sort of work I enjoy, but I candidly confess that going through an asylum with between 2,000 and 3,000 people is wearisome in the extreme.

26832. You do it in two or three days' work?—Yes.

26833. You want two or three times that?—Yes, to do it at all satisfactorily.

26834. You were talking about the powers possessed by the Commissioners, and saying that increased powers were not very desirable?—I have not considered the subject much myself, I think we get our own way in most things.

26835. There has been a certain class brought to the notice of this Commission who are generally certifiable lunatics; they crop up in prisons for instance; no one has authority to order them to be placed in an asylum. Do you think this power is a power which might be delegated to the Lunacy Commission?—A lunatic can be transferred from a prison to an asylum.

26836. They may be, but there is no compulsory power to insist on it?—I think it is always done when a prisoner becomes a lunatic.

26837. Perhaps you have not thought out the matter?—No, I did not think there was any difficulty in the matter.

26838. Have you any power to order a lunatic out of the general ward of a workhouse to an asylum?—Two of us have; we have absolute power given by statute.

26839. Is it ever exercised?—Not in my time.

26840. So that power is not very much utilised; would you like extended power in that respect?—I should say ditto to Mr. Urmson, who was questioned on the same subject.

26841. Have you any views as to single visiting in place of double visiting? Should that be restricted to medical visitors, or should both do it?—Both.

26842. Why?—We should be able to send one or the other.

26843. Are they equally efficient do you think, the medical and the legal visitation?—It is obvious that a lawyer has not the full medical knowledge of a trained medical man; that we must admit, but the utility of the legal man is undoubted.

26844. I am not questioning that; but for the purpose of single visitation, is the barrister Commissioner equivalent to the medical?—Yes. I think after he has been in the Commission a very short time and has gone round the circuits of many of these asylums in company with a medical man, he knows nearly as much in respect to asylum visitation.

26845. Do you agree with the previous witness regarding Chancery Visitors; are the Lunacy Visitors competent to do the same duties as Chancery Visitors?—I think so.

26846. Would Chancery Visitors become competent Lunacy Visitors?—I think so.

26847. They have the same qualifications?—Yes.

26848. Have you any opinion with regard to the number of visits per annum that should be paid to asylums?—I think one visit a year is sufficient in the well-ordered asylums in this country. Of course we have power to visit whenever we like. I think one visit is sufficient.

26849. Is that sufficient to make the inspector conversant with what is doing in an asylum?—It is quite sufficient, I think, for him to get a good knowledge of

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really how the asylum is being conducted. It is a surprise visit. He sees how well or badly the place is conducted. I think it is quite sufficient.

26850. They might make many changes in a shorter time than a year ?—Is it likely ? Speaking only for myself I think the attitude towards them should be less one of suspicion that they would do such things than belief that they would not.

26851. Have you any views as to the justification of the enormous difference which is made in the number of visits to different patients, the Metropolitan Licensed Houses receiving six visits per annum and the paupers in private houses no visits per annum ?—I agree with Mr. Urmson ; I think it is necessary that the licensed houses should be visited by us frequently.

26852. More frequently than the ordinary patients ? —Yes.

26853. Do you agree with the previous witness about the workhouses being brought under the Lunacy Commissioners ?—Yes.

26854. Do you agree with him with regard to the unsatisfactory working of the Idiots Act ?—Yes, we have always felt that.

26855. You want much wider powers there ?—Yes.

26856. Have you any opinion as to the decentralisation of the Commission ; you are aware that it has been suggested on more than one occasion that there should be a central Commission in London with subsidiary Commissions in different districts in England ?—I have not thought of that ; I should doubt if it would be advisable.

26857. On what grounds ?—I think we should exert a better influence by being detached entirely from all local surroundings, not being settled in one part of the country. A central body has more attention given to it, and really has more weight.

26858. Take a subsidiary office locally, say one resident Commissioner in Yorkshire who would be a member of the London Board and come and attend Board meetings, but resident in Yorkshire to keep his eye on what is doing in Yorkshire ?—No, I think it is far better as it is. He would be a resident there and be there for years and years.

26859. Would not he keep more in touch with what was doing in Yorkshire ?—He would probably get into a groove.

26860. Would not the central body correct that ?—The central board might not have the opportunity.

26861. (*Dr. Needham.*) The discharge of lunatics, of course, assumes different characteristics according to the *status* of the patients. In visiting county asylums, for instance, the Commissioners bear in mind, I suppose, that they have no power to discharge from county asylums ? —That is so.

26862. The responsibility of the detention of a patient rests absolutely and entirely with the Visiting Committee, who alone have the power to discharge ?—Yes.

26863. And the Commissioners have no power. They have the power of representation—but not efficient representation—to the Committee, as to any person who, they think, has recovered ?—That is so.

26864. Even if the Commissioners found that a person was recovered in an asylum the only thing they could do would be to report to the Committee that in their opinion he was recovered and that attention ought to be paid to his case ?—That is so.

26865. They have no other power ?—No.

26866. Therefore the old custom which has prevailed amongst the Commissioners of doing what they do now in Scotland, which takes up so much of the time of the Scotch Commissioners, namely, of ticking off in a book the name of every person in the county asylum, has been given up ?—It has, very wisely.

26867. First, on account of the enormous size of some of the asylums and the impossibility of doing it, and the slavishness of the work, and the next, and more important reason, that the Commissioners have no power whatever of discharge ?—I should think so.

26868. What they do in the county asylums is this : they go round and count all the patients in each ward so as to be satisfied that they have seen every patient ?—Yes.

26869. Then they walk slowly round the wards and give every patient an opportunity of speaking to them ?—Yes.

26870. As regards the hospitals and licensed houses which contain private patients, what is the course of the Commissioners with reference to the patients therein ?— —They see every patient, because they have a book with his name in and they mark that off.

26871. They tick off the name of each patient in the book ?—Yes.

26872. Do they consider it part of their duty to satisfy themselves at each visit as to the propriety of the continued detention of each patient ?—Yes, undoubtedly.

26873. That is part of their business on each occasion ?—Yes.

26874. They discharge that with great care ?—Yes.

26875. I am requested to ask you what the rate is at which Commissioners can see patients in the licensed houses and hospitals ?—I should not like to say.

26876. I suppose it depends on the individual who is seen ?—Yes, and the class of patient.

26877. And the difficulty about their cases ; so that it is a very variable quantity ?—It is.

26878. But it is a very slow process compared with seeing the patients in county asylums ?—Yes.

26879. (*Dr. Dunlop.*) Does it occupy twice the time ?— More than that.

26880. (*Dr. Needham.*) You would not see 300 patients in a private asylum or a hospital ?—No ; not more than that.

26881. I suppose that both in county asylums, and especially in the asylums for private patients, there are special inquiries to make ?—Yes.

26882. A charge is made of unkindness and a special inquiry has to be made on the spot, and very often evidence is taken and so on ; that absorbs a good deal of time ?— Yes.

26883. Then private patients have a right to demand a private interview, which I suppose is always afforded to them ?—Yes.

26884. Are they of long duration ?—Some of them are.

26885. In some places I suppose these demands for private interviews are very numerous ?—Yes.

26886. The visitation of the London licensed houses are six a year ; is not the frequency of the visitation rather due to the idea of the legislature, as far as you can understand it, that every person who comes in should during his time of stay have an opportunity of seeing a Commissioner who can judge as to his mental condition ?—I should say so.

26887. So that it is made frequent for that reason ?— Yes.

26888. The Commissioners having power to discharge from hospitals and licensed houses ?—Yes.

26889. And these functions are discharged in the country by a special board of visiting justices who are bound to be appointed by Act of Parliament for the visitation of the private asylums throughout the country ? —Yes.

26890. (*Chairman.*) Is there anything you would like to add ?—There is one point I might add, speaking as a medical man, with regard to my legal colleagues, the necessity for them, why the Commission should be of this hybrid character. We had read out to us the duties of the Commissioners, and it has been pointed out that they do not require a specially trained legal mind ; I should like to make this remark, which I think is quite obvious, that our primary duties are not contained in that schedule. Our primary duty is towards the patients, and we have to satisfy ourselves that they have been properly detained, and we have to do our best, if we are satisfied, to reconcile the patients to this detention. Those patients who do complain most of their detention and feel it as a great

hardship are just those insane people who will not admit that they are ill, that they have need of a physician. We, who are sane, know that to be the real cause of their being there at all, but they are not comforted by the visit of a doctor at all. Over and over again a patient has come up to me, and directly he has found out that I am a medical man, he has said, "I do not want to see you, I see medical men every day of my life. I want to see the lawyer." The reason why he wants to see the lawyer is to assure himself that the deprivation of his liberty has been done legally, and to have it explained to him that this is because he has come under the law. I am certain that very often he is comforted and satisfied by that to a certain extent. Of course, many of them are not. So if you did away with the visits to asylums by the legal Commissioners, I am sure you would not be really treating the patients as humanely as you are, and I think that is the grievous fault of the Scotch system. I believe they are only visited by medical men. I think that shows that Scotland, which in so many respects is so humane in its treatment of the insane, is not so humane as England is in that respect.

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26891. What you say would apply pretty well to any lay person besides a lawyer?—Yes, I think it applies *a fortiori* in the case of the lawyer, because the patient looks to the law for his protection. He feels he is there under the law and wants to know the law of it. I do not think a mere layman would be able to satisfy him. There is another little point, the question whether ladies should be on the Commission or not. It would be very nice if they were, and there are many things about which a lady knows of which we men are not quite so competent to judge, for example, with regard to domestic arrangements, laundry, bedding, and so on; but if they were to be appointed in order that they might devote their attention solely to female lunatics, I should like to point out that for that there would (having regard to the proportion of the sexes under treatment) have to be on the Commission ladies in the proportion to men of six to five. The Commission would be dominated by the female element.

F. Needham, Esq., M.D., a member of the Commission, called; and Examined.

26892. (*Chairman.*) You might be so kind as to tell us how long you have been a Commissioner in Lunacy?—Close upon fifteen years.

26893. Are you in agreement with the statement of the Secretary of the Commission, and also with the statement of the Commissioners?—Yes, I agree generally with the observations in them.

26894. Are there any particular exceptions you would like to make?—I do not think so. I do not think I should care to make any special exception.

26895. (*Mr. Dickinson.*) Perhaps you would not mind giving us shortly the procedure adopted when you visit an asylum. Is it a surprise visit always?—Always. We go into the asylum and we see the superintendent and we hand in a schedule of particulars which we ask to have filled up with reference to the admission of patients and changes that have taken place amongst the patients since the last visit, the number of deaths, causes of death and matters of that kind, mechanical restraint, seclusion, and a number of particulars.

26896. Has that to be done on the spot?—That has to be done while we are inspecting.

26897. So that it shows the books are kept up to date?—Yes, that is done by the clerk and by the medical officers; we also enquire as to the number of attendants who have left and a number of matters of that kind.

26898. Then what do you do?—Then we go round the wards. We go into each ward, and as we go in we see the charge nurse. We are accompanied by the medical superintendent and the assistant medical officers and by the matron or by the head attendant. We take down in each ward the number of patients, the number of attendants, the number of the patients who are epileptic, and the number of the patients who are suicidal, and the number of patients who are in bed. Then we proceed to count all the patients in the ward so as to make the numbers tally with the number given to us. Then we go round each ward, walking slowly from patient to patient and giving every patient the opportunity of speaking to us, many of the patients availing themselves of that opportunity. If a complaint is made to us we investigate the complaint. For instance, the other day, at an asylum we were going round, a patient complained of being ill-used. We made careful inquiry into the complaint and in the result we advised the superintendent that the nurse should be discharged.

26899. How do you make investigations like that?—We take evidence from the nurses and from any other patients who are competent to give evidence.

26900. On the spot?—Yes.

26901. Informal inquiry in the rooms?—Yes. Of course if a serious complaint were made we should investigate it separately and upon oath.

26902. Do you have many investigations of that kind to make?—Comparatively not many, but a good many altogether.

26903. That is a matter with which the Visiting Committees are constantly concerned?—Yes.

26904. You do not refer to the Visiting Committee, you enquire yourself?—If a complaint were made to us at our visitation we should inquire ourselves. We should not disclaim responsibility and say, "this must come before the Committee;" we should make investigation on the spot. Then after we have seen the whole of the patients, and the whole of the establishment, the kitchen and the store-rooms and tasted the stores as far as possible, and seen the entertainment-room, in fact, all parts of the premises, we go into the committee-room and write our report.

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26905. Do you give any attention at all to the actual individual treatment of the patients, the medical and scientific treatment of them?—Yes, as far as we can. I think we have always held that interference with the medical treatment would be an encroachment upon the duties of the medical superintendent, would limit his responsibility and be rather undesirable. In the medical profession it is not customary for one man to criticise very closely the dealings of another, even if he is in a consultant capacity, unless he has reason to think that the treatment is unsatisfactory. It has happened to me that I have gone to an asylum where I thought the medical treatment, from complaints which were made, was not quite satisfactory. I remember remonstrating very much indeed with the superintendent and insisting upon a variation being made.

26906. In the treatment of an individual patient?—This was the treatment of one or more patients. I found that he used a certain kind of treatment with reference to several patients which I thought was more of the nature of punishment than medical treatment.

26907. When you say you rather feel that to be a matter which should be left to the superintendent of the asylum, would you say that as a rule the medical superintendents of the asylums in England possess a high class of technical knowledge?—Yes. I should say, taking them all together, that they are men of very high qualifications indeed. I should think they are extremely competent men, taking them all together, and men, as a rule, who have a vast amount of expert knowledge. I think it would be an extremely dangerous thing for even expert Commissioners to interfere very materially when they visit casually as we do. You have not the same knowledge of the particular patients that the superintendent has who is always on the spot.

26908. Does that observation apply to the county asylums as well as to the private asylums?—Yes, certainly.

26909. You think there is as high class a man engaged there as in the private asylums?—Yes, quite; I will not say more so, but certainly quite as high.

26910. Apart from individual treatment, as regards the general question of treatment and management from the point of view of curing patients; do you advise them on that?—We are asked for advice on all manner of subjects, and we are always very ready to give the benefit of our wide experience. Superintendents know, and we occasionally point out to them, that we have the advantage which they have not, of going from one place to

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another and comparing one mode of treatment with another, and we give them the benefit of any experience we have.

26911. There must be some asylums better than others which you visit?—Yes.

26912. Have you been able to bring the backward ones up to the mark?—I have no doubt whatever, as an old superintendent and as a Commissioner, that the enormous advance which has taken place in the improvement of asylums has been very largely due to the action of the Lunacy Commissioners; of that I have not the smallest doubt.

26913. Has that been the case always, or only recently?—I think from the very beginning, and much more from the beginning than very recently, because things have improved so much that they have been going on fairly satisfactorily for a number of years. I was superintendent so far back that I remember asylums in a much less satisfactory condition than they are now. For twenty-five years before I was a Commissioner I was an extremely careful critic of the Lunacy Commission.

26914. Did you find the Lunacy Commission at that time induced you to make improvements?—I think so. Almost all the ideas of improvement I have ever had have been the result of the teaching of the Lunacy Commissioners, who have the opportunity, which no private person has, of going from place to place and comparing the results of treatment in one place and another.

26915. Were you on the Lunacy Commission when the number of honorary Commissioners was full?—I think there have been as many as four. There never have been five in my time.

26916. Have you made any attempt yourself to induce people to come on?—Yes, we have all done that; we have tried very hard. Over and over again we have felt and expressed the greatest desire to have additions, to keep our honorary Commissioners at a fairly high level. I do not think we have always wanted to fill them all, because of the possible retirement of paid Commissioners.

26917. Have you actually yourself asked any individual?—I cannot say that I have, myself.

26918. I was going to ask you what the answer was, why it is they will not serve?—I think people do not like the work. In the first place it is unpaid, and from most people's point of view it is not very interesting. People dislike lunacy very much. I understand that on the London County Council there is found an increasing difficulty now in getting people to serve on the asylums committees.

26919. Because the number of asylums is increasing so much?—I think the difficulty is an increasing difficulty. Sir John Macdougall, said that, I think, when he gave evidence here.

26920. During the first forty years of the Commission they seem to have had no difficulty in filling the places?—During the first forty years you had Lord Shaftesbury at the head. He was a power, and he could induce people. His own personal influence and enthusiasm were sufficient to infect other people.

26921. (*Mr. Greene.*) I see there is a difference between the power which your Commissioners have and the Chancery Visitors, with reference to appointing deputies in case of illness or otherwise. Is there any reason why those should not be assimilated? The Chancery Visitors may themselves appoint with the sanction of the Lord Chancellor, but it requires an appointment by the Lord Chancellor in the case of your Commissioners. Is there any reason why they should have that advantage given them?—I should think we ought to have the same advantage. It is a very irksome thing to have to go to the Lord Chancellor and get a man appointed. Substitutes are exceedingly difficult to get. I was ill at the beginning of this year and I applied to several men before I could get a man to undertake my duty.

26922. But the sanction of the Lord Chancellor to someone who has been selected by a Chancery Visitor is not so difficult?—No, I think the Lord Chancellor is willing, so long as you send a suitable name.

26923. County court judges may appoint deputies; you do not see why your Commissioners should not have power to select a deputy for the approval of the Lord Chancellor?—I do not see any reason.

26924. Can you tell me whether you see any reason why the distinction should be maintained of having one class of lunatics who are so found by inquisition, and another who are not so found?—In the case of people who are so found by inquisition, committees are appointed both of the person and of the property, who have control of the person as well as the property. People as to whom orders are made under the 116th Section have orders as to property, but no control as to the person. The consequence is that all the people as to whom orders are made under the 116th Section are visited by us and not by the Chancery Visitors, and a good many of them would not be certified except for our action.

26925. But, except for the fact that there are one or two disabilities under which a person is placed when he has been found lunatic by inquisition, the position of a person who is practically under an Order under the 116th Section is just the same. Why should a man have one set of Visitors to look after him, and have to pay for it, if he has been declared insane by inquisition, and have to submit to that loss?—The difference is perhaps sentimental, but one difference is this, that a person who is so found is declared to be a lunatic. A person as to whose property an Order is made is not *ipso facto* declared to be a lunatic, although he has to be proved to be a lunatic before an Order can be made.

26926. His person has to be controlled?—No, not under Section 116.

26927. No, but that is because he is in such a condition that he cannot do anything for himself?—Yes.

26928. You cannot have a person under Section 116 who would be going about attending to his affairs?—Yes, you might, but not having control of his property. A man as to whom an Order is made under Section 116 may have perfect personal liberty and yet his property be protected.

26929–30.—I have been wondering whether, if we got rid of that distinction, it would simplify the work of your Commission?—I do not think so. There is a provision which has been before Parliament in a Bill, that all the lunatics under the 116th Section should be visited by Chancery Visitors, who visit the people "so found"; at present they are visited by us.

26931. With reference to the chairmanship, do you not think it would be highly desirable to have an outside person appointed by the Lord Chancellor, instead of someone selected by the Commissioners?—He always has been.

26932. By the law he has to be chosen by the Commissioners?—There has always been a person appointed by the Lord Chancellor. He has appointed someone to be Commissioner, with a view to his taking the office of Chairman.

26933. But he has been appointed by the Commissioners?—It is a mere nominal appointment. He is put into the position as a Commissioner by the Lord Chancellor. Lord Hatherton, Lord Waldegrave, and other Chairmen have been appointed Commissioners by the Lord Chancellor with a view to their being Chairman. In the last case we asked the Lord Chancellor if he would find us a Chairman and he found Lord Waldegrave and appointed him first a Commissioner and then we elected him Chairman.

26934. Would there be any difficulty in providing that the lay element, whether paid or unpaid, should continue in office only for a certain length of time, say ten years?—I do not think it desirable.

26935. Do you think it desirable that the officers of the Commission should continue to any age, and for any any number of years' service, or is it better, in the interests of the public and the Commission, that there should be something like a rotation and succession?—I have seen no disadvantage in the present system. I have known all the Commissioners for a great number of years, and I have never seen Commissioners go round asylums who were not competent to discharge their duty, and competent to discharge their duty in an efficient way. It was not thought any disadvantage to the late Lord Chancellor to be of the age he was, or for many of the judges to be of the age they are.

26936. In other departments, county court judges, and, I think, registrars and various officials in the civil

service, they have to retire after a certain number of years service, or at a particular age ?—That may be so, but I believe not as regards county court judges.

26937. Is not it such an arduous kind of work that people are apt to lose initiative if they are too long at it ?—It may be so. I have not noticed it.

26938. There are many offices in which the work is so continuous, and perhaps repellent, that after a time the activity of the mind and the interest in the work a little bit slacken ?—I can easily understand it. My experience is (I am not speaking now of my opinion) that some of the oldest Commissioners we have had have been the keenest of all up to the time of their withdrawal from the Commission. No one could exceed in keenness the late Sir Charles Bagot who was a Commissioner up to seventy-four. He was honorary Commissioner during the last few years. No one could exceed him in keenness of intelligence, quickness of grasp, and freshness.

26939. Chancery Visitors or Masters do not fall within your province ?—I would rather say nothing about them, I know very little about them.

26940. (*Mr. Byrne.*) You will please take it, in the questions I am putting to you, that I am only asking you with reference to your views as a Lunacy Commissioner. You have heard the evidence of your colleagues ?—Yes.

26941. As regards the questions which I put to them about their present powers, and whether they would wish them extended in any way, do you generally agree with those points ?—Yes.

26942. Might I go through them ? In the first place do you agree that some lunacy authority should have power over the out-paupers who are in receipt of poor relief ?—I think very strongly that they ought to be visited.

26943. In some shape or form, that should be the duty of the Central Lunacy Authority ?—Yes.

26944. Secondly, as regards the ordinary wards of the workhouse, do you agree with what Mr. Urmson said, that there should be some power of preventing dangerous or uncomfortable lunatics from living in the ordinary wards of the workhouse merely because the doctor had peculiar views and did not want to certify, or because the Guardians did not carry out their duty?—It is very desirable that it should be done, but I see great practical difficulties in the way.

26945. In the abstract you would desire it ?—Yes.

26946. In some way or other that should be the duty of the Central Authority ?—Yes.

26947. As regards discharges of persons who have recovered to a certain extent, but are still dangerous, and are at liberty, I will not ask what remedies you suggest, but I would ask you to say as a Commissioner whether you recognise that evils do arise from that ?—Yes, I quite appreciate that, but I do not quite see any remedy at present.

26948. About the powers of the Lunacy Commissioners over public asylums and hospitals, as regards regulations, including staff and dietary, do you think they are sufficient ?—I think the Lunacy Commissioners ought to have power to call for a revision of the rules and regulations in both hospitals and asylums. I think that is a matter of great importance. You get rules which are sanctioned by the Secretary of State after being carefully examined by the Commissioners, and the state of things alters very much in the course of years ; the state of the asylum alters, or a variety of circumstances occur which make the state of things quite different; you want a revision to meet the new state of things and you have no power to call for it ; once passed, these rules can be kept on until the end of time without the power of anyone to call for their revision.

26949. I presume you do not agree with the suggestion that has been made that the Lord Chancellor or the Secretary of State or someone should lay down model rules ; I understand they must be different according to the nature of the establishment ?—We have drawn up a series of model rules which we submitted, simply to save trouble ; they are very often adopted *en bloc.*

26950. Owing to different circumstances you would not like to force them on everybody ?—No, I think you ought to allow a certain amount of discretion to local authorities.

26951. Supposing the Lunacy Commissioners had extended jurisdiction over imbeciles and feeble-minded persons, but who are not now certified, but who would be confined in establishments varying in character and mostly different from asylums, do you think they should have power to regulate these ?—Yes.

26952. In those circumstances these regulations would have to be widely different ?—Yes.

26953. Each would have to have a separate type ? —There would have to be great modifications.

26954. So that it should be left in the hands of the Central Authority to advise the Lord Chancellor, the Home Secretary, or whoever it might be, in each particular case ?—Yes.

26955. Supposing an extension of the Commissioners' jurisdiction were made, would the Commissioners be able to deal with philanthropic Homes for the feeble-minded on the same lines as they now deal with the idiot asylums ?—What do you mean by "deal with them" ?

26956. Would you think the Central Lunacy Authority should see the certificates on admission—have copies of those ? You have copies of the idiot's admission, have you not ?—Yes.

26957. Would you think the central authority should have them for these people ?—I should have thought, when you deprived any person of liberty, it would be desirable that you should have a record of the reasons for depriving him of liberty lodged with some central authority.

26958. Speaking simply as a Commissioner you would think these places require inspection ?—Yes, I do, I think that is very important.

26959. And it should be the inspection of a lunacy authority ?—I think so.

26960. Speaking again as a Commissioner, do you see in the internal administration of your office, any directions in which the work falling on the Commissioners could be properly reduced ?—No, I do not. I think it is of great importance that the Commissioners themselves should see the certificates of every person who is admitted to an asylum in order that they may judge of the value of the facts upon which this person is committed to an asylum. It seems to me that it is a duty which is thrown upon the Commissioners. Then as regards the continuation reports, which are now about 30,000 a year, I think that is also extremely important from the point of view of the Legislature, acting on the Report of the Select Committee which considered it requisite to have these reports at all. A Commissioner should judge whether the facts which are alleged in the certificate are sufficient to warrant the certificate, because it is a detention certificate ; it is as much a detention order as the original admission order.

26961. I am going to suggest whether it might not be considered, perhaps valuable, but rather a supererogatory precaution ; are there not enough precautions without it ? —No, I think it is very important.

26962. It is only of recent years that it has been done ? —It is only of recent years that the continuation report system has been in vogue.

26963. And not many years, the admission order ?— A great many years.

26964. Only thirty years ?—That is a long time. I should have said it was much longer than that. I know the Commissioners over and over again in their reports —and I think you will find it in Fry's Lunacy Acts— mentioned one particular case in which it was found extremely desirable that the Commissioners should examine the facts, and the Commissioners made then a general declaration that they regarded the examination of the certificates upon which people were shut up as one of the most important duties that they had to discharge.

26965. And they have maintained that opinion ever since ?—They have maintained that opinion ever since.

26936. I am putting to you that there are other substantial and successful precautions. The keeper of the asylum sees them. He has to make very close examination into the condition of the patient, and within seven days he has to make a most elaborate report of the condition of the patient in a book. He has no wish to

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keep patients. Most superintendents are anxious to get rid of them to make room for others, so there is no temptation to keep patients ?—No.

26967. A man who has a reasonably fair claim for release can appeal to the Visiting Committee, who also are not anxious to keep him ?—That is all quite true.

26968. Before these continuation certificates were received, when the Dillwyn Committee was appointed, their chief reference was to ascertain to what extent, if any, improper detention existed, and they reported roughly speaking, as we find there, that there was none ?—That is quite true.

26969. And under a system in which this protection did not exist, a Committee very anxious to find out abuses could not find any ?—That is quite true, and upon the strength of that, and as a result of that, they adopted this extra precaution. I think it is very desirable to leave matters as they are. As the result of wide experience of certificates, I think that the examination by the Commissioners does very often find out things which have not been found out before; although carefully examined by the clerks they do happen to be missed over and over again. Mr. Shadwell reminds me of the important case of Miss Lanchester, which was a *cause célèbre* at the time. She was taken into a private asylum near London, and when her certificates were examined by the Commissioner who examined them he was so struck with the facts stated on the certificate, the slightness of the facts, that he said to his colleagues: "This is a matter into which we ought to make further investigation." The Commissioners went to the asylum (I was one of them), saw the patient, and had a long conversation with her. She gave her point of view, and the result was that we made an order for the discharge of the patient. We were satisfied that she was not of unsound mind.

26970. It was quite beyond question ?—Yes; it was a question of the facts. We thought the facts were not adequate. We made enquiry of her; we wanted her to explain the facts, and her explanation of the facts was so convincing to us that we were satisfied that a mistake had been made. We had no cause to suspect any *mala fides*, but we were satisfied that a mistake had been made, and that she ought to be discharged. She was accordingly discharged. Cases of that kind are always liable to occur. The clerks are not able to judge whether the facts are sufficient.

26971. The Dillwyn Committee also used words to this effect: "We have found little or no improper detention, but much inadequate classification." Do you think that much inadequate classification would still go on but for your efforts ?—I think we exercise a careful scrutiny over certificates. If the facts do not seem to be sufficient we try to get them strengthened if the people have the facts within their knowledge to enable them to strengthen them. We often send certificates back if they are not strong enough. One of the recommendations of the Dillwyn Committee was that very slight facts should be taken as proof of insanity, I mean from personal knowledge.

26972. Implying that history obtained from others was equally good ?—History was, at all events, important.

26973. Professionally you think that is right ?—Yes; in many cases you can get a history which indicates insanity when a personal interview does not give many facts.

26974. Can you assure us, from your experience, that no persons who ought to be certified escape care and attention, on account of the hypercritical examination of the certificates, facts observed, and so forth ?—You mean by the Commissioners ?

26975. Yes ?—I do not think so.

26976. Do you think any cases occur ?—I should have said not.

26977. Do you think your action has a direct effect in preventing doctors from certifying when otherwise they would, and when otherwise they should ?—I think very likely doctors may have it in their minds that if they do not put down facts which are facts indicating insanity the Commissioners will say that they do not indicate insanity and they will order the patient to be discharged.

26978. Every doctor certifying has to satisfy you as well as his own conscience ?—I think that is so.

26979. Does any evil arise from that ? Several witnesses have spoken of the difficulty of certifying ?—I do not think that is the difficulty. I am quite sure there may be some danger about it, but I think there would be a far greater danger in relaxing the precaution and having the opposite.

26980. Notwithstanding any indirect evil, you think it would be better to retain it and seek the remedy otherwise ?—Yes; I think you have to consider the liberty of the subject, which is a very important matter. I think it is very important that you should preserve the liberty of the subject absolutely and at the same time endeavour to secure that proper treatment is given to patients.

26981. From your experience do you think that very many persons who really do require care and treatment at the present moment escape either certification or action under Section 116 ?—I think a certain number do.

26982. Mostly of what type are they ?—I think there is very often considerable difficulty in certifying people. I think the average medical man is far too exacting in the facts, whatever the cause may be. I have seen numbers of persons in the workhouses who clearly were certifiable from my point of view, whom doctors would not certify because they said they were not certifiable. Each man, I suppose, sets up in his own mind a standard of what constitutes certifiability, and what does not, and no persuasion will make him move from that point.

26983. (*Mrs. Pinsent.*) How many cases have there been similar to that of Miss Lanchester ?—I think that is the only one.

26984. (*Dr. Dunlop.*) You mentioned that in going round an asylum you always counted the epileptic patients ?—We take the numbers of epileptics.

26985. This Commission has had a certain amount of evidence with regard to the statistics of epilepsy; the proportion of asylum patients to epileptic patients has not been given. Could you give it ?—12·4 seems to be the average, in county asylums.

26986. You are aware of what has been written about the decentralisation of the Lunacy Commission in England; can you tell us if it has been discussed by the Lunacy Commission and what view they take regarding it ?—I think the Lunacy Commission have thought decentralisation is very undesirable. I think they have thought it would not be a good thing to have local Commissioners who would get into local ways and be swayed by local prejudices. It would be very much better to have a disinterested central body in London who visited at intervals unexpectedly, than to have a constant current of communications between the locality and any central board.

26987. So the feeling of the Commission itself has been against it ?—I think the Commission have always felt that.

26988. That is the reason of it ?—I think that is it. It is a more independent position. It has always been considered a matter of great importance that the Commission should be independent, should have the largest amount of independence that was possible. That is one of the reasons why the Lunacy Commission was not affiliated to any of the large departments of the State, because it was thought desirable that the Lunacy Commission should have an independent position, and should not be swayed by any of the influences which are bound to sway political parties. You have, as a Commission, to fight local authorities—I do not mean in the invidious sense—but you have to have discussions, and very often differences of opinion. It is very desirable that the Commissioners for that purpose should be in as independent a position as they could be.

26989. I understand that in England the relieving officer is the man who starts an enquiry into pauper lunacy ?—Yes.

26990. Is that in any way under the control of the Lunacy Commission ? I hold in my hand here the rules laid down by the Scottish Commission for the inspectors of the poor who serve the same function in Scotland ?—I should say he is not directly under their control. Suppose there were a person reported to us in a district as

being insane and not being under proper care and control, we should probably communicate with the relieving officer and request him to investigate the case, and he would do it without demur.

26991. There is no penalty attached to the relieving officer failing to do these things, is there?—Under the head of pains and penalties I think there is a general power to inflict punishment on those who do not do their duty under the Act. Section 320, I am reminded, says, "Any person who makes default in doing or not doing anything under this Act which he is required to do is subject to a penalty."

26992. Would the Lunacy Commissioners be the better for having power to regulate the action of relieving officers, drawing up regulations such as these for Scotland? Perhaps that has not been considered by the Commissioners?—I do not think so. I think it would involve a good deal of reorganisation in various directions. Of course, the Scotch Commission have a very important power for which that is requisite; they have the power of going to an asylum and overriding the Committee and selecting from the patients whom they themselves see those people whom they think fit for boarding out; and all that they have to do is to indicate these people, to give instructions to their inspector of poor to remove them into suitable places which have been found for them, and the matter is done, irrespective altogether of the will of the Committee.

26993. I was more on the admission of patients to asylums than discharge. Under these rules the inspector of poor is bound to take certain steps when he is informed that there is a lunatic in his district. If he fails to do that he has to report his reasons to the Lunacy Commission and is responsible to them?—He is bound to do that under the Act of Parliament in England; he is bound to take steps if it comes to his knowledge.

26994. Is he bound to report to the Lunacy Commissioners when he fails to do it?—No.

26995. Do you think that would be advisable? Do you think your Board would appreciate such reports?—Yes, I think it would be a very good thing.

26996. You would like the power extended somewhat similar to this? You spoke of your experience as a Lunacy Commissioner that some medical men are frightened from certifying?—I do not think I suggested that. What Mr. Byrne suggested, and in which I concur, was that if a medical man knew that he had to allege facts which were to enable a third person to judge of the insanity of a person, he would very careful of the facts he put down, and he would not be willing to certify unless he had those facts at his command.

26997. As a matter of fact there are two "third persons" to consider, are there not; the Lunacy Commissioners and the Justice of the Peace?—Yes.

26998. From your experience, both as superintendent and Commissioner, which is the more frightening, the Commissioner or the Justice of the Peace?—I do not know about the Justice of the Peace in the ordinary case. I think the judicial authority, as they call him, with reference to private patients, often acts extremely stupidly because he has got a preconception in his mind and he will not be satisfied by any evidence which is put before him by medical men; he chooses to form his own opinion independently of them and over them.

26999. And as a matter of fact probably that has more an intimidating action on the medical men than the scrutiny of the Commissioners?—It is a very bad influence and often leads to great miscarriage of justice; persons have been refused to be passed by a judicial authority who have come to grief afterwards, committed suicide afterwards, and so on.

27000. (*Chairman.*) Is there anything you would like to add?—I think I might put in this statement: "Summary of facts and reasons for an increase in the number of Commissioners." [*Vide infra.*] It gives various figures showing how the work has been increased. I think I might put in our suggestions and instructions to architects and the building schedule which we send out when plans are submitted to us. [*Vide Appendix Papers, pages 413–417, post.*]

Lunacy Commission,
66, Victoria Street, S.W.
February 7th, 1905.

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SUMMARY OF FACTS AND REASONS FOR AN INCREASE IN THE NUMBER OF COMMISSIONERS.

In 1845, when the Lunacy Commission was established, its paid members were, as now, six in number.

They had then to visit about 25,000 lunatics. On January 1st, 1904, these had risen to 117,000.

Ever since 1883 the increase has been from 77,000 to the last named number, while the county and borough asylums have gone up in number from sixty-two to eighty-seven, and seven more are in course of construction.

In addition to these, there are fourteen registered hospitals, six idiot asylums, three State institutions, twenty-four Metropolitan and forty-six provincial licensed houses, and in houses scattered over the country, many of them remote and inaccessible, are 395 single patients.

All the county and borough asylums, and the State and idiot asylums are visited once a year. Many of the former are of huge size, containing from 1,800 to 2,700 patients, and involving from two to three days' visitation, every patient being seen and afforded full opportunity of speech and complaint, of which large numbers avail themselves.

The increase which has taken place of late years in the size of individual asylums is an important item in the growth of the Commissioners' work and adds materially to its trying nature.

In February, 1883, there were only thirteen asylums of which the insane population exceeded 1,000—whereas in January, 1904, the number had risen to twenty-six, and in nineteen of them the numbers largely exceeded 1,000.

The hospitals and country licensed houses not licensed by the Commissioners, are visited by them twice a year; the Metropolitan licensed houses, always six, and generally eight times a year, and at each statutory visit to all these institutions the Commissioners see every patient and carefully satisfy themselves both that his or her continued detention is justifiable and necessary, and that the treatment is such as to promote recovery and comfort.

With the same objects they see the single patients, invariably once, and frequently twice or more, a year.

They also annually visit the large asylums of the Metropolitan Asylums Board, and a third at least of all workhouses in which are any lunatics or imbeciles. The workhouses thus visited annually being about 250, and the inmates seen 14,000.

The visits to all classes of institutions except workhouses are prescribed by Statute to be paid by two Commissioners, one of them being medical and the other legal. It is obvious that, in the event of one being temporarily incapacitated by illness, the services of the other become equally unavailable, and that particular class of work is unable to be proceeded with, and as each Commissioner is obliged to map out his work carefully so as to bring it within the time at his command, great inconvenience ensues.

But the duties of visitation are supplemented by others which have to be undertaken at the office.

All the documents—petitions, orders, certificates, and statements—which are required for the reception of patients into institutions or single care, have to be examined by the Commissioners personally—a most necessary duty in the interests of the liberty of the subject.

These, in 1903, numbered upwards of 22,000 sets, as against half that number in 1883.

Medical statements and month-end reports, in number about 5,000, and all notices of death, which in 1903 were upwards of 9,000 in number, have been, for the last few years, examined personally by the Commissioners, who, in the matter of deaths especially, have to make frequent and lengthy enquiries and communications.

Since the passing of the Lunacy Act, 1890, the statutory duty has devolved upon the Commissioners personally, of reading and satisfying themselves as to the sufficiency of 32,000 continuation reports and certificates in each year, upon the sufficiency of which depends the legality of detention of that number of patients.

In addition to these office duties, the Commissioners are required to examine and report to the Secretary of

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State upon all plans for asylums and to decide for themselves upon those for hospitals and licensed houses, as to the propriety and fitness of the erection, additions to, and alteration of, these various buildings.

In the years 1900, 1901, 1902, and 1903 the average number of sets of plans thus dealt with in each year was seventy-eight, involving an expenditure of upwards of £700,000.

The examination and consideration of these plans by the Commissioners themselves is rendered necessary by the special nature of the work, which requires to be dealt with by asylum experts, who are familiar with the requirements of patients both in health and as mental and physical invalids, and with the special construction and appliances which experience has shown to be necessary for their safety and treatment.

The Commissioners have also personally to visit and view the proposed sites for new asylums and houses proposed in substitution for existing licensed houses, and to advise the Secretary of State as to the suitability of the former, and to satisfy the local justices and themselves as to the latter.

Beyond the duties thus specified comes necessarily the ordinary work of a Government Department in official correspondence, in which the Commissioners take a very considerable personal share; questions referred to them by other departments; the receiving of deputations, and giving of interviews; weekly Board meetings with rapidly increasing business; the preparation of the Annual Report; and the discharge of the Secretary's duties in his annual and other occasional absence.

It would seem unnecessary to point out that *pari passu* with the increase in the number of asylums and patients must of necessity have proceeded the work of the Commissioners in almost every direction to which reference has been made.

And it is because they consider that the limit has been reached at which they see a prospect of being no longer able to discharge their statutory duties efficiently that they have reluctantly applied for an increase in their number.

A diary has been kept by a member of the Commission which shows the number of days in 1904 in which he was officially fully occupied on circuit; visiting in and from London, and at the office.

Its records may be taken as a fair specimen upon these heads of the work of the Commissioners generally.

The number of full days spent in circuit visiting was 106; in visitation in and from London fifty-one; and at the office, 121; giving a total of 278 days, and leaving, after the deduction of Sundays, about five weeks for holidays.

The following list gives accurately the hours of work on each of the twenty-two days of the northern circuit in May, 1904.

			At work.	Hours
Thursday	May 5th	- - -	10.0 to 7	9
Friday	„ 6th	- - -	9.30 „ 7	9½
Saturday	„ 7th	- - -	9.0 „ 7	10
Sunday	„ 8th	- - -	1.0 „ 6.30	5½
Monday	„ 9th	- - -	8.15 „ 6.30	10¼
Tuesday	„ 10th	- - -	9.30 „ 9	11½
Wednesday	„ 11th	- - -	9.0 „ 6.30	9½
Thursday	„ 12th	- - -	9.0 „ 7	10
Friday	„ 13th	- - -	9.15 „ 6.30	9¼
Saturday	„ 14th	- - -	9.15 „ 7	9¾
Sunday	„ 15th	- - -	2.0 „ 4.0	2
Monday	„ 16th	- - -	9.15 „ 10.15	13
Tuesday	„ 17th	- - -	9.15 „ 6.30	9¼
Wednesday	„ 18th	- - -	8.40 „ 6.15	9½
Thursday	„ 19th	- - -	8.40 „ 6	9¼
Friday	„ 20th	- - -	9.40 „ 6.30	8¾
Saturday	„ 21st	- - -	9.30 „ 7.15	9¾
Sunday	„ 22nd	- - -	— —	0
Monday	„ 23rd	- - -	8.50 „ 7	10
Tuesday	„ 24th	- - -	10.0 „ 7	9
Wednesday	„ 25th	- - -	9.30 „ 7.15	9¾
Thursday	„ 26th	- - -	9.30 „ 7.15	9¾

Omitting Sundays, an average of 9½ hours a day.

It will be seen that Sundays were employed in visitation, and it may be mentioned that in each recent year a considerable part of the holidays, which, when unencroached upon, would only amount to the days which are allowed to first class clerks by the Order in Council, has also been utilised in the same manner.

The absorption of time in the several ways and to the extent specified above, leaves practically none for consultation between members of the Board, and deliberation as to matters of principle, policy, and law, which are so necessary to secure sound, consistent, and united action.

Parliament has laid upon the Commissioners duties and obligations, the efficient discharge of which is essential to the welfare of the insane, and the preservation of the liberty of the subject, and they are convinced that any neglect of many of them, or their perfunctory or incomplete discharge, would be followed, sooner or later, by reversion to the conditions which prevailed before, and for some time after, the creation of the Lunacy Commission, an account of which is to be found in the Parliamentary papers of that time.

The Commissioners are satisfied that they can no longer continue to discharge those duties in as complete a manner as they have hitherto endeavoured to discharge them, unless they are strengthened by an addition to their number, and they have no doubt whatever that it would be quite impossible for them to undertake such extra work as it was proposed to lay upon them in relation to the Incipient Insanity Clauses of the last Lunacy Bill.

As it is, their duties have to be discharged so hurriedly as to be good for neither the work nor the workers.

LIONEL LANCELOT SHADWELL, Esq., called; and Examined.

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27001. (*Chairman.*) Do you agree with the evidence that has been put in on behalf of the Commission?—Yes.

27002. (*Mr. Byrne.*) Are there any points in the evidence which you would like to emphasise or with which you would like to express a modified agreement, or is there anything you would like to add?—With regard to double visitation we say here: "The Commissioners are of opinion that it would be desirable that they (the Commissioners) should have power to visit singly in all cases where now they are required to pay double visits, but they are not yet convinced that it would be wise to discontinue the double visitation of at least the county and borough asylums, some of which are now of enormous size." I should like to say I am convinced that it would not be wise; I think the double visitation is extremely valuable.

27003. You would visit those larger asylums, even if you were not obliged to?—Yes.

27004. About the property of lunatics; if the Commissioners have knowledge that the property, or have reason to suspect that the property, of a lunatic is not being properly expended for his benefit, or that proper care is not being taken of it, they can call for a report, they can report t the Lord Chancellor, which report is sent to the Masters, and acts, as it were, as a petition with the effect of setting the Masters in motion. Do the Commissioners often take action on that matter?—Fairly frequently, I should say.

27005. Once a week or so?—No, not so often as that. I should think ten or twelve times in a year.

27006. In how many cases do they proceed strictly under that section, and in how many do they see that proper and reasonable arrangements are made, and then drop the matter?—I thought you meant how many times do they make reports; ten or twelve times they make reports to the Lord Chancellor; in a great many more cases they make the inquiry and suggest proceedings by relatives. They only go to the Lord Chancellor after they have tried that.

27007. Those cases are much more numerous?—Much more numerous.

27008. I presume they cost the relatives nothing?—The Commissioners cost nobody anything; the procedure before the Master would.

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27009. When you simply make inquiries in order that the right thing may be done, it is done, and no cost is incurred ?—Yes.

27010. Do you think it advantageous that the Commissioners should have power, in their own office, to deal with those cases ? Have you sent cases to the Master which you would rather have power to deal with yourselves ?—We should like to have power to deal with them. It is rather a proceeding for a court of law.

27011. No doubt you have a general acquaintance with the work the Masters do; their procedure is very largely of a judicial character, making orders and transfers of property and that sort of thing; that is a little bit outside the functions of the Lunacy Commissioners at present; you have nothing quite on a footing with that ?—No.

27012. If the Masters and your office were amalgamated, do you think that any administrative advantages would be gained for your office; would it be useful for you to have the Masters in the same building ?—I think it would.

27013. It would be a saving of time and money for you to be able to refer a property case to them ?—Yes.

27014. It would be only sending it to the next room, sending it to the Commissioner who had such power, instead of to the Commissioner who had not. Would the result be that in a very short time the other Commissioners would become acquainted with the procedure of the Masters and capable of performing their duties ?—I should think the legal Commissioners would.

27015. Supposing it were thought desirable, could the amalgamation take place without serious difficulty in your office ?—I can see no difficulty that need arise.

27016. The Masters would be able—I am speaking in the abstract, not of the present gentlemen—to assist at once in the office work of your office. Orders and certificates are matters with which they have been accustomed to deal for many years ?—I think so, certainly.

27017. On the whole, what is your advice as regards that amalgamation; if it were found to lead to simplicity and economy would you advise it ?—I should.

27018. Do you think it would lead to simplicity and economy ?—I should have thought it would. I speak without very much knowledge of the Masters' business.

27019. There are a great many persons who are not in asylums but in private care, who are the subjects of Orders under Section 116 ?—Yes.

27020. You come across these people in your visitation ?—Frequently.

27021. Were they included in the 300 odd who were mentioned as being visited by the Chancery Visitors ? It was stated that 600 odd persons had to be visited by the Chancery Visitors of whom 300 odd are already visited by the Lunacy Commissioners ?—That is only lunatics "so found."

27022. These are not lunatics "so found" ?—No.

27023. It supports the argument; although lunatics not "so found" are still visited in duplicate, you would draw some conclusion from that with regard to lunatics "so found" ?—Yes.

27024. So that would be an obvious economy of labour, would it not ?—Yes.

27025. (*Mr. Greene.*) You suggest that the Masters might work in the same house as the Commissioners; have they not access to the Lords Justices and would they not have to be occasionally in Court as Masters, and would it not be more convenient for them to be near the Royal Courts of Justice ?—It would be convenient, certainly.

27026. Do you know whether they have to attend on Saturdays in the Lords Justices' Court ?—I do not know.

27027. You said you thought the legal members of the Commission could very quickly acquire facilities in discharging the duties of the Masters; does that include the capacity to preside over inquisitions ?—I should have thought the legal Commissioners would be able to do that.

27028. A trial before a jury consisting of twenty-three, and sometimes hotly contested cases, requires some judicial experience ?—Yes.

27029. That would not be easily picked up by the legal Commissioners, unless they had been accustomed to court work ?—No.

27030. So that the expectation that the legal members of the Lunacy Commission would develop into competent Masters may be open to two opinions ?—Yes, it may.

27031. Would you agree with Sir John Dorington, that if another authority were created, the Chairman should be a gentleman of legal attainments and capable of discharging that kind of function ?—Yes, I think that might be advisable. I do not know what the number of those inquisitions with the jury is, and I am not convinced that it is desirable that there should be any.

27032. For the sake of public sentiment it might be necessary to have them in very hotly contested cases. Take, for instance, a recent nobleman. People would not be satisfied to have that tried before a Master alone, I think ?—Perhaps not.

27033. Do you see any advantage in keeping up a distinction between lunatics "so found" and people not "so found" ?—That is what I was meaning when I said just now that I was not convinced that there was any advantage in having lunatics "so found."

27034. All persons who are certified might be brought under you ?—That is my view.

27035. What is practically the use of their being "so found" nowadays ?—I should say it is a relic of a past age; I do not see that there is any use in it.

27036. If the Lunacy Commissioners discharge their duties properly and only allow to be detained persons who are proper to be detained, one does not quite see why the fact of their having had a jury to say that they are lunatics, bears on it very much ?—No.

27037. If we were to get rid of that distinction about people being "so found" everyone might come under the Lunacy Commissioners ?—Yes.

27038. And one staff of Visitors would be sufficient ?—Yes.

27039. Then you would have more members allotted to dispose of the property part of the question ?—Yes.

27040. And some of them with such judicial experience as might be necessary in case of some public enquiry requiring investigation ?—If it is necessary to have that. In my opinion it might be handed over to a judge or dealt with in some other way.

27041. There are very few matters in which a person who is "so found" by inquisition is after the verdict against him in a different position to other people; very few disabilities to which he is subjected by being "so found" by inquisition; should we be depriving anybody who is out of his mind of any benefit by getting rid of the finding by inquisition ?—I suppose the finding by inquisition determines the fact that he is insane in a binding form. In a case which is only under certificates a question might be raised.

27042. Why not alter the condition of certification, and find that after so many years of unchallenged certification the person is to be practically found a lunatic ?—Be then in the same position as if he had been "found." Yes, I do not see why he should not, at once, myself.

27043. But at all events after a few years ?—Certainly.

27044. A disability with reference to marriage is the only one which at present occurs to me which is imposed on persons found lunatic by inquisition ?—There is also a disability as to dealings with his property.

27045. But it would be the same if he were proved to be lunatic by certification ?—In that case it would be a question of evidence. In a case where he is "found," he cannot do any legal act, he has to act by his committee. There is no committee if he is not "so found."

27046. If the suggestion I am putting were adopted on certification or renewed certification, the lunatic would be in the same position as a person "so found," and then everything would have to be done for him by a committee ?—Yes.

27047. A paper was put in just now showing the work of the Commissioners. It says (*vide page* 73.): "The examination and consideration of these plans by the Commissioners themselves is rendered necessary by the special nature of the work, which requires to be dealt with by asylum experts, who are familiar with the requirements of patients both in health and as mental and physical invalids and with the special construction and appliances

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which experience has shown to be necessary for their safety and treatment." Do you, as Commissioners, have to report upon or criticise these plans?—Yes, we report to the Home Office, and there is a great deal of correspondence with the local authorities before the plans are ripe for submission to the Home Office.

27048. You have to rely entirely on your architect for that; for the means of criticising the estimates?—Yes.

27049. Are you concerned with limiting the expenditure of the local authorities?—We always endeavour to limit them as far as possible.

27050. Does the Statute require you to control them?—The words of the Statute are general; I do not think there is any special mention of that. It says that plans and estimates are to be submitted.

27051. One supposes they are submitted for criticism?—Yes. What is the object except for that?

27052. Can you tell me whether, in your opinion, the Chancery Visitors serve any useful purpose; I mean they do their work very well, but could they be dispensed with by your Commissioners undertaking the work?—I do not understand why it is necessary to have two sets of Visitors.

27053. Is it not quite possible for a person to be detained in an asylum as a lunatic when your Commissioners think he ought to be free?—We have not the power of discharging, so I suppose it is possible that that may happen.

27054. We have had evidence from Sir John Macdougall, and in answer to question 17680 this is what Sir John said: "We had a serious consultation about a man at Colney Hatch six weeks ago. The doctor said his certificate would lapse in a fortnight and he could not give such a certificate as would satisfy the Lunacy Commissioners. I knew then that the Lunacy Commissioners would receive a poor certificate and they would write back and ask the Committee to see the patient. I moved the Committee that this patient, even if the certificate were weak, should not be sent out, and he was not sent out." So that your Commission thought he ought to go out?—No; so far as I understand, it had not come before our Commission when that statement was made. It was merely that the superintendent thought that our Commission would object to it.

27055. Have you any suggestion to make in any way beyond those you have already made for the improvement of the work of the Commission?—No, I do not know that I have, beyond what has been already said by other Commissioners.

27056. You do not differ from them?—No, I do not.

27057. (*Mr. Byrne.*) Even if the Lunacy Commissioners did receive what was called "a weak report," a continuation report from the superintendent of the asylum, and sent it back to the Visiting Committee with a recommendation that they should consider the case with a view to discharge, that does not mean anything more than that they think the certificate weak; it does not mean necessarily that they think the man ought to be discharged?—No.

27058. But they call the attention of the proper authority to it?—That is it. We merely forward it to the Committee who have power to deal with it.

27059. (*Dr. Dunlop.*) You are familiar with what is in this memorandum of facts which has been submitted by the last witness, referring to the work on the circuit of the Commissioners (*vide page* 72–3). All I want is your corroboration of it; is that a fair statement of the work undertaken by a Commissioner?—I think I have done what as far as I know no other of my colleagues have done, I have kept a diary of every day during which I have been Commissioner; I am able to state therefore positively the amount of work I did last year.

27060. How many days' work, and how many hours a day?—When I have spent a day partly in office work and partly in other work, I have put it as half a day to each. The total number of days was 267 altogether; visiting nights out, 110; other days spent in visitation, without sleeping out, 41; office work, 107; and 9 other days doing work at home.

27061. The point on which I was wishing for your corroboration is that this table sets out 186¾ hours' work in nineteen working days, or any average of very nearly ten hours a day when the Commissioners are away on circuit. It shows a very severe day's work; is it your experience that that is a fair statement of what is done?—I cannot say exactly. I have kept the time which I have spent in travelling and visitation, but I have not kept any account of the other hours spent in making reports, which one has to do afterwards. I think that must be not very far out.

27062. It is a very fair day's work?—It averages eight hours, simply visitation and travelling.

27063. This is nearly ten hours?—There are the evenings spent in making reports.

27064. The evenings are not included here?—I do not know what that is. Is that only visitation, or is that the work? I should say it would not amount on the average of the whole year to ten hours a day, omitting the writing of the reports, which is as much part of the work as the rest. It generally means going out at nine or ten in the morning, coming back in time for dinner, and after dinner sitting down and writing reports; it is practically working the whole day. There is another matter, I have kept an account to show how much time was spent in double visitation. I believe there is an idea that the abolition of double visitation would make a great difference. I do not think it would. The number of days spent in double visitation on the average of two years, last year and the present—because I have finished all my double visitation this year—is eighty-five days.

27065. How many days does that leave for single visitation?—I do not know, I have not finished the visitation this year.

27066. Can you say roughly; a quarter of the time?—Yes, half the time, quite; that is 85 days of double visitation; that is for two Commissioners.

27067. In two years?—Each year for two Commissioners. Multiply that by three and you get the total amount spent by the six Commissioners. That would give you just about the work of one Commissioner more, that is assuming that one Commissioner could do the work in the same time as the two, which is absolutely impossible.

27068. Relieving the Commissioners of double visitation does not double the work of the staff, but adds practically one Commissioner?—I say it would do that if it were possible for one Commissioner to inspect an asylum in the same time in which two Commissioners could do so, but he could not. As far as I am concerned, I am sure I should take more than double the time in inspecting an asylum.

27069. (*Dr. Needham.*) Have you formed any opinion as to the desirability of having women on committees of county asylums?—I should be in favour of it.

27070. I suppose, if on this Commission we should recommend that the Lunacy Commissioners or any other body should have to look after the feeble-minded, it might even become desirable to have women inspectors to inspect them, if the visitation were to be single?—Yes.

27071. You can quite regard it as one of those possibilities which might arise?—Certainly.

27072. But you are in favour of women being on committees?—Yes.

27073. Do you think the power of the Lunacy Commission requires to be strengthened? I will put it to you in two particulars; the first particular, as to dealing with patients for whom judicial authorities will not give orders, after the patients have been declared insane by two competent medical men. Do you think that clause in the Act of Parliament should be altered which provides that when a judicial authority refuses to make an order, he is bound to send to the Commissioners his reason for refusing to make the order, and that the Commissioners are bound to give effect to the report which he makes; do you think it is desirable that the Commissioners should be compelled to give effect to whatever report he chooses to make?—You say "when a judicial authority refuses to make an order." Are you not thinking of this case, where a judicial authority has made an order?

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27074. I mean when he is called in afterwards ?—And recommends the discharge? I think the Commissioners certainly ought to have a discretion.

27075. They ought not to be bound to act on the opinion which may be worth nothing ?—Exactly. A very unfortunate case occurred—perhaps it has been mentioned already—while I was Secretary, of a patient who was discharged in consequence of a report of this kind and committed suicide the next day.

27076. As regards the continuation report and certificate, do you think it is at all desirable that the end of the continuation report and certificate should be that it should go back to the committee, and that the committee should use their discretion ? Suppose the Commissioners were satisfied that the patient did not need to be kept under care, should they have any power to interfere with the action of the committee, or should the opinion of the committee be final ?—I suppose circumstances might alter after the certificate had been given, and the committee ought not to be bound to discharge because the continuation report was not satisfactory, if meanwhile the patient's condition had become worse. It would be a change of policy if we had that power in one case and not in others.

27077. As the committee have power to discharge patients ordinarily without consulting the Commissioners, or not to discharge unless they think proper, they have to judge as to the mental condition of the patient in cases of fresh admission, so you think that as regards certification they ought to have the same power ?—Yes.

27078. You are satisfied to leave it to them ?—I am satisfied.

27079. (*Chairman.*) Is there anything you would like to add ?—I do not think there is anything else.

FIFTY-FIFTH DAY.

Thursday, 22nd November, 1906.

PRESENT.

The Right Hon. The Earl of Radnor (*in the Chair*).

W. P. Byrne, Esq., C.B.
F. Needham, Esq., M.D.
H. D. Greene, Esq., K.C.
C. E. H. Chadwyck-Healey, Esq., C.B., K.C.
The Rev. H. N. Burden.
H. B. Donkin, Esq., M.D
J. C. Dunlop, Esq., M.D.

Hartley B. N. Mothersole, Esq., M.A., LL.M. (*Secretary*).
E. A. H. Jay, Esq., M.A., LL.B. (*Assistant Secretary*).

H. F. Giffard, Esq., called ; and Examined.

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27080. (*Chairman.*) Will you kindly tell us how long you have been a Commissioner in Lunacy ?—Six years next month.

27081. Do you agree in the main with the statement which has been put in on behalf of the Commissioners ?—Yes, generally.

27082. (*Dr. Dunlop.*) You are aware that lunatics in the different establishments are visited a very varying number of times in the year by your Board ?—Yes.

27083–4. Is that justifiable in all cases ; is it necessary to give some six or eight visits a year, and others none ?—I think not. I do not think they give as many as six visits to lunatics, except in Metropolitan licensed houses. Except as to them, I do not think it is necessary ; I should think it might be less, certainly.

27085. Provincial licensed houses have got two ?—Yes, by us.

27086. Would you reduce the number of the visits to the Metropolitan licensed houses to the same ?—No, because they are under no immediate jurisdiction, they are not visited by anybody else but us.

27087. In your opinion, what is the minimum number of times necessary that your Board should visit for the efficient inspection ?—I should think four times a year.

27088. For all institutions ?—The Metropolitan licensed houses.

27089. Take all institutions for the insane ?—No, I do not think four times a year necessary for county asylums, or anything like it ; I mean visits by us. The Visitors relieve us of the duty of visiting county asylums more frequently.

27090. You accept the visits of the Visitors as equivalent to Commissioners' visits ?—They are not equivalent in all respects, but for the purpose of the discharge of patients they are more than equivalent.

27091. They have the power, and you have not ?—Yes ; and they go into the question of the sanity of the patients, which we do not.

27092. If you were designing a new Lunacy Board, how many visits per annum would you make that Board pay to each lunatic ? How often should the lunatics be seen by them each year for efficient inspection ?—I do not know that I have ever considered that. You mean if there were only ourselves to do it ? So much depends upon who visits, whether the committee continue to visit, or whether we alone visit.

27093. Can you not give us an opinion ; is once a year sufficient ?—I think once a year is sufficient for county asylums under the present system, the lunatics being visited also by other persons who have the power to inquire into their sanity, and discharge them if necessary.

27094. Do you think lunatics in workhouses are efficiently inspected ?—I should say so.

27095. Once in three years ?—In certain cases.

27096. In a great many cases ?—In the smaller workhouses where there are one or two imbeciles.

27097. I visited a workhouse the other day where there were twenty ?—That is rather rare for a small workhouse.

27098. Is that efficient inspection ?—If that is the only inspection, I should say not.

27099. What other inspection have they ?—They have the inspection as to general treatment, by the inspectors of the Local Government Board. Anything which was

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being carried out wrongly, or any want of proper food or care, would be noticed, surely, by the Local Government Board, as well as ourselves.

27100. Do you think once in three years is sufficient ?—I think so for small houses where a few imbecile patients are detained.

27101. To keep the Commissioners in touch with what is being done ?—Yes ; having regard to the class of cases kept in these triennal workhouses, I should think so.

27102. Do not you think that because they are only adapted for a limited class that is a stronger reason why they should be efficiently inspected ?—It is not only a limited class ; it is a kind of class ; they are mostly harmless lunatics who live the life of the house ; there are no separate wards for them ; they are usefully employed when sufficiently able-bodied.

27103. The workhouse I have in mind had several—the Kendal Workhouse ?—You visited it yourself, lately ; yes, that is so, but that is rather an exceptional number for a triennal workhouse.

27104. When these institutions are adapted for a limited class only, do you think once in three years sufficient ?—Yes, in cases where we think there are very few, and where they are leading the life of the house and occupying themselves, and are well looked after by other people besides ourselves.

27105. You think the Lunacy Commissioners can feel satisfied that they are only receiving suitable cases, and not receiving acute cases when they only see them once in three years ?—I am sure that acute cases are not kept for long in these houses.

27106. Is not more frequent visitation essential for proper supervision ?—I should think not, having regard to the fact that acute cases are transferred to asylums.

27107. They ought to be, but how are you satisfied that they are ?—I should have thought it was a matter of knowledge ; but if annually inspected it would still be possible for acute cases to be kept for some months.

27108. I saw a case of acute lunacy in Kendal. I do not know whether you found one at your visit ?—No.

27109. Are you satisfied with the supervision of outdoor pauper lunatics ?—You mean the 5,000 outdoor ? I I have often thought that they ought to have some official expert visitation other than that of the medical officer of the Union ; they are never seen at all.

27110. It is common knowledge that their condition is not satisfactory ?—I do not know about common knowledge. I am not sufficiently aware of the facts, because we never see them ; but I think they ought to be visited sometimes.

27111. You, along with the other Commissioners, advise single visitation in place of some of the double ones ?—Yes, I am in favour of having the power to visit singly.

27112. Would you give that power to both the medical and legal Commissioners ?—Yes.

27113. Do you think the legal Commissioner—I ask you straight, though you are one—has the requisite knowledge for a complete inspection ?—I do ; if I might qualify that statement by saying, after a certain amount of experience.

27114. Is a barrister Commissioner qualified to express an opinion on the bodily and mental health of the lunatic ?—With regard to the bodily health, I cannot say, but I should certainly think a legal Commissioner could, after a certain experience, express a good opinion and a valuable opinion, and all the opinion you need have, with regard to ascertaining whether a person is sane or insane. I should like in that connection to say this : I think it is more a matter—I daresay some will disagree with me—of experience, in many cases, than actual medical skill to ascertain whether a person is sane or insane. It is not an uncommon thing at our Board for a legal Commissioner to be sent down, in the case of a single patient, to enquire into the mental condition in consequence of having received a report from the medical attendant to the effect that he was unable to ascertain signs of insanity. In four instances I can remember when the legal Commissioner has gone down, and without very much difficulty ascertained that the person was insane, although the medical attendant has sent up a report to say that he cannot ascertain any signs of insanity.

27115. If one of the medical Commissioners went down, it would serve the same purpose ?—Yes ; I only mention that as showing that a legal Commissioner, after some experience, is able to ascertain insanity.

27116. In your view the single visitation should be entrusted to the legal as well as to the medical Commissioners ?—I think he should have the power, and I think it might be carried out. Of course there are points in visiting an asylum which are more purely medical than a question of insanity. On the bodily question the opinion of the medical Commissioner is much more valuable than that of a legal Commissioner.

27117. There are not many purely legal points ?—If you look at Section 187, there are very few points which you can describe as either medical or legal ; the only point which is purely medical is one which is never enquired into, that is, "what was the mental condition of the pauper when he was admitted ?"

27118. Are you familiar with the duties of the Chancery Visitors ?—No, I am not very familiar with them.

27119. You know the Section of the Act in which they are described ?—Yes.

27120. Are you aware of any reason why these duties should not be carried out by a Lunacy Commissioner ?—No.

27121. They have similar qualifications ?—Yes.

27122. Presumably they are fit to do the same duties ?—In my opinion it would be a good thing, and it could be done.

27123. You are in favour of amalgamation ?—I am.

27124. Strongly ?—Providing the Master's office is not abolished, the two men who look after the property of the lunatics—I do not think you can have less than two men—cannot be Visiting Commissioners, because I do not think they could do the work of both efficiently.

27125. As long as the Masters were not Visiting Commissioners your view would be it could be done ?—Yes. If that were done I should very much like to see two Masters made *ex officio* members of the Lunacy Board and the senior Master the permanent paid Chairman. It would have a very good effect on our Board ; it would carry on a consistent line of policy. The system which prevails at present is that the senior Commissioner present takes the chair. He may take the chair for one week, and the next week it is taken by someone else. The man who has just come back from circuit does not know what has gone on before. I think it would be better to have as permanent paid Chairman the senior Master.

27126. The Masters are at present Visitors ?—Yes, but they very rarely visit. Their more important duties are the duties of the office.

27127. If Visitors and Commissioners were amalgamated, the Masters would become Commissioners under the Act ?—Yes ; but I should like them preserved as Masters ; I think it would add force and dignity to our Board. I should like to see all their powers preserved, except as to directing the visitation of Chancery and 116 Section patients. If they were made members of our Board the visitation of the Chancery lunatics would have to be thrown into the general work. You are aware that more than half the Chancery lunatics are already seen by the Commissioners in Lunacy in their stride through the country.

27128. How many Chancery lunatics are there ?—I believe there are 685 Chancery lunatics. I believe about 350 or 360 are already seen by us as we go through the institutions.

27129. Can you tell me in how many institutions those 360 are ?—No, I am afraid I cannot.

27130. (*Mr. Byrne.*) If the amalgamation took place, do you see any difficulty about the judicial work of the Masters being carried out in a combined office ?—No ; the only difficulty arises, I think, from the fact that the Masters are a department of the High Court. How far that could be got over I do not know. As to the mere holding of the inquisitions and the inquiry into the property,

and all that, I do not see any reason why that should not be done under the same roof.

27131. The issuing of orders and certificates ?—Yes.

27132. Are you quite satisfied that your department, strengthened by the Masters, would be able to properly deal with the inquisitions and orders and capable of dealing with property and so forth ?—I think that should still be done by the Masters.

27133. Imagine amalgamation having taken place, would the Masters or their successors, whoever they might have to be, sit in your office and carry on the business quite separately, or would it be your idea that all the other Commissioners should have a Master's power as well so as to be able to take their place ?—No, I would rather have them separate under one roof and practically keeping their own work very much as they do now. I think they would work together satisfactorily.

27134. Would you describe to us the administrative advantages which would come from that ?—I should have thought keeping to their own work, which is quite a separate kind of work, would be a great advantage, instead of mixing it up with visitation work.

27135. How would it benefit the present work with respect to the property of lunatics which is done by the Lunacy Commissioners ? The Lunacy Commissioners have certain powers of enquiring and reporting as to the property of lunatics if they have reason to suspect that it is not properly devoted to their care. One power is to make a report to the Masters ?—Yes, the Lord Chancellor.

27136. Do you think they should have their jurisdiction increased so as to be able to settle it themselves ?—I think it would be a good thing if they could report direct to the Masters instead of to the Lord Chancellor under Section 100, without going through the machinery of going to the Lord Chancellor, then the Lords Justices, then the Masters.

27137. Do you think they can settle quite properly many simple cases without going through the expensive machinery of a report and so forth ?—Do you mean in respect of property where the income is not administered ? Section 100 applies when a patient has got property and we cannot get anybody to deal with it and someone is administering it wrongly. Do you mean under Section 116 ?

27138. No, I mean as regards the working of Section 100, which says that if you have reason to suspect that a patient's property is not being properly expended on him, you have full power to make inquiries first. Then you report to the Lord Chancellor and then the report is referred to the Masters and is, in legal effect, equivalent to petition so that it sets the Masters in motion. That is a somewhat complicated process. Are there many simple cases with which the Lunacy Commissioners could properly deal without reference to the Masters, if their powers were slightly extended ?—Not under that section. I think there are a very few cases which probably could be dealt with under that section, but I think there are a number of simple cases of small property where it would be a great advantage to deal direct with the Masters without the present machinery of going through the solicitor under Section 116.

27139. As a matter of fact, the Lunacy Commissioners do at the present moment settle many cases under Section 100 by taking security that the property shall be properly expended on the lunatic. Would the Commissioners like to have further power, so that in addition to mere enquiry into matters of that sort they could settle them without the expensive and troublesome system of inquisition ?—Yes.

27140. You would like to deal directly with the Masters instead of through a solicitor ?—Yes.

27141. That would result in economy to the estate ?—Yes, certainly.

27142. Are there any other directions in which you would like the authority of the Lunacy Commissioners to be extended. Speaking generally, do you agree with the statement on that subject made by your colleagues ?—Yes.

27143. Is there any other point which you would like to suggest as regards the extension of your jurisdiction ?—No, I do not think so. I would like to see the amalgamation we have been discussing carried out. That is involved in your question. I think that might be effected with considerable economy.

27144. I did not quite hear what was your reply to Dr. Dunlop about the question of the Chairman; did I understand that you were in favour of having a paid Chairman ?—I am in favour of having, if possible, a paid Chairman, if it could be managed by the senior Master, (I am giving my own opinion only). It has occurred to me that the senior Master might make a very good permanent Chairman, because most of his duties are at the office. He could probably give us every Wednesday —Board day—and I think that if he did we should have a continuity of policy that we do not get now, which I think is the weakest point of our Board.

27145. If you advocate a paid Chairman, you would still advocate the weekly Board system ?—Yes, and any other Boards which might be found necessary. Sometimes we find we would like special Boards. We have a few, but we think we might have more special Boards if we had rather more relief in our work.

27146. I gathered you would not like your paid Chairman to be in the position of head of an ordinary Government department, that is to say, to have sole authority, subject only to the advice of his colleagues ?—No, I would simply like him to be one of the Board and have a casting vote, just like the Chairman of an ordinary meeting.

27147. Not like the Permanent Under-Secretary at the War Office or any other department ?—No, I think it would work better if it were the other way.

27148. With regard to the possibility of having honorary members of the Board, are you in favour of that ?—I think that is a difficult question to answer. It so much depends upon the honorary members. The honorary members in the past have done very excellent service, more especially when they have been previously paid Commissioners and have retired like the late Sir Charles Bagot and Mr. Clayton; and, of course, Sir John Dorington has done excellent work with us. But I am not sure that I think it is very essential for the well-being of the Board to continue to have honorary Commissioners unless they are willing to attend when needed.

27149. If you could have persons appointed as honorary members of your Board to attend such Board meetings as were thought desirable, to act purely in an advisory and helping capacity—gentlemen of high official position and administrative experience—to attend once a week, fortnight, or month, or whenever you thought, do you think that would be of advantage to your Board ?—Yes, I do.

27150. Supposing you could have three or four honorary members consisting of such a person as the chief medical inspector of the Local Government Board, a high official, say, from the Home Office, another from the Public Health Department of the Local Government Board, and so forth—another might be the representative of a great administrative lunacy authority, with a nominee perhaps of the London County Council—would persons like that strengthen your Board in any way ?—I suppose they would. I am not quite qualified to give an opinion, because the chief means by which honorary Commissioners have assisted us heretofore has been to make a quorum when we have not had enough.

27151. That is a simple function, is it not ?—That has been, I consider, their principal advantage; but there is the additional advantage of throwing outside light on subjects.

27152. Is that the mere object ?—I do not say it is the mere object; I think I may say it is the principal assistance we have received. I except our first Chairman.

27153. I can understand the necessity for a quorum; I would like your personal opinion, without pressing it too far, as to whether you would advise the adoption, on trial, at any rate, of such a scheme of honorary membership ?—I think, before I could answer that, I should have to know to what extent our own Board would be extended, if at all, because I think one thing is very objectionable, and that is to have too many members at a Board meeting. Lord Shaftesbury himself said before a Select Committee, "It is like a Parliament if you have too many." However

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distinguished the gentlemen might be, if we had four or five coming in every week in addition to our own increased numbers I think that would really probably not assist us very much.

27154. I have suggested, to meet that, that they might be called in to assist when important matters of an advisory character were coming forward?—I think that would be an advantage.

27155. I did not suggest that anyone, whether distinguished or not, should be brought in to help you at your quarterly meetings to renew the licensed houses; even if the Board were kept at its present small numbers, you could do that?—Yes, I mean that at our ordinary meetings I do not think it would be an advantage to have our numbers enlarged to such an extent that we could not discuss matters; that is the only objection; otherwise they would be of great assistance if we could have them when their special advice could help us.

27156. Supposing you were having a dispute with some influential county council as regards providing accommodation or something of that sort, would you have a few additional honorary members summoned when you saw that they would strengthen you?—Certainly I would.

27157. Would you think that such honorary members would perhaps be better in the way of being more influential in the eye of the public than a collection of noblemen and gentlemen, perhaps equally able and distinguished, but not so well known for their capacity in this matter?—I am inclined to think it would.

27158. We have heard from your colleagues that a very important part of your duties and functions is the general weight which your advice carries?—Yes.

27159. Do you agree with your colleagues that you do not wish a great increase in your compulsory powers?—That is so, our powers are more moral than legal.

27160. Depending on your great experience and knowledge?—Yes, I think anything which strengthens the Board would strengthen our powers. That is one of the reasons why I suggested the possibility of the Senior Master being made Chairman.

27161. I think perhaps the addition of such honorary members might help your Board, because it would introduce a class who are not very strongly represented on it now. You have not many members on your Board who have experience of administrative work?—No.

27162. They become experienced on your Board?—Yes.

27163. You have never had a gentleman appointed as Secretary or as Commissioner who was experienced by having occupied a high position in a great administrative department?—No.

27164. Or in a great business?—No.

27165. From that point of view you would agree with that?—Yes, I would. You asked me a question at the beginning of your examination as to whether I would like to see our department extended any further than in the manner we mentioned about the Masters. I should like to mention—a matter on which I am sure my colleagues feel strongly—about the consulting architect. You know our views on that subject.

27166. Yes; you agree with that?—Most strongly, and think it is a most important point.

27167. I presume you agree with the other suggestion, that if such an architect were not found entirely sufficient, you should have sufficient means of getting the advice of drainage and electric light experts?—Yes, that is most important.

27168. You would like both the salaried architect at your disposal, and a reasonable fund out of which you could pay the fees for other assistance?—Yes, as at present.

27169. Do the Lunacy Commissioners visit lunatics "so found," now?—No, except that they meet them in their stride.

27170. Do they elaborately pass them over, then?—No.

27171. As a matter of fact, they do visit them?—All those who are in institutions they visit and talk to, and treat practically just as the other patients.

27172. If you found anything wrong going on, you would report it just as much as in the other case?—Yes; in fact it has actually been done once. In a case I remember we thought a patient was not quite getting the benefit of the money paid for him. Since the last Lord Chancellor's Visitor had visited, the patient had been put in a room which we did not think was quite suitable, and we did bring it to the Visitor's notice, or to the Master's notice.

27173. In what sort of custody was that patient?—In a licensed house.

27174. (*Mr. Greene.*) I daresay you are aware that the plan has been tried already of having a Master attached to the Lunacy Commissioners; I think Master Barlow was?—Yes.

27175. According to the evidence before the Commission of 1879 it was found to be unsuccessful, because he never attended?—But surely, if it were part of his duty and he were paid for being the Chairman of the Lunacy Commissioners, he would attend.

27176. He ought to; you would have to readjust the Masters' duties for that and make it compulsory. Master Barlow was taken on as an unpaid Commissioner but a paid Master, and it led to his not attending at all?—He was simply an honorary Commissioner.

27177. In order to carry out your suggestion, we should have to possibly recast the duties of the Master?—Yes.

27178. In reference to the legal element in the Commission, if recommendations were made for a reconstruction of any sort, have you any opinion as to whether it is desirable to maintain practising barristers of five years' standing as being the persons to appoint as Commissioners?—Yes; perhaps I am prejudiced, but I have a very strong opinion that it is desirable. I think in the majority of cases which come up for consideration at our Board there are many more legal questions than medical.

27179. Apart from any question whether a solicitor might not do just as well?—I do not take that view.

27180. You do not think they would do as well?—No.

27181. You think there are many legal questions?—Yes.

27182. As regards inspection, would it be better to retain the legal element for the Board work and not allow them to go on inspection?—No, I do not think it would. I think the practice of inspection by legal and medical Commissioners has worked admirably, so far as I have been able to tell, and I was Secretary for five years.

27183. As a matter of fact, does the legal Commissioner, when he inspects, simply stand by, or are the patients presented to him individually?—He does exactly what the medical Commissioner does. He sees and speaks to every patient and talks to them; in the great majority of cases in county asylums the demand for the legal Commissioners by the patients is more remarkable than the demand for the medical Commissioners.

27184. Does he write a report on what he has seen?—He writes the report of the asylum afterwards. It is the legal Commissioner who does that for every institution, except the few asylums of the Metropolitan Asylums Board and the State Criminal Asylums.

27185. Would you say he superintended, or assisted, the medical Commissioners?—I should say he and the medical Commissioner did exactly the same.

27186. Is there any rivalry or jealousy on the part of the medical profession as to the proportion which their profession should bear to the legal element in the Commission?—One has heard things and seen things written; beyond that I know nothing about that.

27187. Even the Commissioners themselves wish to increase the proportion of the medical, over that of the legal element?—I think the view of our Board is that if we had an increase of two more Commissioners it would be as well to have two medical men. I cannot say my own personal view is at all strong on that subject, but in view of the opinion of the Board and in view of the opinion generally, I think it might be well to have that.

27188. The Lunacy Commission has been, in its present constitution, the subject of talk and questions in Parliament?—I believe it has. I may say in some of the attacks

which were made upon us it was perfectly obvious that the gentlemen who wrote the letters to the papers were not conversant with the Lunacy Laws. I remember one remark made by a distinguished gentleman—I forget who it was—who said it was a very sad thing that there was no provision in the English law for sending a patient anywhere than to an asylum; they ought to be able to put him under certificate and a reception order in the care of a doctor. Of course there is a provision in the English law, as you are well aware. It shows that some of these attacks are not made by men who know very much about the subject.

27189. Would you tell me of what use the legal element is upon the Commission? Will you tell me whether these words at all represent the facts: "The legal Commissioner and the medical Commissioner hunt in couples, the legal Commissioner knowing nothing more of medicine, or lunacy, or of sound administration, than policeman X. As a matter of fact the legal Commissioner only stood by; patients were not presented individually, but *en masse*; he wrote a report and in fact performed the work of a clerk. He had heard it suggested that he superintended the actions of the medical Commissioners; this, he need hardly say, was a ridiculous assertion; he was useless for inspection purposes, he was an anachronism." Is that anything approaching the fact?—Certainly not.

27190. Would you be surprised to hear that that was put forward in the House of Commons on the 12th May, 1904, as part of a speech of an honourable member representing a University?—I do not know that I should be surprised.

27191. A University where his constituents are mainly medical graduates?—By whomsoever it was put forward, it is absolutely inaccurate and absurd, in my opinion.

27192. And you do not agree with the further statement by this distinguished medical man, representing medical men, that "as he had said, the legal Commissioner was an absolutely necessary component part of the Commission in the Board room, but he was utterly useless in respect of inspection"?—I think that is absolutely absurd too, and absolutely inaccurate. I think it shows that the gentleman could never have been round in an inspection of an asylum carried out by two of our Commissioners. I think I may also add that if you were to take the opinions of the medical superintendents of this country, they would endorse my words.

27193. Complaint was made on the same occasion against the Lunacy Commissioners that they permitted such great extravagance in the maintenance and erection of buildings under their inspection. Have you any suggestion to make with reference to that, beyond that you should appoint an architect? Would it not be better to limit the inspection by the Lunacy Commissioners of plans and estimates to seeing whether they produced such conditions as the Commissioners thought necessary, rather than going into the detail of the cost and sufficiency of the plans?—I think the view generally, not only of the Commissioners, but—I speak in the presence of Mr. Byrne—I believe also the view of the Home Office at one time was that we were not concerned with cutting down expenditure, that was supposed to be a matter for the local authority. I think of recent years the view has properly obtained that we ought to control expenditure in some way if possible.

27194. One hon. member said, amongst his complaints of the Lunacy Commissioners, that "in a Yorkshire district they had been obliged to provide farm buildings and land in connection with the asylum in one, costing in one case £600; they had erected two greenhouses costing £2,800, and he had noticed a considerable item for canaries and cages and actually three guineas for a bassoon." Could that kind of thing be checked?—It could be, but I do not think it is desirable. If you were to walk through a ward and see it decorated with flowers and other objects calculated to make the patients happy, you would see that the quietness of the patients is due in a great measure to that.

27195. But the question is, the cost to the ratepayers. One complaint made is that the Commissioners were extravagant in their branch, and one medical officer wanted to have the finest asylum in the country; the staff were all provided with the best of everything, and everybody but the ratepayers were considered. Have you the means in the Commission, as now constituted, to check this?—No.

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27196. Do not you think, as the ratepayers have to bear the burden, that it would be better if you prescribed such conditions as should be proper in any establishment, and left the Local Government Board, or someone else who had more control of the ratepayers' money, to look after the details?—No, I do not. In view of the things we regard as necessary it would be much more important that we should have an architect whose advice we could take. People who are not familiar with asylums and the wants of patients might think—and they have in the past thought—that a greenhouse is an unnecessary extravagance. We do not think it is, if it is going to render the patient's life much more happy, and possibly render his chance of being cured greater. But the outside man who does not understand the effect of these things on patients would sweep the whole out of the programme.

27197. One architect would hardly be sufficient if he had got to look into all the *minutiæ* of appointments?—I think he would.

27198. It has already been suggested that lighting and sanitation would have to be provided for in addition to the architect?—That is so.

27199. Another complaint which was made against the Commissioners was with regard to the system of inspection. "One objection which county councils had was that the same Commissioners did not always go round, the result being that changes were constantly ordered, one man reversing the instructions given by another"?—I should think that is very, very rare. I have never known it to occur. On the contrary, I should say it is the universal practice of our Board, when we visit an asylum, to carefully read through the recommendations of the previous year, and one of the first things we do is to satisfy ourselves that those recommendations have been, or are being carried out.

27200. "One man said certain doors must always be left open, another said they must be made so that they would close"?—I can imagine how that would arise. One Commissioner probably recommended that a small fire screen should be erected which should be kept unlocked but closed, and probably his directions were mistaken.

27201. Another illustration of the same complaint of the inefficiency of the present inspection was that in connection with the asylum in his own district, that was in Keighley, Yorkshire, "when it was proposed to provide a fire escape for the patients, one Commissioner said the proper thing was to have a fire shoot through which the patients could be sent to the ground, and another Commissioner said they must have stairs"?—Many years ago I believe the Commissioners used to recommend, or at all events tolerate, fire shoots, but since I have been connected with the Board, during the last ten years, the Commissioners have deprecated the shoot.

27202. It is not a question of whether your recommendation was right, but whether you have made inconsistent recommendations following in rapid succession?—Certainly not; I should say inconsistent recommendations are of the very rarest kind.

27203. (*Dr. Needham.*) Do you know what incident, if any incident, led to the change of policy of the Commissioners in reference to the fire shoots? Do you remember an accident which occurred? Do you remember the accident at the idiot asylum?—Yes, but that was before my time. A man tumbled through and killed himself.

27204. (*Mr. Greene.*) I take it the legal and medical Commissioners differed, because the phrase is, "in connection with the asylum in his own district, when it was proposed to provide a fire escape, one Commissioner said one thing and another Commissioner said another"?—I will undertake to say that, for the last ten years no Commissioners have differed on that subject.

27205. That is the point; whether they do differ?—No, they do not,

27206. They all agree on everything?—I mean to say this: If I am going round an asylum I may say to my colleague, "This is a large room; do not you think there ought to be another exit there?" He may say, "Do you

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think there ought to be; there are others here," and then perhaps I give way. If that is differing, then we do differ.

27207. Supposing you made your inspection, and the next time a different set came and they differed entirely; does that occur ?—No, certainly not.

27208. They do not do that ?—No.

27209. They do not over-rule each other ?—Certainly not. On the contrary, they back up each other universally.

27210. Another complaint has been made against you; I think it only right to call attention to some of these things, because the public hear of these things, and I want to see whether they are well founded, because it all arose on the question whether an addition should be made to the Commissioners. "Another complaint was that Commissioners sometimes ordered a church to be provided although they had no power to do so." Is that correct ?—They strongly recommend chapels for asylums over and over again.

27211. A church ?—Yes.

27212. They could order a chapel, the gentleman said, and it was said that the appointment of a chaplain of the Church of England should be enforced, and Free Churchmen did not like that ?—We cannot order a chapel to be built any more than a church. We might recommend it. We might enquire how many services there are, under the 187th section. We cannot say a chapel must be built; we have no power to enforce it, at least.

27213. And you have no sanction for your recommendation if it is not done: they have discarded good advice and that is all ?—That is all.

27214. You cannot shut it up or deal with the asylum ?—No, we have to enquire whether Divine Service is performed; it is sometimes performed in a recreation hall: in some institutions it has been done. We can press for the building of a church in connection with an asylum, and frequently do, and some local authorities have objected.

27215. (*Dr. Needham.*) Have the Commissioners pressed continually that the services of all denominations should be held in whatever building it might be, whether it were a chapel or whether it were a church ?—Yes.

27216. (*Mr. Greene.*) Complaints are sometimes made of delay on the part of the Commissioners in responding to applications and submissions; matters upon which their opinion is sought ?—I should say there are very few offices where so many letters are answered by return of post. I may be allowed to quote an observation of the late Mr. Spring Rice, who enquired into the subject. I was then Secretary, and he congratulated me, and he said, "I am extremely surprised at the rapidity with which your letter book shows that the letters are answered."

27217. All the office work is kept up to date and efficiently done ?—Yes.

27218. And the classification is all thoroughly well done ?—Yes, I think so. I do not know that we might not have a little more time. We are rather hard pressed. Some members of my Board think we ought to spend a little more time in inspection of some of the larger asylums.

27219. It has been suggested by some people that the increase of the number of patients under certificates, or who have to be inspected by you, has increased in so many years, and that the number of Commissioners has not increased in a corresponding ratio ?—That is certainly true.

27220. Has it ever occurred to you that the increased means of travelling, and the reduction of some of the outlying places which had in 1845 to be visited, may account to a certain extent, perhaps not wholly, for the present Commissioners being able to inspect a far larger number of lunatics than was possible in 1845 ?—I think that is so, to some extent—increased railway facilities.

27221. If they had in 1845 to go by coach, and spend some hours in getting at a rather out of the way place, they could now get down in a motor in a much shorter time ?—Unfortunately we have not yet had the courage to apply for the use of motors.

27222. I will withdraw motors—you can get down by train ?—Yes, certainly—only to some extent.

27223. Has the aggregation of patients in large institutions tended to make it easier to inspect ?—No, I should say not.

27224. How many patients a day, with satisfaction to your Commission, can you examine, if you do it, not in the way in which in the House of Commons we were told that it is done ?—Do you mean pauper lunatics or private lunatics ?

27225. Take first the paupers ?—We generally take about two days over a big asylum.

27226. How many patients would that be ?—A day and a long half day for a big asylum.

27227. What is the size of a big asylum ?—1,500 to 2,000.

27228. You can get through 800 a day ?—More than that.

27229. Is that conjointly seeing each patient ?—Yes.

27230. If you have an asylum of that size, and are able to do it at one visit, it would be a great saving if you could do it in that way on one occasion instead of having several asylums to visit ?—Yes.

27231. It is easier to examine 800 patients in one spot than it would be to examine 800 patients in eight different spots ?—Easier in one sense, but more fatiguing.

27232. May I take it that we are not to be entirely governed by the increase in the number of confined patients, in saying that the labour of the Commissioners has been proportionately increased ?—It has been very largely increased; I do not know that it has been increased absolutely proportionately. The work required in one of these enormous asylums containing 2,000 patients takes a great deal more out of the person who inspects it than inspecting three or four small institutions, though it may not take actually more time. In addition to the numbers you must also remember as the numbers increase the office work, paper work, and correspondence, increase, deaths increase, subjects of inquiry increase.

27233. That leads me to ask you this, because one of the great legislative authorities to which I have been referring puts this. In 1852 there was reason to believe, although actual statistics were not obtainable, that the number of lunatics in England and Wales was 25,000. Actual statistics were only arrived at in 1859, when 37,000 lunatics were on the register. In 1870 there were 54,000, and in 1903, 114,000. Thus the medical Commissioners have to do four times the amount of work at the present day that they had to perform at the date of the establishment of the Commission, and the inference offered was this: the stagnation, he thought, must appear extraordinary to the House, which he could not help thinking would be anxious to increase the number. I venture to point out to you that the greater facility of examining this number has possibly enabled the Commissioners to do it without any increase in their strength, because you tell me there are no arrears, your office work is quite satisfactory, your inspection is quite satisfactory; well, why increase the number ?—May I mention a fact ? This very year, in October, one of my colleagues was indisposed suddenly, and could not possibly do the work, and had to return to London, and I had to do two large asylums myself, and other houses, eight days' work in all, and if I had not done it, there would have been no other time this year in which that could have been done by him and me, or at all.

27234. I daresay you are aware that there is power to appoint substitutes in the case of illness ?—But we could not have procured a substitute at such short notice.

27235. But a substitute could be sent down a few days afterwards ?—It was a question of hours, not days.

27236. Two substitutes could do it, independently of your presence ?—I could not apply for a second substitute, because I was well and able to do the work.

27237. I want to see a little more clearly than I do at present what case can be made for increasing the number of the Commissioners, whereas we quite see that the work at present to be performed is no greater than could be adequately managed if it were properly arranged ?—I am quite sure that we are working at the very highest pressure at which we can work, and I am quite sure of this, that if one of us gets temporarily ill for a few days it dislocates the work, not only of himself and colleague, but possibly of other people who will have to take his place.

27238. I should like to know your view as to the probability of the Commissioners being able to appoint, or

obtaining power to appoint Assistant Commissioners so that there will be somebody who can fill a spare place, but not having the voice at the Board of a full Commissioner ?—We ask for two Commissioners and Assistant Commissioners.

27239. The Assistant Commissioners are only in the event of increased work in regard to the defectives ?—Yes, I think we want two more full Commissioners, and any addition to our work after that I think might be properly carried out by Assistant Commissioners, who would be under the control of the Board, but not members of it.

27240. Am I right in saying that in 1859 and 1879, and even since then, when Commissions or Committees have sat, a claim has been put forward or an application has been made, for an addition to the number of Commissioners ?—Yes, I think so.

27241. And yet there have been no resignations in consequence of those applications not having been met ?—No.

27242. And the work of the office has in no way suffered? —I will not say that. I think the general work of the office is being done at too high a pressure. I think there is a considerable tendency, a great possibility, of our having to do work too quickly. I think it is getting to a point when we can no longer go on doing the work adequately, if any one of us gets temporarily ill.

27243. If in accordance with the suggestion of the Commissioners which I think has been adopted by the passage of a Bill in the House of Lords, the work of the Commissioners is divided so that they can work singly instead of in couples, or—to use the elegant phrase of this legislator—"hunt in couples," each would be able to do twice as much ?—No, I do not agree. First of all we do not think that it is very desirable, at present at all events, to do the very big asylums singly, but even if we did, one man would take longer over doing a big asylum than two men would.

27244. Would that be equivalent to the addition of a new Commissioner entirely, or two new Commissioners ? Would the greater length of time which a person would occupy in going through one of these asylums be such that still it would be necessary to have two additional Commissioners ?—Yes, I think it would, to do the work properly. My colleague, Mr. Shadwell, tells me he has worked it out, and he thinks it would represent the saving of one Commissioner, even if the one Commissioner could do the asylums as quickly as two ; a great deal of our work is done singly, like workhouses and single patients.

27245. If that is so, the application for two Commissioners, even under your memorandum, would be unnecessary, because one would be sufficient ?—No, I do not think so.

27246. You recommend doing the work singly as part of your scheme ?—Yes.

27247. You also recommend two additional Commissioners ?—Yes.

27248. If doing the work singly is equivalent to the work of one Commissioner, why have the other ?—Because I think we want the other. I think there are many things which suffer. For instance, as a matter of fact I have not been able to have any consultation with my legal colleagues except on a Wednesday, when we are full up, on any subject since I have been Commissioner during the last six years. The same observation applies to the medical Commissioners. We ought to be able to have a certain number of days when we could meet at the office to discuss matters of importance, and we ought to have more days when we could go and make enquiries. Supposing a subject comes up at the Board—take the instance of a patient having died of broken ribs—the Chairman might say, "is this a question where we ought to make an enquiry ?"; we cannot get the time to do these things.

27249. (*Mr. Byrne.*) A question like that would, in a Government Department of another type, not require a conference of experts at all, but a simple suggestion by an experienced clerk, and the initials of the head of the department, and the enquiry into the broken ribs would be decided on, not by a conference, but in six minutes at the outside, by experienced officials with power to do it. Why cannot that be done by the Lunacy Commissioners ? Why should numbers of people be necessary to discuss whether there should be an enquiry into broken ribs ?—I did not say that. I say that, if there is a discussion at our Board and the death is mentioned in the ordinary course of business, and the facts disclosed that there have been broken ribs, then we have not the time to send two of our body down to the asylum to hold an enquiry.

27250. I understood you to say that you had not time to discuss the question ?—That is another observation I made, that we ought to have more time to discuss questions of policy.

27251. Other great Departments do not require to meet together to discuss questions of policy ; questions of policy are settled on papers, and are laid down in a few minutes. The Home Office has matters in connection with the prisons and the thousands of people we get under our control in prisons, reformatories, and so on, every conceivable matter of administrative difficulty, from a murder down to a minor case of insubordination of an officer. These are dealt with by a junior clerk in the first instance ; and if of serious importance they are done by an under-secretary in a quarter of an hour ? —You have rather a different staff from ours, and a different class of men.

27252. A very much less paid staff. You have barristers of five years' standing and so on ?—Our clerks are not.

27253. Do the Commissioners discuss broken ribs and that sort of thing ?—We cannot get these things discussed.

27254. Why should they be discussed ? Surely with your experience and reputation you could direct it at once ?—I do not think so. I think there are things which constantly want discussing. Take the questions of the rules of the asylums ; at the Board we have no time to do anything but refer it to "Mr. Giffard" or some other Commissioner. He has the rules of the asylum ; he enters into a lively correspondence with Lancashire, say ; they refuse to put in this rule, and they insist on putting in that. He cannot go on unless he has time to discuss that matter with his colleagues.

27255. The Lancashire rules come up at the Home Office for final decision in accordance with your advice and possibly in accordance with every consideration, they are settled and laid before the Secretary of State by a competent clerk, who puts before him all the analogies that could be brought forward, previous cases and so on, and they are settled without discussion, the initials being appended by an under-secretary or by a head of the department ?—Yes.

27256. (*Dr. Needham.*) I will put two cases : an old woman sitting in a ward falls out of a chair against the edge of a chair and breaks a rib, she is put to bed and dies from hypostatic pneumonia ; another woman is violent and has a struggle with nurses, and she in the struggle, or somehow, sustains a fractured rib and she dies. The two cases are not on all fours ?—No.

27257. In the one case it is obvious that no further inquiry is requisite ; there is an interest in each case, but it is obvious in the one case that there is no further inquiry necessary. In the case of the injury during the struggle the jury have declared that in their opinion nobody is at fault. The investigation of the coroner does not satisfy the Commissioners that nobody has been in fault, therefore they think it desirable that inquiry should be made, and all the circumstances of that particular case have to be inquired into in order that the Commissioners may judge whether an inquiry by themselves is requisite. Have I put before you a state of things which occurs frequently in these discussions before the Lunacy Commissioners ?—Very frequently.

27258. It is because there are discussions of this kind among the Lunacy Commissioners that the differences which have been stated to exist between the Commissioners in the evidence which Mr. Greene has quoted, do not occur, because they do consult, and because they do arrive at a general opinion after consultation ?—Yes.

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27259. I only wanted to put that to you, to see whether that presents a true statement of the facts ?—Certainly.

27260. (*Mr. Greene.*) Is there any arrangement for the attendance of Commissioners at the Board ? You say you have not had the advantage of meeting your legal Commissioners for so long ?—Except at the Board.

27261. But the Board meets weekly ?—Yes.

27262. How often do you attend the Board ; are you on a rota ?—Generally we attend when we are at home, not on visitation.

27263. How long are you absent ?—I should think four and a half months on circuit roughly ; and about six months' attendance at the Board.

27264. Six months meeting each other once a week ?—I should think so, but even that has to be qualified ; it is not always the same Commissioners who meet.

27265. But any question on which a Commissioner who is absent in the country wishes to have the opinion of the Board, he can submit in writing ?—Yes, but I mean that there are plenty of things we want to discuss, without making them Board subjects every week—recommendations made in asylums and small matters upon which one would like to have an opportunity of seeing the others.

27266. Once a week ?—Not always once a week. Constantly we have not got a *quorum*.

27267. Then you get plenty of time to talk to the colleague ?—Yes, but very often he is a medical colleague ; in fact, if the two other medical and the other two legal colleagues are away, he would be. We very often do not have a *quorum*. We try to get one once a month.

27268. Supposing there is no *quorum*, does business go on ?—We have to do as much as we can. We cannot seal things, we have to put that off to a *quorum* Board. We can discuss things which require immediate action.

27269. Once a week, at least, two always meet ?—I will not say that I have known my colleague, Mr. Urmson, when I was Secretary, to sit in the Chair with no colleague. I remember on one occasion he sat there and I was Secretary and there was no one else, one Commissioner was ill, and the other four were on circuit.

27270. And yet the work has been done perfectly efficiently ?—Yes, because we have to postpone it for a *quorum* ; I say it is done as efficiently as we can do it at present, but the work is increasing very rapidly.

27271. I am only trying to get informed ; everything has been done well, you have given an answer to everyone of the complaints which were made in the House of Commons in 1904, and which appear from your point of view to be inaccurate and unfounded, so that there is no ground of complaint, and the Commission has been effective, although one gentleman may be in the Chair and no others present ?—I do not quite say that ; I say one of our reasons for wishing for more help is that we should have more Board meetings and not be reduced to this position, and we should have greater powers of consultation and greater power of going to hold inquiries where necessary.

27272. You are very fortunate to have only baseless complaints made against you ?—Those complaints which you read out were, in my opinion, absurd and unfounded, but I do not say it would not be true to say that we are so far pressed that we cannot very often do the work on Wednesdays because we have not a *quorum* ; that is the truth.

27273. Would it be possible to have two days in the week, or are you bound to be visiting when you are not at the Board ?—We could not possibly find the days.

27274. I wonder whether it is possible for anybody outside the office, who is not accustomed to its tradition, some ruthless reformer, to come in and see things from a different point of view ?—We would give him a hearty welcome, I am sure.

27275. You spoke about a Chairman. At present you have no permanent Chairman ?—We have a permanent Chairman, but he is an honorary Commissioner. We have no paid Commissioner as Chairman.

27276. You suggested whether a Master in Lunacy might not be made Chairman. Would you increase his salary ?—I do not think it is necessary.

27277. He has £2,000 a year now ?—Yes, I think he could do the work of the Chairman of an amalgamated Lunacy Board. I do not know enough about his work, but I think probably he would be able to give us Wednesday and preside over our meetings without any addition of salary. There are plenty of gentleman of high standing and high position who could do it.

27278. Would you see any objection to putting Commissioners and Masters under an age limit for retirement ? —I certainly see great objection to it ; I do not see any reason for it. I think we should have lost the services of some very valuable men if it had been so.

27279. We have the same rule with reference to Masters in Court ; an ordinary Master sitting on the Chancery side has to retire at sixty-five, but his brother, who comes in on Saturday for the lunacy, does not have to ?—I think a wrong impression was conveyed to you by mistake in the evidence which was given the other day on the subject of county court judges. I think you were told that county court judges had to retire at a certain age. That is not so.

27280. They are not bound to, but by agreement a good many put themselves under obligation so to do ?—I think that is so.

27281. Yes, but the Masters in Lunacy do not ?—No, nor do the county court judges, subject to what you state. Of course you are aware that the county court judges hold during good behaviour, as we have always contended that we do.

27282. But you do so by Statute ; it is in the words of the Act of 1845 ?—Yes, and the words "shall continue to be Commissioners" have always been held to convey that. The county court judges, if they have reason for retiring, from ill-health or other good cause, are allowed to retire on two-thirds of their salary.

27283. That is not an age limit ?—No ; I only mention that question in connection with this subject because it has always occurred to us that it is a great hardship that a Commissioner like the late Sir Charles Bagot, who works twenty-five years and does yeoman service, should be made to retire on the ordinary Civil Service limit with the ten added years, instead of being able to do what the county court judges do—to retire on two-thirds if he is obliged to retire through ill-health or other good cause.

27284. Is the two-thirds a statutory fixture or is it only a matter of practice that the Lord Chancellor recommends the Treasury ?—It is the latter, but we are for that purpose under a Treasury minute which gives us so many sixtieths and ten added years ; we have thought it a great hardship that a man like Sir Charles Bagot should retire with £700 or £800 after twenty years' service.

27285. I might mention Official Referees who have no pension at all ; they are not as well off as the county court judges ?—We should be perfectly content to be put on the same footing as county court judges. It is rather an important item to remember ; taking the average age of the Commissioner, who is appointed at about fifty years.

27286. Might I ask what the average age is when he goes ?—I am afraid I am not able to tell you ; I do not think it has been worked out.* If he had to retire at the age of sixty-five, it would be very hard upon a man, who possibly, as very many medical men have done, gave up good appointments to

* The witness subsequently sent in the following memorandum :—

"Thirteen of the Commissioners in Lunacy have vacated their office by resignation ; the age of two of these is not known. The average age on retirement of the remaining eleven is sixty-two ; of these eleven six retired prematurely, one to take a professorship at Cambridge, one became incapacitated by injuries received in a street accident, and four on account of failing health, to which they succumbed in less than three years on the average. The average age of the other five was seventy-two. Of the nine Commissioners who vacated their office by death one died at seventy-five, one at seventy-three, and one at seventy-one."

take the Commissionership, to have to retire at the age of sixty-five years upon what is really an inadequate pension.

27287. You would argue that, if the average age at commencement is fifty, they should be allowed to go on indefinitely ?—Yes, I do. I do not know whether you invite my observations on this subject.

27288. We should like them ?—It does not so much affect me personally because I was a younger man when I was appointed. I do think that in the case of some of the older Commissioners and some of the medical Commissioners who have been superintendents, and who are appointed rather later in life, it would be a very great hardship, in the event of their having to retire at sixty-five for ill-health or something or another, that they should have to do so on a few hundreds a year, after they had given up a certainty of a good pension, as I know has been the case in several instances.

27289. From the public point of view does it not rather point to their being ill advised to give up a good thing to take this ?—It also shows that it is bad for the public, because the tendency is not to get the best men. It has been the case that a few men have been willing to make that sacrifice. Perhaps they have got tired of their work; but it certainly is worth consideration, whether a man is to give up his chance of a pension, and take a post at fifty, with a chance of retiring if he breaks down at sixty-five or sixty-six with an inadequate pension.

27290. (*Dr. Dunlop.*) Is it not the fact that they get ten years' additional to compensate for taking the duties late in life ?—That is quite true, but when you add that, you will find that it does not add very much. If a man is appointed at fifty and breaks down at sixty-five, that is fifteen years, and you give him ten years, that is twenty-five; twenty-five sixtieths is a poor pension.

27291. (*Mr. Greene.*) You see the desirability of having a fixed working Chairman and not a figure head ?—There is no doubt about it whatever.

27292. At present you are like a factory without a foreman—you want someone in control ?—Yes.

27293. Would you make him *primus inter pares*—he would have no authority ?—Simply his casting vote.

27294. But he would be expected to initiate policy ?—And to be at the office during the week, so as to make himself a master of the topics to be discussed.

27295. Would you give him authority to allot circuits to the Commissioners ?—No, all that would be settled by the Board.

27296. He would have the purely moral weight which gentlemen of this sort would command ?—Yes.

27297. Is there any practical reason why we should continue the system of having inquisitions at all ? Why should not certification, or a continued certification, be quite sufficient to put the person in the *status* that he now occupies as a lunatic "so found" ?—No, I do not agree to that; I think inquisitions are very useful.

27298. I am not putting it forward as my view ?—I do not agree. I think inquisitions serve a very useful purpose; I think there are many patients, and the families of many patients, who are quite determined to have it decided before a jury whether a person is or is not insane. If you will look at Section 98 you will see that there is a most useful sub-section which enables a Master to find in certain cases that a man is not able to manage his own affairs, but is able to manage himself. That is a most useful provision; there is no provision analagous to that in the ordinary lunatic sections. There is sub-section (*d*) of Section 116 in which the Master makes an Order about property, that is all.

27299. We have had some evidence that inquisitions are diminishing in number ?—I believe that is so.

27300. And that those held before juries are becoming exceedingly rare—two in a year is the last return ?—I believe very few.

27301. (*Mr. Byrne.*) There are not many families who are anxious for this system, then ?—No, but it is useful to preserve the power to hold inquisitions.

27302. (*Mr. Greene.*) And with the exception of cases which are on the border line, and where the family may desire to contest, in all cases the Master sitting alone without a jury can decide ?—Yes.

27303. The Master simply sits in a room and hears two medical witnesses as a rule ?—I do not know about that; he satisfies himself.

27304. Very rarely, even without a jury, are the cases at all contested ?—That is so.

27305. Is not he in the same position, when he is sitting to hear two doctors, as a Commissioner would be who has had two certificates and two medical advisers ?—Yes.

27306. So that in the end it comes to the same thing; your Commissioner allows a person to be detained because he and one or two other medical men have found that the person was insane and he is not "so found," whereas going through the form in a room, and having two doctors to prove it to another gentleman, puts him in Chancery. Is there any essential reason why that in its present form should be maintained ?—Except for the reason which I gave you, that the Master can find that the man cannot look after his property, and *can* look after himself——

27307. Would not that be rather a reason for increasing the power of the Commissioners than for maintaining an expensive distinction which involves the maintenance of a Chancery establishment ?—Perhaps I do not know enough about that to give an opinion. I should have thought that if you were going to keep Masters for the purpose of looking after their property generally, it would be just as well to retain this power; it does not seem to have been very often used.

27308–9. I was going to ask you whether there was any real reason why the Masters in Lunacy should be continued at all, and why the Commission, if they had got a land agent or two, or a person of that sort, under their control, could not, in one of their departments, manage the property as well ?—I should be sorry to see that. I think it would involve much greater labour than we have now. I do not believe a land agent under the direction of the Board would look after the property of lunatics properly.

27310. You do not have anything to do with the Masters ?—Very little to do with them, except that they send us notices of all inquisitions and cases under the 116th Section.

27311. You do not visit them ?—No.

27312. (*Dr. Donkin.*) I think you told Mr. Greene that in visiting large asylums the legal and the medical Visitors conjointly saw patients ?—Yes.

27313. Is that so in all the visits ?—What happens generally is this: we go into the ward; one of the Commissioners walks round carefully and talks to all the patients, while the other Commissioner examines the dormitories, which may or may not be on that floor, and the lavatories and things of that sort. When he has finished that he goes back to the ward, walks about among the patients, and joins his colleague, and they go on to another ward.

27314. When two go together some of the patients are interviewed by one Commissioner and others by another ?—Yes, and very often a great many by both.

27315. In a good many instances by one only ?—Yes.

27316. On the visits which are paid separately to workhouses and other places of detention, it is immaterial whether it is by a legal member or a medical ?—Yes.

27317. They are treated as co-equal ?—Yes.

27318. The function of a visit is equally well discharged by a lawyer or a doctor; that is the view ?—Yes.

27319. Therefore it would follow, would it not, that for visitorial purposes only, no special knowledge of medicine, or special medicine, or general or special law is required; I mean for the general visitation duties, if they can be equally well done, and are done, alternately ?—I do not suppose in the case of a workhouse it makes much difference. There is no occasion generally to know anything about medicine. You have gone to see whether the few old people are comfortably looked after, their beds, means of escape from fire, and so on, and you enquire into the dietary, and how many times they bathe. In the large asylums it may be that questions very often do arise where medical knowledge is very important, as I said before—in the case of bodily disease or anything of that sort; not for the detection of insanity, but of bodily disease, and as to things which may be necessary for the infirm.

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27320. What I want to get at is whether, for the proper and efficient discharge of the duties of the visiting Commissioners, as they are now, you would say that strictly legal and medical knowledge, however great it might be, is not much required?—I do not think so.

27321. It might be discharged equally well after a little experience by a man of intelligence who had neither legal nor medical training?—I do not know about that. I think there are many points in a big asylum which may arise requiring legal knowledge, and many which may arise requiring medical knowledge.

27322. But not often during visitation?—No, I do not think they do, as a matter of fact. I think you are asked more legal questions than medical questions. On the other hand you do come across a case where the superintendent comes up and says, "Dr. So-and-so, I want your opinion on this"; then it is most valuable to have it; an ordinary person who is not a doctor would not be able to deal with a medical question.

27323. You do not think that plays a very large part in the functions which are discharged by the Lunacy Commissioners in visiting?—Not in the detection of insanity.

27324. Nor in consultation over the nature of insanity?—Not individual patients.

27325. There is not time for it?—No, not in county asylums.

27326. I believe it is generally understood as the opinion of the Lunacy Commissioners that Assistant Commissioners or inspectors, whatever they might be called, would be undesirable, supposing they were to perform the same duties which Commissioners now perform?—I do not think we can go to that length, quite. I think Lord Shaftesbury held, quite rightly, that to do all the work by Assistant Commissioners and have a simply resident Board would be a great mistake; but I think to have a certain number of Assistant Commissioners, over and above our own visiting body, which would still continue to visit, would be an advantage; or at all events if we could not get anything else we ought to be satisfied with it. I think the ideal is to have members of the Board who visit and see with their own eyes what is wanted, and come back and tell their colleagues on the Board. If we cannot have that—and we cannot go on enlarging the Board for ever—the next best thing is to have Assistant Commissioners who can go and report to us, the Commissioners themselves continuing to visit.

27327. You have not gone at any length into the reasons why the Commissioners object to Assistant Commissioners?—That is it, really.

27328. It is really that they think the bodies whom they visited, the county asylums and superintendents of asylums, would resent being criticised and reported upon by those who had not the power to act?—That is one reason, and another is that the men whom you would get as Assistant Commissioners would not be of such weight in the medical world as to carry much influence. I do not say that is a fatal objection, but it is an objection to the system.

27329. It has been suggested by your Commission, as a body, that in order to perform the work which they do now, satisfactorily, two Commissioners should be added, and preferably two medical men?—Yes.

27330. I will not go into the question why preferably medical men.—I mentioned just now to Mr. Greene that I have no strong views on the matter.

27331. Then they go on to say, supposing fresh work were imposed upon them, that they would then recommend the appointment of Assistant Commissioners. What I want to know is, what objection which would apply to Assistant Commissioners doing some of the work which is now done by the Lunacy Commission proper, would not apply to Assistant Commissioners doing the new work, which on the face of it is more difficult and delicate than the present?—I have not the least notion what the new work is.

27332. It would be, roughly speaking, performing the same functions, and probably more, with a very heterogeneous class of people who are not at present certified?—Our view was, as you will see in our statement, assuming that we had our Board of the size that was convenient—and it could not be enlarged further—we must be content with Assistant Commissioners; and that then the Assistant Commissioners should not be called upon to do any special work, nor live in any special district, but that they should be called upon to do any work which we might from time to time give them, including inspection of big asylums occasionally, so that they should gradually acquire the experience sufficient to do all the work done by a full Commissioner.

27333. Supposing the Commissioners, with the increased number of two Commissioners, were still visiting asylums, still giving patients the opportunity of consulting them, would you see any objection to the Assistant Commissioners or inspectors performing what I may call the purely inspectorial duties of the buildings and the structures, not so much the patients, and reporting from time to time to the Commissioners so that they might visit them as they liked? Would there be any material objection?—No.

27334. Assistant Commissioners, or inspectors, performing such duties as the Commissioners delegated to them?—We would prefer having full Commissioners, but if we cannot get them we must get what assistance we can.

27335. Most of us have heard very strong opinions expressed against the appointment of anyone of a lower standard, or lower pay, than the present Lunacy Commissioners?—I do not see any reason why they should not do it. Of course we should have to be very careful to get good men.

27336. Supposing there were this amalgamation between the Lord Chancellor's Visitors and the Lunacy Commissioners which has been suggested, do you think the Commissioners would be able to perform the present duties of both bodies without over-pressure?—My own view of the way in which amalgamation might be carried out would be this: that it would be a great advantage to us, assuming that the medical Visitors became medical Commissioners, and assuming that the office of legal Visitor was not filled up, but that the money for the office was taken to pay for two assistant medical Commissioners; we should then get five medical Commissioners and two assistant medical Commissioners, and at no greater cost than the country is spending on the two offices together.

27337. Would you think, then, that the present work could be done without any increase?—Not only the present work, but I think the present work *plus* the visitation of the Chancery Visitors.

27338. And could be done without over-pressure of any individual Commissioner?—Yes.

27339. Now I understand the objection is not that the work cannot be got through, but that the work cannot be got through thoroughly?—That really is the point.

27340. You think that, as far as *personnel* goes, that would be a solution of the over-pressure?—I think so, certainly for the present. I am assuming that there is no other work of another kind about which we know nothing; I mean the present work.

27341. (*Dr. Needham.*) As regards buildings, and the architect, it has been thought desirable, has it not, as we have heard expressed in previous evidence, that there should be a paid architect whose duty would be to look into specifications, and check expenditure by looking into specifications?—Yes.

27342. And to check matters which do not appear upon the plans?—Yes.

27343. And of which the Commissioners have therefore no means of judging, unless by an inspection of the specifications, for which they have no time?—Yes.

27344. Have you any doubt as to whether the Commissioners are seriously anxious to reduce the cost of asylums?—I am sure they are, and have been for some time.

27345. As regards the special persons about whom Mr. Greene was asking you, in addition to the architect, who might be called in on questions of drainage and engineering, I suppose the cases in which they are called in would be comparatively few?—Yes, very rare.

27346. The architect would be able to deal with most matters?—The great majority.

27347. And it would only be in complicated and urgent questions that these special persons would be called in and would be paid fees ?—Yes, with the occasional exception of getting outside advice, as we do now, from an architect with more experience.

27348. There would be no real addition made to the cost of the Commission, because I imagine that what is proposed to be done is already done ; that in cases of difficult drainage, or cases involving engineering difficulties, it has been the custom of the Commission to call in consultants ?—Yes.

27349. As regards Assistant Commissioners, do you not think it desirable that the 5,000 people who are at present boarded out, in receipt of outdoor relief, should be visited by the Commissioners ?—Yes.

27350. If there were Assistant Commissioners, that would be a function which they would be asked to discharge ?—Yes.

27351. You think that very important ?—Yes, I have always thought they ought to be visited.

27352. As regards the number of patients seen in an asylum, you say you think that about 1,000 can be seen in a day ?—I think about that, comfortably, or more perhaps.

27353. What is the process of visitation ?—We go into the wards, take the number of patients, the number of attendants, and get certain other particulars about the patients ; then one Commissioner counts all the patients while the other Commissioner talks to them. Then one goes and examines all the dormitories, lavatories, and everything else, and sees that the exits in case of fire are satisfactory.

27354. Is every patient approached and is every patient given an opportunity of speaking to one or other of the Commissioners ?—Certainly.

27355. I may take it, I suppose, that the large majority of the patients who are seen are people who have not the intelligence to speak to you ?—Yes, quite incapable of taking advantage of it.

27356. In point of fact, going and speaking to each patient means asking whether a patient has anything to say and having no response ?—Yes, certainly, in many cases.

27357. That of course greatly shortens the time which a visit takes ?—Yes, I am sure you can walk up and down a row of patients twenty times and never get any response from more than a few of them—that is in certain wards.

27358. As regards visitation of small asylums, compared with the visitation of large asylums, do you experience the different influence upon your working capacity of the visiting of the two classes ?—Yes.

27359. Do you find the visitation of a large asylum imposes a greater wear and tear upon you ?—Certainly.

27360. I suppose you scarcely ever find that a large asylum is in the quiet contented state in which you find the small asylum ?—No, certainly not.

27361. Have you reason to think that the increase in the size of asylums has had a very bad or very good effect upon the general condition of the asylums ?—A very bad effect, I should say.

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27362. Do you find noise and confusion which you do not find in the smaller asylums ?—Yes.

27363. The work of the Commissioner in these large asylums is very much more than in the smaller asylums ?—Yes, I said it took twice as much out of you.

27364. As regards the getting about of the Commissioners when on circuit ; increased facilities of travelling of course have increased the ease with which the Commissioners can get about ?—Yes.

27365. I suppose if it had not been for this increased facility, the work of the Commission must have come to an end long since ?—Certainly, of course it must.

27366. It has only been because these facilities have been afforded that the work of the Commission has been able to go on as long as it has ?—Yes.

27367. As regards the question of the different views of the Commissioners, is it a fact, or is it not a fact, that on general questions the Commissioners hold practically the same views ?—Yes, it is the fact.

27368. That there is a general consensus of opinion upon cardinal points ?—Yes.

27369. And that there is, as there very properly ought to be amongst every body of persons, individual opinion which is not the same ?—Yes.

27370. You do get difference of opinion amongst the Commissioners such as you get amongst all classes ?—Yes.

27371. Nothing more than that ?—Nothing more than that. It is a united policy, speaking generally.

27372. I understand you express the opinion that the Commissioners are exceedingly careful to take up the policy of their predecessors ?—Yes.

27373. They consider it part of their policy, when they go to an asylum, to make inquiry about matters into which former inquiry has been made, or the remarks which have been made by their predecessors ?—Certainly.

27374. (*Chairman.*) Is there anything you would like to add ?—Only with reference to one question which I think Mr. Greene asked some time ago, the question about substitutes for Commissioners. It has always been the view of the Commission—I do not know how it originated—that if a Commissioner falls ill and a substitute is appointed by the Lord Chancellor the Commissioner has to pay for him. There is nothing really in the Act of Parliament which says so. I think the view of the Board is that this is rather a hard interpretation, and that possibly it might be the subject of consideration.

27375. (*Mr. Greene.*) It was a Treasury order forced on the Commission ?—Yes, there was a Bill presented before Parliament dealing with the same matter in respect to county court judges ? I thought I would mention that fact as a subject which perhaps the Commission would like to consider.

David Nicolson, Esq., C.B., M.D., called ; and Examined.

27376. (*Chairman.*) Will you be kind enough to tell us how long you have been one of the Lord Chancellor's Visitors ?—Eleven years next January : and previously to that I was Medical Superintendent of Broadmoor Criminal Lunatic Asylum.

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27377. The Visitors have given us a statement of their evidence ; may we put that on our notes ?—Yes.

Statement of the Evidence given by the Lord Chancellor's Visitors in Lunacy.

The Visitors' Office consists of :—

Two medical and one legal Visitor at - - -	£1,500	0	0	£4,500	0	0
Secretary (Mr. Dickinson) at	300	0	0			
Senior clerk (Mr. Higgins) at	370	0	0			
Rising to - - - - -	400	0	0			
Second clerk (Mr. de Lisle) at	200	0	0			
Third clerk (Mr. Wade) at -	104	0	0	974	0	0
Travelling expenses and allowances - - -				1,374	19	4
Total - - -				£6,848	19	4

These expenses are paid out of the lunacy percentage fees ; the balance of which, after all expenses of the Masters' and Visitors' offices have been defrayed, now amounts to £9,000, more or less, and is paid into the Treasury.

Jurisdiction.

The visitors visit all patients found lunatic by inquisition twice a year, and in new cases or special cases, four times a year.

The number of inquisition cases is 653.

They also visit under order from the Lords Justices or the Masters such cases of infirmity or lunacy as are provided for under Section 116 of the Lunacy Act, 1890, other than under Sub-section A as well as special cases pending before the Masters or the Lords Justices.

The number of cases other than those found by inquisition are :—

Sub-sections b, c, e, f -	2,782
Sub-section d - - -	347
Total - -	3,129

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Whilst the inquisition cases may have declined in number the cases under the foregoing sub-sections comprise what would have been inquisition cases but for the sub-sections, and are visited when specially required.

The jurisdiction is limited to England and Wales with the addition of extra jurisdiction cases in other parts of the United Kingdom and in foreign countries to which the Visitors are occasionally specially sent by authority.

Each of the Visitors takes a third of the area covered by their jurisdiction every year in rotation. The respective areas are known as Home, Northern, and Western Circuits.

The total number of visits paid in the year ending October, 1906, was 1,583, or 527 per Visitor.

The mileage covered was 48,910 miles within the same period.

The jurisdiction of the Lord Chancellor's Visitors and of the Masters is under the department of the Lord Chancellor. The jurisdiction of the Lunacy Commission is under the Home Office.

Working of the Office.

The Visitors were described by Lord Westbury as the "eyes and ears" of the Lord Chancellor in Lunacy matters. They are in close and constant communication with the Masters in Lunacy, who form with them a Board which meets monthly, and with the Official Solicitor (*vide Q.* 27513-5).

They are concerned with reporting into continuance of insanity, and into the bodily condition and treatment of lunatics, and as to the proper expenditure of the amounts allowed for maintenance under schemes made by the Masters; and with the committees, medical advisers, relatives, and establishments (in private cases), of inquisition and other patients.

Their visits are unannounced and of a surprise nature, except in certain discretionary cases. They visit as urgency and circumstances demand, and not by any methodical progress of travelling within their circuits.

Under these circumstances they are the confidants and general advisers of patients and their families, and are acquainted with the personalities and histories of every case.

27378. (*Mr. Byrne.*) Your duties are mainly set out in the Rules in Lunacy, are they not ?—Yes.

27379. Is there anything since the rules of 1893 ?—1892 is the date.

27380. 1892 is the main body, and there is one in 1893, Rule 5, which says the Chancery Visitor shall, upon the request of the Master, visit and report as to any persons with reference to whom, or to whose estate, an application is pending ?—That is the last.

27381. Therefore in those two sets of Rules we have a complete statement of your duties ?—Yes.

27382. I would like to ask you some questions about the cases with whom you deal. You visit all lunatics "so found by inquisition" twice a year, and new cases or special cases four times a year ?—Yes.

27383. Is that any new cases in private houses or any new cases in institutions as well ?—I should say that they are cases in private houses. We do not visit asylum cases oftener than twice under any circumstances, unless we have a special reason for going.

27384. The number of inquisition cases is 653 ?—Yes.

27385. In addition to those, you also visit, under order from the Lords Justices or the Masters, many other cases both of infirmity and lunacy ?—Yes.

27386. The former being the cases for which provision is made under Section 116 of the Lunacy Act, Sub-section (*d*) ?—Yes.

27387. In addition to those cases you have still further special cases as to which you make visits and inquiries, namely, the cases pending in the lunacy jurisdiction?—Yes. I have three cases outside these to visit this week; they are not inquisition cases at all, but are under the other sub-sections of Section 116.

27388. Might I ask about that number of cases you have under those different sub-sections, for instance under sub-section (*b*), the old lunatics; how many cases have you ?—The whole number of cases under (*b*) (*c*) (*e*) and (*f*) is 278; they are under all the sections except the inquisition cases of (*a*) and the infirmity cases of (*d*).

27389. How many of those cases have you had to visit regularly ?—I could not say.

27390. Do you pay regular visits to patients who are, either as regards their persons or their property, under disability under each of those sub-sections ?—There was one case in Broadmoor, but that is a very exceptional thing, the criminal lunatic section (*f*).

27391. How many cases which are dealt with under those sections are subject to your visits ?—A certain number of them are put on our list at the request of a Master or Judge, but the number of these I cannot tell you. I could find out.

27392. Could your clerks let us know the number under each of those sub-sections divided into the two classes of those you regularly visit and those you visit once ?—I should think there are twenty or thirty, but I think I can get the number.

27393. We gather that you all have a very substantial amount of visiting to do, and we want to ask some questions with the object of bringing out how much your ordinary visits have to be added to on account of these special instructions which you receive ?—That is only part of it. Those three cases which I had to visit from the end of last week till some time in the middle of next week would not be anywhere.

27394. They are called special ?—They are called special. They were not down on our list for visitation. We only visit at the request of a Master or Judge. We can say how many have been visited.

27395. How many cases have you had for the last three years ?—I can find that out.

27396. And the total number of visits paid in the last year ?—To non-inquisition cases ?

27397. Your clerk could give us an analysis of the non-inquisition cases under section 116 ?—Yes.*

27398. Could you give us an idea what the total number of visits has been for each of you; is it 507 ?—Yes.

27399. That is a considerable amount of visitation; would you kindly tell us how many of those live in entirely separate institutions ?—Of the 651 total inquisition cases, 227 are private cases, and 424 are in asylums.

27400. Have you many inquisition cases in any one asylum, or are they scattered ?—Certain asylums and institutions for the insane—registered hospitals rather; they are rather favoured, and we have a certain number of paupers who are visited in pauper asylums, the reason being that they cannot be taken out of the Chancery list. It is an anomalous state of things that we should have to visit people whose money has become exhausted, and who are now paupers unable to be taken off the list because there are no funds by which the process can be gone through. There are not many of those.

27401. How many patients have you to visit in a large hospital like Holloway ?—There might be, perhaps, a couple of dozen in one place, speaking roughly.

27402. That would facilitate your visits a good deal. To do 500 visits a year, if they were all entirely separate, would be almost impossible, would it not ?—It could be done.

27403. But it would be extremely hard work ?—Yes.

27404. Could you give us an idea how many of them are in more than single care, and how many are in considerable numbers in certain institutions ? Could your clerk give us the number of institutions in which there are more than three patients ?—Yes, we can give you each asylum and the number in it.

27405. I have no doubt you know this report of the Lord Chancellor's Committee, in 1882, in regard to a suggested amalgamation ?—Yes.

27406. Do you agree in substance with the recommendation in that report ?—The non-recommendation.

27407. They recommend there should be no amalgamation; do you agree with that in substance ?—Yes.

27408. And you entirely disagree with the minority report ?—Yes, I disagree with it, certainly.

* *Vide* Appendix papers, page 419 post.

27409. It is very full and contains its own arguments; it will save trouble—that is why I asked the question—if you both agree with the substance of it, and with the arguments used?—Yes.

27410. Have there been any changes of the law of practice since 1882 of a substantial character, which affect the argument one way or the other, and which affect this report?—The numbers were reduced to four visits in the fresh cases; to two in all the other cases.

27411. They were substantial changes in the law?—Yes.

27412. Is there any other?—I was not appointed till 1896, so I might not be quite acquainted with any, but as far as I know, from any information I have, I should say there have not been any others.

27413. Those changes which have occurred, with the exception of the one you have mentioned, have been in the direction of increasing your work—for instance, enquiry into pending cases?—We have always had those cases. The numbers are increasing, and for this reason; that by the doing away of inquisitions patients have to be dealt with by the office who otherwise would not have been placed under our supervision through a process of inquisition, and a number of those come to us, and those are the cases which the Master requests us to put upon our list; and with regard to Sub-section (*d*) there are cases which pass into it which ought clearly to be placed under certificate, and which we have had to visit as outside cases at the request of the Master; and we have found cases which ought not to have been allowed to escape from supervision by passing into that sub-section of the Act. It is an abuse of the intention of that sub-section.

27414. We have been informed by previous witnesses that the use of that section is rapidly increasing?—That is my impression.

27415. When you say that is an abuse of the Act, do you mean that it is an inexpedient extension of the Act, or do you mean that, however useful, it seems to you to be going beyond what the law intended?—Certainly beyond what the law intended, and not only inexpedient but entirely wrong, that the intention of the Act should be evaded by a sub-section of its own.

27416. Many witnesses before us, speaking from a different point of view from yours, have very much pressed the extension of that system and recommended that it should be still further extended so as to include, not only mental infirmity arising from age or illness, but every conceivable form of mental incapacity?—I say by all means extend the influence of that idea downwards, so long as you can do so reasonably and properly, but do not extend it upwards into the region of insanity. There are men who are unfit to manage their property, and a great many senile cases who are very rightly put under the sub-section to avoid the question of insanity; but in order to save expense and the bother and publicity of an inquisition there are a number of cases which are passed into sub-section (*d*) which ought to be dealt with under the sub-sections relating to insanity. When they extend the scope of sub-section (*d*) in that direction they are doing harm. It has nothing to do with me personally in the matter of visitation; I am only complaining of it as a citizen.

27417. You think people are not treated as lunatics who ought to be?—A number of them.

27418. It would be impossible to have them treated as lunatics except by going through inquisition?—No, they could go through some other section.

27419. Would you recommend that they should be put through the process of a reception order?—Yes. I say an insane person ought to be dealt with as an insane person.

27420. It is more or less an accident whether a person with mental infirmity is dealt with by the Masters or by process of inquisition or by his own friends?—Yes.

27421. There are numbers of rich persons who are lunatics under a reception order?—Yes.

27422. And plenty of poor persons who are dealt with by the Masters?—Yes.

27423. Do any practical evils arise? Is there any reason why the system of inquisition should exist side by side with an elaborate system of reception order, urgency order, and so forth?—The same thing might be managed with another heading, but I think that in the interests of the insane person, who has a right to demand a jury, to do away with it would be depriving him of a reasonable opportunity of defending himself. In many instances when the question is pending with regard to having a jury in a case or not, we have to visit and find out from the individuals whether they are mentally fit to recognise their own power to demand a jury and if they understand their position with regard to the appointment of a jury to inquire into their mental condition. We have to go and inquire, and according to our report we say the person is so demented that he cannot understand what an inquiry or a jury means, the Master can then decide the matter on his own initiative without having a jury.

27424. Your report in these cases goes to the Judge, does it not?—To a Master or a Judge.

27425. If a man claims a jury and it is refused, the refusal may be dealt with by a Judge—he can appeal from the Master?—I cannot answer the question specifically, whether he can appeal from a Master.

27426. Are there many cases in which the victim, so to speak, appeals for a jury, or his solicitors do?—Yes, I think the tendency with a great many insane people is to have a jury. They say, "I am not insane." On the other hand it may be a great grievance to them that they should have the expense of a jury.

27427. There are only two cases of juries in a year in the last judicial statistics, so if a great many applied to be tried by a jury, it was on your technical rules chiefly that they were refused a jury?—I am not prepared to say that that is so, because I do not know the cases.

27428. They can demand a jury?—They can demand a jury.

27429. I am right in understanding, am I not, that if a man demands a jury and the Master thinks he is not *prima facie* in a fit state of mind to know what he is talking about or to know the utility of it, he sends you to inquire and report on his mental condition?—Yes.

27430. Or to see whether his request for a jury should be granted or brushed aside?—I do not say "whether it should be brushed aside," but "whether it should be further considered." There might arise cases where a man on the advice of his solicitor might be able to just catch hold of the idea of it and so on. As a rule, if a man demands a jury, I would certainly say that he ought to be allowed to have one. One has no right to stand in the way of a person who is accused of being a lunatic having power to demand full inquiry into his case.

27431. It is clear from what you say that it is not you who stop the juries; somebody does it, because most of them asked for a jury and only one got it; who does stop it?—I do not know, we have nothing to do with the procedure.

27432. The Masters will tell us?—They will be able to tell you how that comes about.

27433. The person who is certified as a lunatic under a Reception Order has no chance of a jury, has he; much less a Summary Order?—He has an appeal to a magistrate.

27434. An appeal to a magistrate only if he is committed without having been seen by a magistrate?—If he goes to an asylum under an Urgency Order, he has not in the first instance the opportunity of representing his case to a magistrate.

27435. Not to a jury, I said?—No, not to a jury.

27436. There are a good many lunatics in the country; most of them are under reception orders and summary orders—by far the most under summary orders. The 600 or 1,000 or whatever they are who are under inquisition have had the right of asking for a jury; the other 114,000 have not. Do you consider that a great grievance?—They are not in the same position. A very large proportion, I do not know how many of them, are paupers and have no power to pay for the inquiry, so it is useless to demand a jury when there are 90,000 of them, or perhaps 80,000 to 90,000, who are paupers and have no means for paying for an inquiry.

27437. But still if it is right and desirable, on the ground of the liberty of the subject, the country might stand it?—No, they would not; they are rightly and properly

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certified by a medical authority under the supervision of a magistrate. That is considered quite enough in a general way to establish confidence in the working of the Act.

27438. Let us take the cases of those sent in under reception and urgency Orders, many of whom have a good deal of money. They have no chance of a jury, and those who are proceeded with in the direction of inquisition have a chance, a very slight chance, certainly, but legally they have a chance of getting a jury. Would you like the reception order people to have a jury too?—The question of demanding a jury comes in with an individual who claims a right to deal with his own affairs. The cases are not parallel.

27439. They sometimes are?—They sometimes are. If a man is certified and put into an asylum, the question of his affairs remains in abeyance; some of his relatives are able to carry on the disbursement of his funds while he is *hors de combat*, so that the cases are not parallel.

27440. The effect of an inquisition is more serious on a man's property than the effect of a reception order?—If you like to say "more serious"; it is more complete.

27441. It is complete deprivation of his civil rights?—Yes, for his own protection.

27442. (*Mr. Greene.*) You were mentioning just now that you had to see patients with a view to ascertaining whether they understood their application to have an inquisition by jury?—Yes.

27443. You do not have to give inspection in every case, do you; it is only where they have demanded a jury?—If a demand has come in for a jury.

27444. But there are a great number of cases where proceedings are launched and the alleged lunatic does not demand a jury?—Quite so.

27445. In that case no inspection is made by you?—No visit is made by us, nor a report.

27446. The number of cases in which a demand is made is not very large?—I have no means of knowing.

27447. You act on the Master's suggestion?—At his request.

27448. It is provided by a section of the Act of Parliament that, if he is satisfied that the person does not understand matters, then no jury is had?—He can decide the matter on his own account.

27449. We have heard something about special inspections on special occasions which you can be called upon to perform; what are those?—I have to go by direct order from the Lord Chancellor. I remember one case of a man who was kept in a hutch by his brother.

27450. How many of such inspections are there in the course of a year?—By the Lord Chancellor's direction, very few indeed?

27451. Four or five?—Not so many.

27452. Who is the next?—One of the Lords Justices.

27453. How often in the course of a year does he send you for a special inspection?—I cannot tell you.

27454. Is there anybody else in your office who may be sent?—Yes, I may be sent, or my colleague may be sent.

27455. We shall get the amount of those inspections from your secretary?—Yes.

27456. Can you give us the number in which special visits are made?—There are two sets of special visits, special visits where one report suffices, and special visits made to lunatics who are put on our list for visitation by request of the Judge or Master.

27457. I want to know how many of these there are in the course of a year; of course those would be in addition to your other inspections, or ordinary inspections of twice or four times a year?—Yes.

27458. We also want to get the number of visits made in the inquisition cases; you say in this paper 653?—653 is the actual number of inquisition cases that we have to see.

27459. Is that an average?—No, that is the absolute figure.

27460. Does that represent about the number; does it always remain about 653?—No, the numbers have been coming down. The maximum number of cases was 1,209 in 1890, and since that they have been gradually coming down, 1,100, 1,000, 900, 800, till now they are 651. I might explain here that a number of cases in the other sub-section of Section 116 are people who would otherwise have been inquisition cases.

27461. I quite appreciate that; my point is to see whether 650 is an increasing or a diminishing number. You told me it used to be larger?—Double, nearly.

27462. Then your work has been lessening?—So far as inquisition cases are concerned.

27463. As regards non-inquisition cases, they consist of Section 116, Sub-section (*d*) cases?—Not many in Sub-section (*d*), because they are only "infirmity of mind." I say a number of those cases ought not to be under it; it is an abuse of that sub-section of the Act in cases where individuals are said to be suffering merely from infirmity of mind who are really insane.

27464. You have shown me that your work has been diminishing by about half; can you show me since 1890 any figures indicating that it has increased?—I did not say our work was diminishing. I said the number of inquisition lunatics was much less, but those people have to be visited in the same districts. There might have been three or more of them in one district or one asylum, but we have to visit the district or the asylum all the same, if there is only one.

27465. I have not made my point clear; in 1890 you had 1,209 patients found lunatic by inquisition; each of those persons had to be visited by you?—Yes, so many times a year.

27466. That number has now gone down to 651; therefore only 651 people have to be examined by you as against 1209?—Quite so.

27467. Therefore the number of visits you have to make has been halved, or the number of people at all events?—The number of people visited has been halved, but there may be one left in the asylum, and the asylum has to be visited just the same as if there were 20 in it. We do not get away from the visitation, necessarily—no doubt largely, but not to the extent of one half.

27468. Have you any figures in your office which would enable us to see the extent to which your work in the matter of inspecting people found lunatic by inquisition has been diminished?—I can get the actual number of visits paid.

27469. Would you mind giving the actual number of visits paid since 1890?—Yes, it can be given.*

27470. Then I want to follow up a correlative enquiry. If your visits have diminished in number since 1890, are there any figures to show that you do more work in other matters—has more work been thrown upon you in other matters?—I think that would be so. I think there ought to be figures to show; but what the extent of it is I cannot say.

27471. Have you got any details to show the personal amount of work which each Visitor had to do in the last few years, and how many days you were engaged in performing it?—We can give you the number of official days. If we take the number of days and number of nights slept out on official work, we can give you that, but the average for each Visitor comes here to 202 days visiting on duty; that is to say, working.

27472. That is travelling and inspecting?—Yes, and 121 nights, but that is not a complete statement of the number of days on which we are away; they have no record; for instance, my two senior colleagues on the Board are not on the same footing—I mean I am not on the same footing as they are with regard to the reckoning of days; I cannot charge for a day unless I can show that I have been ten hours working; they can charge a day for less.

27473. How many hours' work is required of them for a day?—You must ask them; I am not able to tell you. I cannot charge because I am the junior, and previously to my appointment a Treasury Order came out that until ten hours' work was done I could not claim my day's subsistence allowance, and that was made definitely not to apply to those appointed before the date of

* *Vide* Appendix Papers, page 420 post.

the order, so that they have no record of my individual days as they must have of theirs, because I do little or much as the case may be, but if I do not charge for it the Office are not aware whether I have done a day's work or not. [A day is reckoned by the payment of the day for a subsistence allowance, whatever it may be.

27474. Then if you, in your return, state that you had 201 days' travelling last year, are we to understand that to mean 201 days of ten hours each?—That does not apply to me. The return we have is for the number of official days recorded.

27475. Is an official day a ten hours' day?—No, only on my part. If I record a day and charge for it, it is a ten hours' day. If they charge for a day, it is for what they consider a good day's work.

27476. That is a useful explanation when we come to look at the figures which have to be submitted?—Yes, but they will have to be explained.

27477. Have you got any record of the number of days on which you attend either meetings of the Visitors and the Masters, or Board meetings of your own without the Masters?—Our own Board meetings are held once a month, and the Masters are there *ex-officio*.

27478. Are there any days on which you are occupied, which are not spent in travelling and are not Board days?—I could not be said to travel if I went across to Southwark. I might be on duty in London, or going to Hendon, or going down to the East End; I do not know whether you call that travelling. On such occasions the mileage would be entered and the day on duty recorded. On the other hand, apart from Board days, I work on many days at the office and at home, but no record is kept of them.

27479. How many blank days in the year are there which you can apply to your own affairs?—That is a matter of individual arrangement. I can do my work as best suits me; I can go and spend six weeks doing my work, or I can break the time up into short periods according to circumstances.

27480. I will tell you what I am driving at, and then perhaps you will be able to favour me with your assistance. I want to see whether the time of the Visitors is necessarily occupied, and how much of it is necessarily occupied, with the work which they are required by the Statute to perform?—I do not think you will be able to get at that.

27481. How many persons does each Visitor examine in the course of the year?—It so happens that they must vary.

27482. How many do you visit?—May I explain our system of carrying out the work? There are three districts—the Home District, the North District, and the Western District—and we take those in turns. On the 1st October we go round; we all change to a different district on the 1st October. The district which is called the Home District contains about the same number of persons as the two other districts.

27483. Might I ask how many?—Half of 650 really, roughly speaking. The number in the district extending from Cromer down to the Isle of Wight is very nearly equal to the number in the other two districts, so that one year we have what is called a heavy year, and the other we have the long distance year; up to the north, and down to Cornwall.

27484. Then one Visitor may have to do roughly 325 patients in one year, and the others would have to do 160 or 170 each?—Something like that.

27485. When you get to the happy light year, when you have only 160 to inspect, how many days free would you have for study, philanthrophy, and amusement?—I do not go in for philanthrophy. I do not know exactly; we each have our own work to do and we can do it as we like.

27486. May I take it that if you have the 160 or 170 days' work for the country, excepting the Board meetings once a month, the rest of the time is your own?—No, because we have special visits to make at other times.

27487. I wanted to find out how many special visits you have to make at other times?—I cannot tell you. I have just now three to do in ten days, entirely unconnected with my own work.

27488. Perhaps thirty days may elapse without one?—Two months, perhaps. There is a vacation of three months when we have no "specials."

27489. You are rather more fortunate than the Commissioners?—We have our work to do. We do not get those special cases, because the Masters are not sitting.

25490. You have three months' holiday?—No, there are three months' Legal Vacation at the Law Courts which prevent the Masters having the opportunity of sending us special cases. I can take three months' holiday if I like, and work nine months.

27491. May I ask what holiday is allotted to the Chancery Visitor?—No holiday is allotted at all. I can pick and choose my own time as I like.

27492. What time may you take without incurring the frown of the Lord Chancellor?—It has never been estimated. I cannot calculate it up or calculate it down, whether big or little.

27493. Will you tell me about how much you get?—We do not get anything. If I choose to distribute my work over three months I need not get very much; if I can do all my work in six weeks I may be able to take the other six weeks' holiday if I want to, and do nothing else.

27494. Then the Vacation time at the Courts is a close time, so far as special cases are concerned?—Yes.

27495. Then there will be a period of the year when you look to go abroad or take a holiday?—Yes.

27496. And we cannot tell for how long your inclination may take you away?—No.

27497. Then how much is there left for the public?—As much as our duty requires.

27498. Are there any figures which I can get, to see how much vacation each of the Visitors has taken?—No, because it depends what you call vacation. I mean that if I go up to Newcastle I am sitting in a train for two days, and perhaps see one patient.

27499. That would be necessary travelling in the discharge of your duty; what I meant was occupying yourself outside the public concerns?—With every wish to meet you it is impossible for me to say.

27500. You may appoint a deputy, I find?—They never have been appointed since I joined the Board.

27501. What year was that?—1896.

27502. Does illness interfere with your work, or can another Visitor do your work for you?—Fortunately we never have required to do each other's work in that sense of the word.

27503. It is very fortunate?—I am not saying absolutely—I have done a special case for a colleague who has been laid up for a few days. To do any regular work we have never asked each other.

27504. I see that according to your statement the total number of visits paid in the year ending October, 1906, was 1,583 or 527 per Visitor?—That is it.

27505. That is only an average, because we do not know how many of those were on the Home Circuit and how many on the other two?—That is the total for the Board.

27506. The mileage was 48,000; do you have to keep the mileage?—We have to keep the mileage.

27507. Is that under an order of the Lord Chancellor, or for the purpose of calculating the expenses?—An order from the Court.

27508. What is the motive of that?—Originally the motive was this, that in the early days of the Board the travelling expenses of the Visitors were paid by mileage; instead of being paid a subsistence allowance they got 8d. or 9d. a mile, and they had to enter the miles.

27509. Has that been kept up since 1833?—The regulation for keeping the number of miles has been, because they can estimate the amount of work we can do by it. I do not know any other reason for keeping it. It has no relation to our payment.

27510. Is it a necessary thing, or is it something we can suggest should be dispensed with? Does it occasion

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any trouble?—Nothing worth speaking about, and it gives the Lord Chancellor an opportunity of seeing how much we do travel. I think there would be no occasion to stop it.

27511. Does that have to pass through any audit like the Treasury?—All our accounts have to pass through the Pay Office of the Supreme Court.

27512. If I were to turn back to any paper or document, could I see how much the mileage is reduced?—You can see the mileage for every year from 1890—I think that is so.

27513. What has the Official Solicitor to do? I see that it is said here (*page* 88, *col.* 1) that you have a Board meeting with him up at the Board?—No, he is not at the Board; that is perhaps rather indistinct.

27514. A Board which meets monthly, and with the Official Solicitor?—I did not read the first part of that sentence. It is not so clear as perhaps it should be. It is drawn up by a lawyer.

27515. "They are in close and constant communication with the masters in lunacy, who form with them a board which meets monthly, and with the Official Solicitor"?—Yes, precisely; it reads like that, but as a matter of fact it means "in constant communication with the Masters in Lunacy and with the Official Solicitor." The Official Solicitor has nothing to do with our Board, except for consultation purposes.

27516. Have the clerks who are mentioned in your statement to serve the Visitors in Lunacy only, or do they serve the Masters in Lunacy?—The Masters have entirely their own staff.

27517. Is there anybody coming from your office to tell us what are the sort of duties these clerks have to discharge?—Our secretary is here at this moment, but as far as I know he has not been asked.

27518. Who supervises the routine work of the office?——Ourselves. The secretary does all the detail, and everything is reported to us.

27519. And once a month you meet?—We meet as a Board once a month, but one or other is there frequently in the course of the month, looking in as we come through because there are papers left for us there, and our papers are sent on after us, and sometimes we say we will see them at the office when we come, and these visits have nothing to do with the Board meeting.

27520. I believe your body was in existence before 1845?—I understand so, because this special note had reference to that.

27521. Is there any way in which you can suggest that the work of your department can be in any way improved or lessened, to the advantage of the public?—No; so far as we are concerned we have made no complaint of having had too much work.

27522. But have you any suggestion you desire to make?—You ask whether we could do anything to increase, or to improve, or to lessen it?

27523. Yes?—We do not desire to lessen it.

27524. Is there any way in which it could be improved?—I say that so far as we ourselves are concerned, there is nothing, but if you ask me as an indiviual member of the board, I say that with regard to the general question of lunacy there is an improvement so far as our relations to the Commissioners in Lunacy are concerned. For instance, the Visitors could undertake the visitation of Chancery cases now visited by the Commissioners.

27525. What I meant was this: as a department, is there any way in which your work could properly be cut down, in which you could be made to do less work and yet be equally efficient as you are now?—Not without detaching cases from the Court of Chancery as at present constituted.

27526. What does that mean?—I mean that if you take our work from us and ask the Commissioners to do it, our work could be lessened, but in so far as we are an integral and most essential portion of the Chancery Division, you cannot lessen our work without asking somebody else to do it. The only others who could be asked to do it are the Commissioners.

27527. Is there any routine work generally in your office which could be reorganised by some business man, so as to involve less labour or greater quickness?—So far as I understand our work it is simple, and very much a matter of routine, except that each case has to be dealt with. It is a matter of our reports being written out and docketed, and all preserved, and our meetings and correspondence; the office work is largely of that description, together with letters from patients, from the committees, and from the relatives.

27528. May I take it that if no alteration is to be made in the way of amalgamation, there is nothing you can suggest at the present time by which the discharge of the office of Visitor in Lunacy could be improved?—My experience leads me to say, nothing.

27529. Have you ever thought of the question of having an age limit for Visitors; there is none now?—There is none.

27530. Would it be a good thing to introduce?—I do not think so, for the same reason which Mr. Giffard gave just now, that we are not appointed till fairly senior in service in the Lunacy Department, and it would be a great hardship to be kicked out at sixty-five, if that were the only reason, on fifteen years' service, perhaps with ten years added on. Of course in my own individual case I happen to be an exception to the hardship, but others would feel it.

27531. (*Dr. Donkin.*) I think you heard me ask Mr. Giffard a question as to this amalgamation which it is suggested should take place?—Yes.

27532. Have you sufficient knowledge of the work of the Lunacy Commissioners to say whether you think the combined forces would be able to perform, sufficiently and satisfactorily to themselves, the work which is now done by both bodies?—If you include the Master I do not think we could, we are so bound up with all that the Masters have to do.

27533. I am not including the Masters in that question; I am talking rather of the visiting work; my question was mainly directed to visiting work which mainly overweights the Lunacy Commissioners?—There are several points of view from which that question could be approached. First of all there is the question how far the Commissioners and ourselves could do all the work. I have no doubt we could, by the addition of three to the Commission; but with regard to the question of the patients who, so far as the Board of Commissioners are concerned, form the prime portion of all our work and duty, we have to consider the patients who are first of all compelled to be labelled as lunatics, and in the second instance have their property removed from their own disbursement, and who pay for this out of their own income; I say that they have the first right to be heard in a matter of this sort, on the old principle that the man who pays the piper should call the tune. I think that the patients regard us just as they would regard the Commissioners if they were all made Visitors; they regard us as their special patrons, their friends, and their consultant legal and medical advisers. If you mix us up with the general Board of Lunacy of the country, you give them a grievance which must be permanent. If you are prepared to face that first difficulty—I say it would be wrong to do it—and make arrangements for the work to be done, I have no doubt that the Commissioners and ourselves could carry it out efficiently and thoroughly, as far as the mere Commission and visitation are concerned.

27534. I was not thinking of asking questions as to the advisability of amalgamation, I merely wanted to know whether, from what you know of the duties of the two bodies, you think the work could be satisfactorily carried out by the joint Board with a redistribution of the work; would that in your opinion do away with the very great difficulty which the Lunacy Commissioners now have in getting through their work satisfactorily? They are overweighted with work, and we understand that the Visitors in Chancery are not overweighted with work?—We are not complaining of it.

27535. The only ground for amalgamation would be to lighten the work of the Lunacy Commissioners?—Quite so. I say that so far as I can gather from the evidence of the Commissioners, they think that two additional medical men attached to the Board would suffice for their

work, but I emphasise their other recommendation and go a little further than they do; I say that in addition to whatever they may require for the Central Board there ought to be well-paid local deputy Commissioners resident in districts, and not necessarily kept in the same part year by year, but changed round so as to avoid the risk of friendships and casual dealings with important questions, and I say that until you get six, or at least four, local residents as deputy Commissioners with full authority, you will never have the lunacy of the country kept in hand, or under the proper supervision of the officials.

27536. That is not in the recommendations of the Lunacy Commissioners ?—I cannot help it; they recommend Assistant Commissioners, but I go a little further.

27537. They only recommend Assistant Commissioners in the event of quite new work being imposed ?—I say there ought to be Assistant Commissioners without new work. My feeling is that the lunacy of the country is neglected to that extent.

27538. I was confining my question merely to the present work which is done by your body and by the Lunacy Commissioners as a body. I am not thinking at the present moment of any additional work. I want to get at whether in your opinion the work, as it is done now, could be done satisfactorily in the possible event of amalgamation—from what you know ?—I should say that the work could be done.

27539. There has been on the part of the Lunacy Commission some very considerable objection to the appointment of Assistant Commissioners as delegates for the work now done; is it in your opinion very objectionable that some of the work done now by the Commissioners in Lunacy should be delegated ?—I certainly feel that it is impossible for the Commissioners to overtake all the work they are supposed to do, and all the work which I think they ought to do having the whole of the lunacy of the country under their control.

27540. Do you think the present work could be efficiently carried on if the assistance of deputy Commissioners were given ?—I am not quite in a position to answer that, because I do not know the intricacies of their official work at all. I speak in that matter subject to want of information, but I say that the Commissioners ought to have a full and free hand in dealing with the official and domestic lunacy of the country, which they have not got at the present moment. They cannot do the present work to their own satisfaction, and still less can they do the other work of actual lunacy in the country—I mean "the ins and outs" of lunacy and domestic life which local administration would enable to be carried out—leaving entirely out of the question any recommendations which may be suggested by the Royal Commission with regard to the feeble-minded.

27541. Leaving the work of the two bodies as it is now, have you any views as to the proper proportion of medical and legal members, or any views about the constitution and qualifications ?—So far as I am able to speak of it, my opinion is that the present composition of the Board is all that could be required for efficiency in the matter of medical and legal Commissioners, but I should say that if the work were supplemented by Assistant Commissioners, or deputy inspectors locally placed, the work of the lunacy of the country would be more thoroughly carried out than it can be at present. Whether they require any Commissioner in addition to that I cannot say.

27542. Is the work of yourself and your legal colleague of the same nature ?—Not at all, we have to do each individual item on our own account; we never go in pairs.

27543. I am quite aware of that. Is the visitation which your legal colleague makes when he goes his round, of the same nature as the visits which you make when you go on your round ?—Quite so, absolutely.

27544. There is absolutely no difference between the nature and object of the visit of the medical Lord Chancellor's Visitor or the legal Lord Chancellor's Visitor ?—No, it is all the work of the Board, carried out by each one of us.

27545. It is a matter of indifference, I mean ?—Not a matter of indifference, because each of our patients has a medical Visitor two years, and one year a visit from the legal Visitor, so that they are able to ask any points, or their relatives can ask you points, which they have not raised with us, as to making a will, for instance. We are on an equal footing all round, as a matter of fact.

27546. Is it an absolute necessity, in the work of the Lord Chancellor's Visitors, that there must be a rotation of Visitors ?—Certainly, because we are all acquainted with each case and can consult about them on the Board.

27547. It is not statutory ?—No, it is an arrangement which has always been done.

27548. (*Dr. Dunlop.*) You made a remark—I think to Mr. Byrne—that Section 116 (*d*) does not and should not extend to lunatics, by itself ?—I say it should not. It is not meant to do so. It is an evasion when a lunatic gets into that sub-section. It is an evasion of the intention and of the law itself.

27549. Surely a person suffering from mental infirmity is an insane person ?—If you say so, that is right.

27550. I am asking you ?—I say he is not, for official purposes.

27551. But for practical medical purposes; you are a medical man as well as an official ?—I say there are plenty of senile old men who are not able to manage their pounds, shillings, and pence, whom I would be very sorry to have to certify as lunatics.

27552. Surely the senile dement is a lunatic ?—If you choose to say so. I say they are the class of cases whose money can be administered by their relatives, or by the receiver appointed, without actually placing the word "insanity" to their names, or "lunatic" to their names. There are little bits of sentiment which can be managed in that way.

27553. They are not treated as lunatics, but as a matter of fact they are lunatics in the old definition of the term ?—No, I do not accept that for a moment. There are plenty of weak-minded youths who are placed under that sub-section, and who wander about as they choose, who would be got at by individuals to whom they would give their money, and we do not wish to interfere, and never think of it. I am speaking of people with delusions and mania, who are passed through that section, who ought never to have been passed through that section at all, or passed into it.

27554. I quite follow that point, but Section 116 (*d*) has a practical result, and evidently a result which you recommend, of dividing lunatics into two classes, the one who has property, and the other who has not ?—No; you must keep the word "lunatic" out of it; away from Sub-section (*d*).

27555. We will call them, "persons of unsound mind."—No, I do not accept that.

27556. What do you accept ?—Infirmity of mind.

27557. Infirmity of mind was included under the term "lunacy" not long ago ?—Very well, I cannot help it.

27558. Have you any judicial finding by which the term "lunatic" is used in the restricted sense in which you are using it ? You are using it in a restricted sense; I want to use it in a general sense covering everything ?—I say it is quite wrong to make the word "lunatic" cover the people who are intended to be dealt with under that sub-section.

27559. I want to know whether there is any legal finding restricting the word "lunatic" in the sense in which you are now using it ?—I suppose there must be, otherwise they would not have used that expression in the sub-section. This is drawn up by lawyers. If any other section of the Act included that class of person, this portion of the Act was meant to detach them from it. I say Sub-section (*d*) should not include insane people who can be certified.

27560. Which means that in your opinion a senile dement is a sane person ?—I said nothing of the sort.

27561. If not insane they must be sane ?—I say there is a happy medium, where a man is not able to manage his property, and where he is not a lunatic.

27562. At all events you are in favour of the division of mental infirmity into two classes ?—No, I am not. I only say it is an abuse of that Act. I do not wish to interfere with the sub-sections. What I object to is the abuse of

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the sub-section which leads us to have to visit people under the sub-section for an inquiry when they ought never to have been under that sub-section at all. I have to go and to report on people who are under that sub-section for a Judge, and find that they ought not to have been placed under that sub-section at all, that they ought to have been dealt with as insane persons unfit to take care of themselves and look after their property. It is only a few; it is not a large number; it is hardly worth any large discussion, really.

27563. Why do you call it an abuse ?—Because I say that sub-section (*d*) was never meant to deal with lunatics. I say if a man is insane he ought to be dealt with as an insane person and certified.

27564. Every lunatic in the country is suffering from mental infirmity ?—I say the converse; that every infirm-minded person is not a lunatic.

27565. To bring it to a practical issue, would you advise the extension of Sub-section (*d*) to all classes of infirmity and lunacy ?—I object to it being strained up in the direction of lunacy.

27566. If you use any comprehensive name you like to cover all forms of mental disease and enfeeblement ?—I say it would be very dangerous.

27567. You would not advise it ?—I would not advise it to include lunatics, because it is specially put there to avoid the inclusion of lunatics.

27568. You have said there are 651 lunatics "so found" by inquisition; of course you do not visit all those cases, do you ?—Yes, of course we do, twice a year, every one of them every six months, and a number of them four times.

27569. A certain number are located in Scotland, quite outside your jurisdiction?—It is not outside our jurisdiction. The Master can give us authority to go there, and has given us authority.

27570. I do not think the Master has any authority ?—That is another matter; you must ask the Master about that. I go on his orders.

27571. Do you visit the cases twice a year in Scotland ?—Not necessarily.

27572. That is the rule ?—No, we need not visit at all.

27573. Perhaps you do not visit so many there ?—I find there are some cases which have not been visited for years. We do not look upon it as our duty, but, if occasion arises, we do so under the Master's instructions.

27574. Under the courtesy of the superintendent ?—I do not wish to draw it down to a fine line of courtesy, because no superintendent would ever think of preventing us from going in.

27575. The Master has no jurisdiction over the superintendent ?—He has no jurisdiction over any superintendent.

27576. In England, surely ?—No, he has jurisdiction over a lunatic, but he cannot tell a superintendent what to do.

27577. He cannot give you a warrant to enter an asylum in Scotland ?—I have nothing to do with Scotland. We can visit them in Scotland, but they are not regularly visited.

27578. Some have been visited for years ?—Yes.

27579. How many of your 651 are in Scotland ?—About half a dozen.

27580. Could you ascertain that number for us ?—I know of five in the country. You can have the actual number—there are not more than half a dozen.*

27581. You were speaking of the payment of the Visitors' expenses by mileage; can you tell me how long it is since that was abolished ?—I cannot tell you.

27582. It is not during your period ?—No, I should think it is over twenty years.

27583. I think you made the statement that the existence of the Board of Chancery Visitors is an essential part of the Chancery Division ?—Yes, certainly.

27584. Do not you think it could be dispensed with if the work were handed over to the Lunacy Commission ?—I am discussing the point *qua* Chancery. I am not speaking of who else could do the work; if it were so arranged anything can be done, but I say it is an integral, necessary, part of the Chancery work, as at present arranged.

27585. Would you limit your answer to this, that there must be competent visitation of lunatics "so found" ?—Yes.

27586. Is there any reason why these lunatics should not be under a quite different Board ?—These lunatics pay for our visits, and they have a perfect right to expect that they should be dealt with as being those whose money goes to support our Board, and goes to pay the whole of it. The payments which are compelled from their income pay for the whole expenses of the Masters' and Visitors' Board, and about £9,000 beyond, and I think they have a perfect right to expect that they shall have some special consideration, as their money goes to support the office.

27587. It is merely a right by payment ?—By right of sympathy as well.

27588. Surely every lunatic in the country has the right of sympathy ?—Certainly, every lunatic; every lunatic ought to get it, but I say that a lunatic "so found," who has plenty of lucid intervals, and is merely a bit short intellectually, and only unfit to manage his money affairs, ought to be considered in a larger degree, in the same way in which, if you had a peer of the realm who became insane, his relatives would wish that everything should be done that his own money could do to secure his comfort and well-being. So every pauper gets the best that money can do, so far as it goes; and I say that the individual who pays for his own maintenance and proper care and supervision, ought to be considered in a special sense, even when a question of official financial policy is being discussed.

27589. Do you tell me that the visits of the Lunacy Commissioners are not sufficient to secure that the best possible has been done for every patient ?—I say that as a matter of privilege, the Chancery patients having been compelled into Chancery against their will, made lunatics against their will, their money taken out of their own distribution entirely against their will, and many of them being quite capable of spending their money to their own happiness, have a perfect right to expect the highest consideration in the way of medical and other treatment.

27590. Do all rich lunatics in England get the advantage, if it is an advantage, of the double visitation ?—I never said there was any advantage. I say there is no necessary advantage in double visitation. Do you mean twice a year ?

27591. No, I mean by the Lunacy Commissioners and the Chancery Visitors ?—I do not say there is any advantage; I say there is no harm in the Commissioners going.

27592. What justifies visitation by both ?—A matter of circumstances.

27593. Is it an advantage to the patient ?—There can be no harm, and there might be an advantage. As Mr. Gifford was saying, soon after our visitation they happened on a patient who had become maniacal, and they had further consideration of the position in that case; the double visitation may be an advantage in some cases.

27594. Can we take it that it is an advantage ?—Yes.

27595. Do all rich lunatics in England, confined in asylums, have that advantage; are there not many wealthy men detained in the asylums on reception orders ?—I am not prepared to say. I cannot deal with that.

27596. I am asking, as a matter of fact; can you tell me ?—I cannot tell you, as a matter of fact. My impression of the duties of the Commissioners is to see that such persons have full advantage of the money paid for them.

27597. In those reception order cases the rich men are dealt with under Section 116 (*c*), and they are not visited necessarily by Chancery Visitors ?—They are not visited at all by us.

* The witness subsequently wrote that he was under a misapprehension with regard to the visitation of cases in Scotland. The Master neither has nor claims to have jurisdiction, and only sends the Visitors to see patients in Scotch asylums when an arrangement has been made, of course with the sanction of the superintendent.

The number of inquisition cases resident in Scotland is thirteen.

27598. Why does one class of rich patients require all this amount of visitation and the other class of rich patients not require it?—I say it is not necessary, and I say we could do it; if we were to have all the Chancery patients we could visit them, if our numbers sufficed. They could be visited by us or the Commissioners, and they are visited as it happens by the Commissioners. If in the Master's Office, where his money is distributed, from some side question which arises they have reason to think the money is not well spent, we are sent down to see, in spite of any visit of the Commissioners, for the Master's own satisfaction, whether anything more can be done, or whether any suggestion can be made, or whether this nurse about whom some report has come up is defective and careless in her work, whatever it may be. The Master must certainly have some right to send somebody down to see the cases whose money he disburses. That is the least that he can have.

27599. You cannot throw any further light on this question—why a rich man with the right of managing his money matters under Section 116 (c) is differently treated from an inquisition lunatic? Can you give me any good reason why a man put into an asylum under a reception order, his liberty taken away from him, and his right of managing his own property taken away from him by Section 116 (c), should not get the same supervision and visitation as an inquisition lunatic?—There is no reason.

27600. But he does not?—He can.

27601. But he does not?—The Commissioners see him. I am not claiming for our Board any supernatural capacity of visitation beyond what the Commissioners possess.

27602. If the Commissioners are enough for the one, why are they not sufficient for the other?—They might be sufficient, but it so happens where the Commissioners visit, and where the money is not spent by the Commissioners, where the money is spent by the Master who stands *in loco parentis* to them, that no doubt he has a perfect right to send his own officer to see what is going on. Why should not he be visited by both?

27603. In both cases I have mentioned the Master is *in loco parentis* as regards the money, but in one case he sends a Visitor down twice a year, and in the other he does not?—No, he does not send the visitor twice a year, the Visitor has to go; the Visitors have a duty to perform altogether apart from the Master's direction.

27604. You say the payment of the patient is really the crux of the situation?—No, I do not. I say it is a point for consideration.

27605. You visit a certain number of pauper patients?——Yes, in asylums.

27606. In asylums where there is no money concerned?—Yes. I say they should be done away with certainly, but there is no means of doing away with them.

27607. The jurisdiction of the Visitors in Chancery is entirely regulated by the 1890 Lunacy Act?—And the ordinary Rules in Lunacy.

27608. Founded on that Act?—Yes, they are outside; they are more detailed instructions.

27609. But none of the old Acts regarding lunacy regulations?—No, the Act of 1890 covers it all.

27610. All the previous ones have been repealed?—Yes.

27611. In your statement you say the jurisdiction of the Lunacy Commission is under the Home Office; I would like an explanation of that statement?—I am not able to give you any. The Home Office has nothing to do with the Visitors; but it has with the Commissioners.

27612. Are you responsible for this statement?—As a member of the Board, but beyond stating it, we have no facts dealing with it; it is only discriminating between our highest authority and the highest authority of the Commissioners.

27613. Are the Masters in Lunacy in virtue of their office Visitors in Lunacy too?—No, they can visit, but they are not Visitors in Lunacy; they are *ex officio* members of the Board of Visitors.

27614. Section 166 of the Lunacy Act says: "The Masters for the time being shall by virtue of their office be Visitors of lunatics so found by inquisition"?—They are members of our Board, but they do not visit as Visitors.

27615. They never act in that capacity?—No, not so far as I know; they may visit on their own account and have done so; but if a visit is to be made they usually ask us to do it.

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27616. Have the Visitors in Lunacy any direct control in their own hands at all?—Control of what?

27617. Anything; or are they simply inspectors and reporters?—We are Visitors and reporters, we visit each individual and have to inquire into the whole circumstances in which he is placed.

27618. My question is, can you give an order and see that that order is obeyed?—Yes; if they refuse, we can refer the matter to the Master; we cannot compel it.

27619. That is a suggestion rather, is it not?—No, we report and demand it. Supposing a committee refuses to do something which we say should be done for the benefit of the patient, if he says he will not do it, we simply report it to the Master, and if he is still recalcitrant the Master can remove him from his position.

27620. The Master can give an order, but can the Visitors themselves?—We cannot give an order that it must be carried out.

27621. Your function is reporting?—Visiting and reporting, and suggesting and recommending. We act as it were for the Master in everything we do.

27622. I understand that the inquisition lunatics, in one district in one-third of England, are visited exclusively by a legal Visitor?—Yes.

27623. Do you consider that a legal Visitor is competent to carry out all the instructions in the Act?—Yes.

27624. Is a legal Visitor competent to report upon the mental and bodily health of the patient?—Yes.

27625. Can he use a stethoscope?—The same as any private person: and he can get an expert to go and see the patient.

27626. With expert advice?—If he thinks there is something beyond him he recommends that an expert be sent to visit and report on the individual case; the patient is also under the visitation of the local doctor where he is, and they can have any inspection or expert to see them that they wish, so that the legal Visitor is perfectly competent to recommend that a medical man should see him or that an expert, from London or elsewhere, should be consulted on the matter.

27627. We will come back to that matter. Are you aware that in the original Act appointing Visitors, 3 & 4 William IV, the visitations were exclusively by medical Visitors?—Because they were not specially appointed for the office, they were men in practice.

27628. At that time there were two medical and one barrister appointed, the same as there are now, but the visitation was exclusively restricted to medical Visitors; that is not so in the recent Act?—That is not the practice now.

27629. I want to know how in your opinion the barrister's qualification is sufficient to express an opinion as to the mental and bodily health of a patient?—He is a man of common sense who can use his discretion and can judge as if he were dealing with his own children; he can see a person and say whether an expert should be sent down to report; for instance, if it were myself, I would have nothing to do with tuberculosis or with cancer, I would not interfere at all. I would say, "Get advice at once," the patient's own medical man is in periodical visitation, and if he is not satisfied, he can have an expert down.

27630. So that Section 383 of the Lunacy Act requiring a report on the mental and bodily health is not complied with?—It is; when the Master wants a special medical report we have to visit in the legal Visitors' district.

27631. It is the duty of the Visitors to examine into the mental and bodily health and to report to the Lord Chancellor; is a barrister's qualification such as to qualify any man to express an authoritative opinion on the mental and bodily health of a patient?—Certainly, he can say, "I am not satisfied with this man's mental or bodily condition, and he must see a doctor." Why should not he? Why should the man be deprived of the opportunity of speaking to a lawyer?

27632. I am not talking of speaking to a lawyer, but apparently that duty is practically a medical duty?—Yes.

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27633. Do you think a barrister capable of exercising that medical duty?—My experience of the matter is, that he is, absolutely.

27634. Eighteen months may elapse between visits by medical Visitors?—He may be seen by his own med cal attendant, the medical man from the city where he lives; he is seen by him periodically.

27635. So that duty may be relegated to his doctor?—The medical officer who visits him has to report every half year and give to our Board the state of his health in a special report. Each lunatic is visited by a medical man who reports as to his health, so that he cannot go eighteen months without a visit.

27636. Apparently it is the duty of the medical Visitor to scrutinise the report and satisfy himself that it is true?—It has to go to our Board, not the Visitor.

27637. Is not the Visitor supposed to satisfy himself as to the mental and bodily health?—Yes.

27638. Do you think a barrister of five years' standing is capable of satisfying himself?—He can satisfy himself; he may not satisfy anybody else.

27639. I see mention made of a report by the Board of Visitors under Section 184 of the Lunacy Act; where does that exist and where can that be seen?—There is no annual report. We report in individual cases; our work is done in privacy.

27640. "A copy of every Report and Return under this Section shall be laid before Parliament on or before the first of February in each year, if Parliament be then sitting, and if not, within twenty-one days next after the commencement of the next Session." What report is presented under that section?—All our visits and reports are sent on to the Lord Chancellor.

27641. Where can one see a copy of the report which is presented to Parliament?—It goes to the House of Lords; the Lord Chancellor has to do with it.

27642. (*Chairman.*) We can get it from either House.

27643. (*Dr. Dunlop.*) You as a Visitor sign this report?—We do not send a general report up, we send it in individual cases.

27644. It is a report from the Chancery Visitors; I suppose you sign it?—Yes, we all three sign the document that goes up.

27645. (*Dr. Needham.*) As respects the 116th section, the patients, many of them, are not certified at all?—Those in Sub-section (*d*) are not certified.

27646. And many of those who are passed under Sub-section (*d*), as to whom it is ultimately found that they should be certified, would not be certified at all if it were not for the action of the Lunacy Commissioners?—Very likely; it comes up somewhere.

27647. As regards people under Sub-section (*d*), I suppose you think, as a great many other people think, that as respects the people who are suffering from mental feebleness, the result entirely of old age, simply broken down in consequence of old age, as long as they are properly looked after, it would be a great scandal to certify them as lunatic?—Certainly.

27648. I do not know whether you have formed any view of the incipient insanity clauses which have very much the same bearing, whether you think it is desirable that everybody, the moment they become insane, should be certified?—No, I say they ought to have a run of freedom so long as there is some kind of supervision.

27649. Certification of people, and declaring them lunatic, is a serious matter which ought not to be taken lightly without due consideration?—Yes, but it ought not to be withheld if necessary.

27650. You know that under the Bill which has been before Parliament there is a provision for the visitation of people under Section 116 who are certified, by the Commissioners instead of by the Visitors?—I have not seen that Bill.

27651. There are clauses introduced by the Lord Chancellor himself?—I know the question was before them, but to my recollection I have not seen it.

27652. Of those 507 visits, does each one mean a visit to a separate place, or a visit to each person; in other words, you have seen 507 patients, but several of them more than once?—Yes; supposing we have to go to a place where there are two or three, that is reckoned as three, because they are each visited in the institution.

27653. I suppose you have no payment for days, irrespective of nights, have you?—Yes, I personally have 10s. 6d. a day if I do ten hours' work, but I have to do ten hours before I can claim it.

27654. That is the same as regards your colleagues?—No.

27655. You no doubt know that the difference between the Commissioners and the Visitors is that the Visitors can appoint their own deputies with the approval of the Lord Chancellor, and that the Commissioners have to get the Lord Chancellor to appoint?—I do not know the distinction. I know we can appoint our own deputy.

27656. That is constantly done?—Yes, it has been often done, but never since I became a Visitor. I do not know how you, the Commissioners, are placed in the matter.

27657. With reference to what Dr. Dunlop was saying to you as regards the visits of the legal or medical Visitors to the patients in single care, I suppose the Visitor, whether he is a medical or a legal Visitor, does not think it any part of his business to dictate or interfere as to the specific medical treatment which is supplied to the patient, but to see that the treatment is suitable and adequate?—Are you referring to the legal or medical?

27658. I am referring to both?—Yes, quite so.

27659. It is the duty of each to see that the medical treatment which is given to the patient is adequate and suitable?—Certainly.

27660. Not to dictate what it should be?—No, we have to guide, and recommend, and suggest.

27661. Suppose you had this case, which has been mentioned, the case of a person who has got tuberculosis, you would not consider it any part of your business to dictate to the medical man in attendance what treatment he was to apply?—I would certainly see him and confer with him about it.

27662. What would your legal colleague do?—He might see the medical man and satisfy himself about it as well.

27663. He would not attempt to satisfy himself as to what the particular treatment should be for this particular complaint?—No, but he might satisfy himself, through the medical man in the neighbourhood, as to whether he was pleased or satisfied with the arrangements made and if he wished a consultant, it could be arranged for somebody else to see him.

27664. Are the functions of the two people, the medical and the legal Visitor, identical in that respect?—They are identical as far as the visit is concerned.

27665. In other words, the medical man would not think it requisite to go beyond what the legal man would think requisite?—Into medical questions he would.

27666. Would he think it right to dictate to the persons in charge what the treatment should be?—He would confer with the medical man and ask what his prognosis might be, and whether he thought it might be desirable to spend a sum on having an expert down to see the patient.

27667. That would look as if there were some advantage in having a medical Visitor and not a legal Visitor?—Quite so, but the legal Visitor can do the same thing; he can say, "If there is anything more wanted I will see it done."

27668. What is the super-advantage of the medical Visitor?—I do not say there is any; we say they are all alike.

27669. (*Chairman.*) A question was asked you as to whether you could suggest any improvement of the working of the Visitors in Lunacy. I think your answer was practically "no," it worked very well as it was. I want to ask whether you could suggest any method by which the working could be more economical than it is at the present time?—One of the difficulties in the matter of dealing with lunatics who have property, and whose property is not large, is the cost of inquisitions. It does not come to a great deal in some cases, but if the question is continued, and they have evidence, and

counsel on both sides arguing the matter out, it is only a person of very considerable means who is in a position to have a jury to inquire into his case. With a poor man of say £100 a year or £150, it would take a large portion out of his income if a question arose and it had to be dealt with by counsel at an inquisition.

27670. A poor man practically cannot face an inquisition—a man with a small estate ?—It can be done at a reasonable sum, but the tendency is, in the present day, on the part of the advisers, and very often of the judges, as far as I can make out, to avoid any large, and what may be called unnecessary, expenditure on inquisitions.

27671. (*Mr. Greene.*) An uncontested one could not be done for under £20 or £30 ?—No.

27672. The bulk of them are done for that ?—That is the *minimum* cost but the number I do not know.

27673. (*Dr. Needham.*) Does not that mean an Order ?—No, I am speaking of an inquisition. Another point is that the relations sometimes dislike the publicity, and are willing to get them run through under Sub-section (*d*).

27674. (*Chairman.*) The real point I meant to ask you, only you took it in another way, was as regards the actual expenses of the office itself, of the Visitors and their office; is there any method by which you think that can be worked more economically ?—I have no reason to think so, unless you take off one of the medical Visitors, and I think the work would be impossible then. If that is the point you were driving at I should say that one medical Visitor could not do it. It would be unfair to ask him to do that amount of work.

27675. One medical Visitor in conjunction with the legal Visitor could not do it ?—No; we are sent to different parts of the country by judges. There might not be another for three weeks or a month, but this week I have three cases; I have to put my own work off for one at Southsea, one at Southend, and so on. These must be medical reports; one man could not do it all.

27676. It might be more economical if the offices of Lord Chancellor's Visitors and the Commissioners in Lunacy were amalgamated ?—That I cannot say; I do not know how the work would be distributed.

27677. It would be held in common ?—Then the Chancery lunatics would be paying for the Board of Commissioners.

27678. They do that now, in some sort ?—Not the Commissioners.

27679. But it goes into the Treasury ?—It goes into the Treasury as an extra receipt, but they have a special call upon us and they look upon us, when we go down, as their own medical adviser and friend. It is their money which goes, as they think, to maintain us and give them a measure of distinctive gratification.

27680. It still would ?—Certainly, but they would not have the same call upon us, their money would be going from their own ideal; it would no longer go towards having their own consultant, but to provide for the supervision of the whole lunacy of the country.

27681. Do you think it would be very unfair for the rich lunatics to help pay for the poor ones ?—No, but for their own feelings; when they have been used to having their own Visitors and advisers, why should the money be spent on another Board ?

27682. I am only suggesting that, as it is, a great deal of it goes for other purposes ?—It must.

27683. I think you say £9,000 a year ?—That goes absolutely as money found.

27684. It is not all used for the benefit of the persons you visit ?—They pay for their own supervision and there is £9,000 besides which goes into the Treasury, so I come back to the same point, the person who pays the piper has a perfect right to call the tune.

27685. Apparently he does ?—We are specially appointed to look after him.

27686. But to the tune of £9,000 he does not ?—To the tune of the other £9,000. They pay entirely for us and the Masters. I say that £9,000 ought not to be taken from them; it is quite sufficient for them to be called upon to pay for their own supervision and care.

27687. Is it your opinion that the fees ought to be reduced ?—I do not see any good reason why there should be such a big surplus.

27688. (*Mr. Greene.*) Do I understand that you think the patients would consider that their money ought to be applied entirely for their own benefit ?—I think they would think so; and I think so.

27689. Do you think these people, who are lunatics "so found," distress their minds with these financial considerations ?—Yes, they do; the large proportion of them consider all their expenditure; they are not fit to manage their affairs, but they are very often intelligent and can reason on a matter of that sort very well, or their committees and relatives can do it for them.

27690. (*Mr. Byrne.*) Your visits, I gather from the evidence you gave, are of two different sorts. In special visits you have to go down and exercise functions requiring highly technical knowledge, that is the report as to the state of a man's mind; in other words, you are acting as an expert in lunacy ?—Yes.

27691. When you go to see a Chancery lunatic at Ticehurst or somewhere like that, it is more or less a statutory precaution in which you go to see that a person who is in an admirable institution which has been going on in the same way for half a century or more, is all right—the sort of work that anyone might do ?—That is so, *plus* the fact that in cases approaching recovery we have to consider whether they should have a *supersedeas*, which is technically a difficult piece of work.

27692. It is not part of your work to promote a *supersedeas* ?—No.

27693. You have to report on it ?—We have to recommend it.

27694. It would be for you to set it in motion ?—It would be, if the patient asked us. If a patient says, "I think I am well enough to go out," we say, "we do not think so, you are getting on very nicely" and so on. The time would come when in our opinion the matter should be brought up. We would say, "if he makes an application for a *supersedeas*, we can recommend steps to be taken before the Master."

27695. He could do that through his committee, whether you went or not ?—We have to decide whether it is a case suitable for a *supersedeas*.

27696. You have not to initiate the proceedings, his relatives do that ?—No, but we have to decide ultimately, we have to decide for the Master's consideration whether he is sufficiently well to be superseded, which is the same sort of thing as going to decide whether a man is to be certified or not.

27697. At that stage; but my question was whether your ordinary visits to an ordinary patient in a perfectly well known, admirably conducted, private asylum are not essentially different in character from those where you have to exercise these highly technical functions. You admit that your legal colleague can do all that is necessary, pretty well; the medical care of the patient is not yours. He has his own medical attendant to look after him, and consulants called in where necessary and you would no more interfere than your legal colleague would ?—Yes, I would.

27698. An intelligent average gentleman could do that small part of your function ?—No; experience is required in dealing with such cases. An ordinary man who never saw a lunatic in his life could not be expected to do it. There are questions arising, difficult points put to you by the patient which you have to consider and deal with on the spot, sometimes. At other times you have to see him again and talk it over with him, for instance, as to whether he should make a will, or whether he should give £10 to somebody as a charity; numerous little domestic questions arise which we have to decide from a technical experience of lunatics.

27699. In what respect could advice not be given upon any of those questions equally well by a gentleman who was not a doctor or a barrister; take a man of the world—whether he could make his will, give away his money, whether he should trust, or distrust such and such a relative ?—The inquisition does not extend for the term of his life, the inquisition only lasts while his lunacy is so marked that he is unable to conduct his affairs.

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27700. It lasts till it is set aside?—There are inquisition cases walking about, and quite capable of managing their own personal matters, but who are totally unable to manage their own affairs.

27701. In your opinion the functions of the Visitors are, so to speak, indivisible; you could not separate them into a higher and lower class, the higher part to be done by a high class expert, the other part by a humbler person?—A large part of the Visitors' work could be done by an ordinary physician, but a certain number of points which arise require extra technical and special knowledge. A large proportion of them can be done by others.

27702. (*Chairman.*) Is there anything you would like to add?—No, I do not think there is anything particular.

R. C. Palmer, Esq., called; and Examined.

R. C. Palmer, Esq.

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27703. (*Chairman.*) Will you tell us how long you have been one of the Lord Chancellor's Visitors?—Twenty-one years. I was asked then to exchange my then office for the general advantage of the public service. I had been appointed Clerk of the Crown in Chancery by Mr. Gladstone and in order that certain offices might be amalgamated, I was asked to surrender that office for the office of Legal Visitor in Chancery.

27704. (*Mr. Greene.*) Has a memorandum been prepared from your Visitors' office for our consideration?—It was jointly prepared; I think I drafted it. I am not sure that it is perfectly accurate in all respects.

27705. It does not include all the Statutes, does it?—I think not.

27706. In point of fact it does not include the Statute under which you exist?—Yes, the first Statute, 3 and 4 William cap. 36.

27707. The Acts of 1890 and 1891 are not included?—1891 is not. The Act of 1890 is the Act containing our powers as they exist at present.

27708. That is not included here?—That is not included; that is taken for granted.

27709. The others are repealed, and that one which is existing is taken for granted?—Yes.

27710. Can you tell me, with reference to the practice of your office, in what way the daily work of the Visitors or any *précis* of it is recorded?—It is recorded in the Visitors' return by the Visitors in their own books to the Board meeting which is held every month, at which Board the Visitors and the Masters meet, the reports are read over, comments are made and the Visitor may be asked to modify his report, or he may insist on upholding it. The Board either approve or disapprove of his report. Then it is communicated to the authorities, possibly to the Masters and Lords Justices, and finally sent in to the Lord Chancellor.

27711. I want to know how the number of visits, and the duration of them, is recorded?—The number of them is only recorded as certified by the Visitor himself.

27712. Is he at liberty to pay his visits to an allotted number of patients, and when that is done, beyond having the usual monthly meeting, is all his labour complete?—He has to make a certain number of visits every quarter; how he makes them is left to his own discretion. There have been orders from the Lord Chancellor that he is not to make more than a certain number on a certain day, or to a certain place, but with that exception it is left to the discretion of the Visitor.

27713. When he has got through the allotted number he is a man of leisure?—No; every week or every fortnight he is liable to be, and usually is, sent by a Master or one of the Lords Justices to some special enquiry with regard to a pending suit in which a private enquiry is necessary. My experience has been that these have been not very frequent in number, but the liability is such that it is impossible for a Visitor to have a long time for himself.

27714. Would it be once a week or a fortnight?—I should not like to say; I have had three in a week and I have had none for three months.

27715. Would each Visitor have as many as that?—No; if it is purely a medical matter it is marked by the Master "Medical Visitor"; if it is suitable for a man of common sense in anything, it goes to the Visitor in whose district it lies.

27716. How many of those were ordered by the Master altogether?—I do not think there were a very great number.

27717. Would the number be more than ten?—Yes, more than ten a great deal, altogether. I think the best answer I can give is that there were ninety special visits paid in the year altogether, of which twenty-two were put down on the ordinary list to be visited twice, leaving a balance of sixty-two which were special visits under the circumstances I have mentioned; that is exclusive of visits to Scotland and France and other places.

27718. That is sixty-two amongst the Visitors?—That is the average, twenty apiece.

27719. And the rest of the time is left for the Visitor himself?—No; it frequently happens that a case has to be specially looked at and visited in odd times. The Visitors are in personal relationship with all their patients, committees, and doctors. If I might venture to answer your question as I should like to have it put, it would be the number of letters we had to write in the course of the week to the patients, their committees, and their doctors; that at least would be twenty a week.

27720. Then it is not possible for us, from any records, to ascertain exactly what the labours of each Visitor are?—Yes; I think there is no question upon which you can lay your hand upon, as regards statistics, which we cannot supply.

27721. How many miles have you travelled last year—practically 49,000 amongst the three, according to this statement?—Yes.

27722. Can you tell me how many each travelled?—I can get that for you.

27723. How was that made up?—The Secretary keeps a record of it; every quarter the record is signed by each Visitor from the reports which he returns. He has to send in to the Accountant and Registrar and to the Treasury representative at the Royal Courts of Justice, his travelling expenses book, which states from day to day from what point he has gone to what point, and what he has done, and any remarks there may be, including his travelling allowance and the number of miles travelled. If the mileage is missed it is returned to him for correction.

27724. The Treasury official checks the mileage?—Yes.

27725. Can you suggest what the use of keeping up that piece of information is?—I do not know; it was not done before 1890, I believe, but it has always been done since.

27726. What is the good of it?—I cannot say why it was originally done. It was a requirement, I suppose, to ensure that the Visitors really did go to the places to which they said they went; I cannot say; it is not perhaps a very true leading record, for it often happens that Visitors go a long distance for a small purpose.

27727. I think the payment by the Chancery patients is only made where their income is over £20 a year; no percentage is deducted for managing the estate of a lunatic "so found," unless he has got more than £20 a year?—No, I do not think that is so. All the lunatics are wards in Chancery. The percentage is levied on various rates, 4 per cent. on certain rates, on lunatics under certain sections, and 2 per cent. in others. I will not be perfectly certain, but I think everybody pays either 2 per cent. or 4 per cent. on all estates in Chancery. That explains the difference between Section 116 and the others, to a great extent. Under Section 116, other than for Sub-section (*a*), 2 per cent is charged. That is a great temptation for those Sections in preference to the other.

27728. Is there any suggestion you can make by which the labours of the Commission can be reduced with equal

efficiency to the public service ?—I think the best answer to that is contained in the report of the Chancellor's Committee in 1882. It appears to be quite an exceptional thing, the expenses seem to be very small altogether; £1,374 were the total expenses of the separate office, if it is a separate office; it is not so much as a Lunacy office, but it is as a department of wards in Chancery that this is levied. A person "found lunatic" is *ipso facto* a ward in Chancery. The answer I should like to make is, whether the supervision should not be extended to the other wards in Chancery as to whose matters the Official Solicitor would be able to tell you that they are very much in need of a great part of the supervision which is now extended to their more fortunate brethren in Lunacy.

27729. There is no way in which you can suggest it could be improved ?—I will not say that. Nine years ago the expenses were thoroughly overhauled, and all the expenses were reduced and the clerks were cut down to their present footing. The total expenses of the office were over £8,000; now the total expenses of everything are £6,000 odd. I should refer for my answer to the report of the majority of the Lord Chancellor's Select Committee in 1882.

27730. That is twenty-four years ago ?—I know, but the reasons for it are subsisting.

27731. But are the circumstances the same ?—Of course, all analogies are misleading, but it seems to me like the shepherd and his sheep. Our relation to all these people is "the shepherd knows his sheep and is known of them." They have personal relations for every act of their lives. My pocket is full of letters from ladies; they will not do anything without the sanction of the Visitors.

27732. Might not that be equally maintained, and equally close relationship secured, by having persons of even smaller salaries ?—No doubt you could get everything done for £50 a year if you put it up for auction. I remember some years ago the Lord Chancellor for the day asked for a man with some knowledge of his profession, a gentleman, and a man of some common sense. Whether £500 or £1,500 is a proper salary we leave to the Commission.

27733. Would it be possible that the same work might be done, whether in the profession or outside the profession, at £1,000 a year ?—I should be sorry to say so, but then I am too old, perhaps, to have a modern opinion on a subject of that sort. It seems to me that the salary of a county court judge, for a man who is put in a position of this kind, is not too much. With reference to days off, I can say that for twenty-one years I have never had a fortnight free till this year. I do not mean to say I have not taken days whenever I liked, but I have never had a particular fortnight free.

27734. That means a continuous fortnight; you do not mean that you have not had fourteen days ?—No, I mean the uncertainty of the thing is such that I have not had it. I do not wish to magnify the office.

27735. It might be, one can easily say, that the remuneration ought to be increased if the work is so very arduous ?—I am not going to say that. I shall be glad to take more work if more work is to be put upon one.

27736. Are the Visitors subject to superannuation allowances ?—It was a private fund made out of the lunacy percentage which prior to 1882 was too small, and had to be increased. Now, owing to the difference between the percentage of 2 per cent. and 4 per cent., and the irresponsibility of the family lawyers, the effect of the subsections of Section 116 is that there is a surplus of £9,000 a year to the Treasury.

27737. The reason is that the payment comes from a contributory fund, not from public sources, therefore there is not superannuation ?—Virtually so: although in fact the monies paid are voted by Parliament. The remedy my colleague Dr. Nicolson suggested was that the fees paid by the Chancery patients should be reduced.

27738. Would you suggest that in future Visitors should be put under the Civil Service rules, so as to get a superannuation ?—We have superannuation; we have not an age limit. We are certainly under superannuation, I meant as to an age limit.

27739. Would you recommend an age limit ?—It is difficult to say in my case.

27740. I am not referring to you personally ?—It is quite impossible for a man to carry on this work unless he is fit and able to do it, therefore I think there would be no objection whatever to an age limit.

27741. In all future appointments would you suggest as a discreet rule that there should be an age limit ?—I should have no objection whatever.

27742. No objection on principle ?—No.

27743. Having regard to the very arduous character of your duties might I ask what age you would fix ?—It would be impossible to say. There is a great deal of walking to do, it is impossible to do the duties by going round in a carriage. I remember one of the Commissioners trying to turn me out because they could not understand how I was found on the back stairs of a house which they were visiting. On enquiries of this kind on which we are sent by the Masters one must be active, one must be willing to travel third class to find out about things which we try to find out. An old respectable gentleman will not do these things; it may be that a new class of person will do it; things of that sort make it almost impossible for an infirm, feeble, old man, going wrapped up in a brougham, to do the work.

27744. Would you recommend an age should be fixed; such an age as to secure vigour and vivacity on the part of the gentleman who holds the office ?—I should do that.

27745. Sixty-five ?—I should be sorry to do that, because I am over sixty-five.

27746. Please put yourself on one side; I am not suggesting you, personally ?—I know, but I must judge from myself.

27747. Do you know how many miles you yourself travelled last year ?—I have not the smallest notion, except as in my report.

27748. Could we be informed how much each of you travelled last year ?—Yes. (*The return was subsequently sent in Vide Appendix Papers, pp. 428 and 429 post.*)

27749. When you say in your statement "so many visits," does that mean so many patients visited or so many places ?—So many patients.

27750. In many cases you have got several together ?—Yes.

27751. Unless we know how many there are at each place it does not show the amount of exertion you have had ?—It is impossible to visit more than three of our patients in a day, at breakfast time, luncheon time, and at night; it is useless going between eleven and twelve, and between two and five, especially in these days when most lunatics who can travel go out in a motor car; in those circumstances it is useless expecting to go on a visit except at certain times in a day.

27752. Am I to understand that there are three separate places you can calculate on visiting in a day ?—I consider it, to myself, a full test of a good day's work if I visit three people in one day.

27753. Are there many places where you have one or two patients ?—Yes. We had an order from Lord Chancellor Selborne that under no circumstances were we to visit over thirty in a day.

27754. The record, given to us here, of the number of visits would not quite show how much work you do, because if you visit thirty in a day, it may mean that you only travel two or three hours ?—It may take three days to visit a single patient. To go to Scotland, for instance; we have great difficulty in getting there.

27755. Do you have to visit Scotland ?—Certainly if the Master orders us; or Paris, or Brussels.

27756. (*Dr. Dunlop.*) You are speaking about visits to Scotland to see special cases; Have you ever done it ?—Yes.

27757. When were you last in Scotland ?—When I was on the Northern Circuit.

27758. Whenever you are on the Northern Circuit do you visit Scotland ?—Not necessarily, unless I am ordered to do so. I think I had two cases on my books, but I am not quite certain whether they were special or regular cases. I think they were regular cases.

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27759. Have you visited Scotch asylums?—I went to Perth and to Dumfries.

27760. Under Section 184 of the Lunacy Act the Master makes a special remit to you to report upon alleged lunatics?—Yes.

27761. Are these orders given to both the legal and the medical or only to the medical Visitors?—The Master gives his instructions, of course, to whom he pleases. As a rule they go to the Visitor on circuit. If there is any special matter he marks it "Send this to a medical Visitor"; if it is a matter of any moment.

27762. I am trying to ask, as to the fact; as a fact, are these remits or orders issued to the medical Visitor or the legal Visitor? In the majority of cases, or all cases, does the Master request?—He merely says, "Let the Visitor visit." If it happens to be a particularly medical matter he says, "Let the medical Visitor visit."

27763. As a matter of fact are these special cases seen by the legal Visitors at all?—Certainly.

27764. And reported on?—Certainly.

27765. As to the allegation of their being lunatic?—No, it is not that as a rule. If it is a question whether there ought to be a *supersedeas*, in many cases he is a person of experience who might know a thing of that kind. For instance, if there had been a great number of people who agreed that a man ought to be superseded, I think in that case he might send down a legal Visitor, and if the legal Visitor were perfectly satisfied one way or the other there could be no question about it, and in a case when a question arose as to whether a man was fit to demand a jury or not he would authorise a legal Visitor, but in a purely medical matter he would send it to the medical Visitor. The patient himself would ask for a medical Visitor if he thought that the legal Visitor was not competent to deal with the matter.

27766. The section does not refer to a *supersedeas*; it says "The Chancery Visitors shall also visit such persons alleged to be lunatics, and shall make such enquiries and reports in reference to them, as the Judge in Lunacy directs, and at the expiration of every six months they shall report to the Lord Chancellor the number of visits made"?—That section is acted upon regularly every year. It is in the discretion of the Master as to the Visitor to whom he sends it. He sends it to the Visitor in charge of the district unless he has some reason for sending it to someone else.

27767. Is it possible that this high legal official in England can be a judge of the nature of insanity in a particular form; he forms a lawyer's opinion and not a medical opinion?—There is no question of judging in the matter, and certainly no question of a high official.

27768. There is the Master?—It is perfectly simple to do what is required, but if it is a matter requiring a medical opinion it is a medical Visitor who goes, and not a legal Visitor.

27769. A report regarding the condition of an alleged lunatic is a very important matter, is it not, requiring the skilled opinion of a medical man?—That is a matter upon which a legal Visitor would never be sent. The question you put is one, of course, upon which the medical Visitor would be sent if there were a question as to mental capacity, so that it is a purely medical and not a legal matter.

27770. So that any initial inquiry, an inquiry coming on before inquisition, or before an examination by the Master, is of necessity given to the medical Visitor?—There is no necessity in it; it is a mere discretion for the Master. For instance, a person claims the right to be tried before a jury. This person in whose name the thing is sent is supported by affidavits. The Master sends down a legal Visitor, or whoever Visitor it may be, to see whether the person can answer his name or whether he is an absolute idiot. Any Visitor is competent to say: "This man is not fit to demand a jury," but the question whether the man is sane or insane of course goes to the medical Visitor.

27771. Or the form of insanity and so on, but some of these preliminary reports are put in by legal Visitors?—Reports about what?

27772. Under Section 184?—It depends what they are; the Master may order what he pleases; he does not order a legal Visitor to give a medical opinion.

27773. As a matter of fact you are a legal Visitor; do you get orders or requests to make an enquiry in the terms of Section 184 of the Lunacy Act?—I have never had the question put in that form. I have been asked to make an enquiry into a certain matter, but the Master would not send me if it were an enquiry to be made by a medical Visitor. If I thought so, I should return it to him with my humble compliments, and ask to have it referred to a medical Visitor.

27774. Have you had requests to make enquiries under that section into the conditions of an alleged lunatic, a lunatic before he is found to be a lunatic?—It depends on "alleged." If it is a question whether he is fit to plead or fit to demand a jury, yes; if it is a question whether he is capable of managing himself or his own affairs, no. The Master exercises his discretion about those things.

27775. You have had requests?—In the case I have given, as to whether a man can answer to his name or not, yes.

27776. You heard me ask Dr. Nicolson whether, in his opinion, it was right that certain inquisition lunatics might pass eighteen months without a visitation from a medical Visitor; do you consider that right?—I do not see how it is possible to pass eighteen months; the year consists of twelve; I do not see how you can make it eighteen.

27777. Let us say a man on the Northern Circuit?—The doctor follows him; if he visits at the end of the year the next Visitor who has notice of the last visit follows immediately; therefore it must be within the twelve months.

27778. Eight months may elapse between visits. Take it at a year, do you consider it right that an inquisition lunatic, who is entitled to this extra care and supervision of the special Board, should be allowed to pass eighteen months, or a year if you choose, without a medical Visitor?—But he does not do it without a medical Visitor. If there is any question of that kind arising, the report of the legal Visitor is always in these words: "I recommend this patient should be forthwith visited by one of my medical colleagues."

27779. I will put another question on the same matter. You are a legal Visitor and only visit patients once in three years, or one year out of three?—Not necessarily on legal business. Very frequently my colleagues are bothered by a man or woman who wants to make a will, and they want me to visit the patient and advise whether it is a will capable of being sustained, and how it had better be drawn up.

27780. Is that sufficient legal supervision, one year out of three, or two years blank?—I think my colleagues would be aware that the man was crying out for something. We all have letters from the committees themselves demanding that the man should be visited, and when a person writes demanding to be visited, it very rarely happens that the Visitor refuses to go and see him. He has to explain to the Master that he declines to go and see this patient, but as a rule the demand of the patient is always complied with. He has got his own solicitor too.

27781. I assume that the legal visitation serves a practical purpose?—These people are wards in Chancery before they are lunatics. Take one as the substantive, and the other as the adjective. The wards in Chancery who are insane are treated as lunatics, of course; it is as wards in Chancery, in the first instance, that the solicitor has the conduct of their business, and they naturally write and say, "I want a legal Visitor" or "I do not want a medical Visitor," and if they do not want a medical Visitor they want a legal Visitor. If there is any reason in their demand it is complied with, and if it is not complied with, the superintendent of the asylum will see that it is done.

27782. Legal visitation, in your opinion, and in the opinion of the law, is requisite for these people, is it not, but they only get legal visitation, as a matter of course and with regularity, in one year out of three?—It is not so, as a matter of fact. There are ladies who are making a

will every month, and they are always asking legal Visitors to draw them up or come and see them. The legal Visitor has to go his rounds. He has to make these rounds whether he does his duty or not. His duty is that of shepherd to the sheep, to be done at all times and seasons; the particular circuit on which he goes, and the miles he travels, and the returns he makes, and that sort of thing, I will not say are outside his duty, they constitute a form of his duty which must be done, but has very little to do with his real duties. In both of those cases the legal Visitor comes in.

27783. May I ask you what circuit you are on this year?—The Home.

27784. Is October the time you change your circuit?—Yes.

27785. Which circuit were you on last year?—The Western.

27786. How many visits of inspection did you pay last year on the Western Circuit?—I cannot say, the average is given here at which it works out. There are a few more in one circuit than in another. I can get a better return if you wish.

27787. I do not want the exact figures; I want to know the inquisition lunatics who happened to be in the Western Circuit. Were they visited by you last year?—Certainly; I was at New Quay, and many places, west and south.

27788. Can you give me an idea of the number of visitations in the west last year, half a dozen or fifty?—I cannot give any certain answer to that.

27789. Can you give me an approximate answer?—Whenever a visit was required, say ten: I do not bind myself to it.

27790. *A propos* of the sixty-five retiring age, did I gather from what you told Mr. Greene that one reason why the Visitors are not subject to it is because they are paid out of a private fund and not out of money provided by Parliament?—That is a very important financial ground. There are two grounds, financial and administrative. The financial ground is set out in the reply of Sir George Jessel's Committee in 1882; I do not see how it can be put better as an answer to your question; certainly the fund which is contributed by the Chancery patients, the wards in Chancery themselves, for this particular visitation, of which 4 per cent. is charged upon the inquisition lunatics and 2 per cent. upon the others, is a fund out of which they are entitled to be paid in the first instance. The only question is what shall in justice be done with the balance; whether it shall be paid into the Treasury or returned to the people; it is paid into the Exchequer, but the charges of the Visitors' office are all charged against it.

27791. I understood you to say that, and I thought you would like a chance of correcting it; if you will refer to Section 163 of the Lunacy Act, you will see that subsection 4 reads thus: "The salaries of the Chancery Visitors, their clerks and officers, and their expenses to the amount sanctioned by the Treasury, shall be paid out of moneys provided by Parliament." ? I thought possibly it was a slip?—That is right. On the other hand the lunacy fees have to be credited against it. (*Dr. Nicolson.*) No, they do not do anything with it; they simply put it in as an Exchequer receipt, and then it is done with.

27792. I would like you to explain one point in this statement: the paragraph reads, "The jurisdiction of the Lord Chancellor's Visitors, and of the Masters is under the department of the Lord Chancellor. The jurisdiction of the Lunacy Commission is under the Home Office." I understood that the Lunacy Commission were under the Lord Chancellor and reported to and took orders from the Lord Chancellor?—That is so.

27793. Is this incorrect?—Yes, I take it it is so. The meaning was that it was concerned with the money payments; that is so, the Commissioners of course report to the Lord Chancellor.

27794. Their jurisdiction is not under the Home Office?—No.

27795. (*Chairman.*) There have been several questions asked about the time during which the Visitors are occupied. To put it quite clearly, might I ask it in this way; for how many days of about five or six hours do you think that the Visitors are, generally speaking, occupied in the year?—It is impossible to answer a question of detail like that, straightforwardly; in many places you have to spend a whole day.

27796. That would count as one day?—I know, but the return of the days on which we are absent is complete and we all have to sign a declaration whether we slept out or slept in on that certain day. If we do not have a whole day we do not charge it, and therefore the return which is made of one-third of the total number of days out, is the most exact answer I can give. It might be that on some of those days I should have to be in the north.

27797. Can you let us have a return showing that; that is what we want?—You have it here in one of these papers.

27798. That does not give it to us. The total number of visits paid in the year is given there as 507 per Visitor; I understand that is the number of patients?—Yes.

27799. It might only mean 100 days in the year; we cannot tell?—There is a return of the number of days, somewhere—3,041 days and 1,823 nights: that is in five years, so that the average for each Visitor has been 121 nights and 202 days: that is for each Visitor last year, the year ending last September. (*Dr. Nicolson.*) That is not complete, as I explained. I explained in my evidence that 202 days did not include my days, because I do not charge for days short of ten hours. They can charge for a shorter day than I do. These are the official days for which a charge of subsistence is made, and my days are not entered there, because I have to work ten hours, or I do not get the money.

27800. (*Chairman.*) They are not noted?—(*Dr. Nicolson.*) They are not noted at all; it is wrong, I mean. (*Mr. Palmer.*) Those are what we declare conscientiously to be full days.

27801. (*Chairman.*) There is no question about that; the point is that, from the statement we have, it does appear as if the time occupied could not be very great, and yet we were assured by Dr. Nicolson that any reduction in the number of Visitors would be impossible, because the work could not be got through, so that I am trying to get at the actual amount of time the work does take, so that we can assure ourselves on the subject; if you say 200 days in the year were occupied, that is a sufficient answer, and there it is. I take it those 200 days practically go together with the nights?—Certainly, but of course those do not take up the number of partial days in or about London at odd times; they do not include anything like the immense amount of correspondence, and things of that kind; they merely answer the question your lordship asked, namely, the precise amount of days and nights returned as fully occupied. If more work of the same nature is thrown upon us, well and good, but I say it would not be for the advantage of the people with whom we have to deal that there should be mixed administration; that is all. Those returns do not include the nightly letter writing, the constant attendance at the office, the everlasting meetings with solicitors and friends, at all times and all over London, and other things which are quite outside the days spent in travelling. At the end of travelling you have conscientiously to declare that these actual nights have been spent away from home, and these actual days fully employed.

27802. (*Mr. Byrne.*) Could you even tell us, roughly, how many more days in the year were spent in these additional duties?—I can only say, as I said to Mr. Greene, that I have never had a fortnight free until this year for twenty-one years.

27803. But that is from your own choice; you could have had three month's holiday if you liked in a year. It is not the necessity of the work; you could have gone away?—No, I certainly could not.

27804. Is that true of the other Visitors?—Certainly.

27805. That they cannot go away for a fortnight at a time?—I do not say they cannot go away, I can only give it in my case, that the work was always coming in at odd times. I do not say that I did not have a great many days in every other fortnight when I could have gone away, but the work was of that sort of nature: it is so difficult to say what time is occupied, beyond the actual return we have made.

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27806. That is the question I am asking you. Is your work such that you cannot get away for more than a fortnight at a time? That is an important fact, and one very easily answered. Is it a recognised thing that Visitors cannot get away for more than a fortnight at a time?—I do not say it cannot be done, but as a matter of fact I have never done it.

27807. And it was because of the requirements of your work that you did not do it?—Yes, certainly. I do not like to say that it would have been impossible for me; it certainly would not have been impossible, I might have gone away as I did this year. As a matter of fact I never have, and the reason which has kept me is that there has always been work at all these times.

27808. Is that true of the other Visitors?—I cannot say; we all manage our own affairs ourselves; I cannot say what has been the case with them.

27809. Surely you live in fairly close intimacy with them; you must know each other's habits; you surely can tell me whether the other Visitors never get away for a fortnight?—I can only tell you of my own case.

27810. If anyone asked me whether my colleagues did or did not do a certain thing, I should be able to answer it quite well.—I really do not know.

27811. You really do not know whether your own colleagues absent themselves for more than a fortnight at a time?—In August and September, when Parliament is not sitting and we have no Board meetings, I have no knowledge of what my colleagues do under those circumstances. I certainly do know that none of them go abroad. I have never known one of them absent from England in my life, but whether they have gone abroad I do not think I ought to say because I do not know, but I do know as a matter of fact that they have none of them been out of the country.

27812. It is a very important fact when one comes to consider the remuneration, is it not; to hold such a laborious post as that is given to few?—I do not want to exaggerate the fact, but I think it is quite an illustration.

27813. Are you aware that there is no other post in the whole of the Civil Service of the Crown in regard to which that can be said, that the duties are such that you cannot get away for more than a fortnight at a time?—I have never said that; I only say that, as a matter of fact, I have never been for more than that until this year, and I was then away for seven weeks.

27814. I asked you whether that arose in compliance with your duty, you said, yes; am I to take that as correct?—I did not say distinctly that.

27815. Will you say so distinctly now; does the fact that you have not been absent for more than a fortnight at once, arise from the requirement of duty, or is it your own choice?—I gave it as an illustration, if I may put it in that way. I will not say that it would not have been just as possible for me to go away in any other year as it has been this year, but I gave it as an illustration, as a matter of fact.

27816. (*Chairman.*) Is it the case with the Lord Chancellor's Visitors that they are entitled to subsistence allowance when they are at work in London?—Certainly, if they have been occupied the full time, not otherwise.

27817. Is there anything you would like to add?—Yes, I would like to explain about Section 116. That arose under the Act of 1890. Of course it was then found that all infirm people were not lunatics, therefore that clause was passed in order that people, who, from senile decay, were incapable of doing anything and had to have receivers appointed for them should be put in the same position as the smaller patients were before; but it was very soon discovered that, though all infirm people were not lunatics, all lunatics were infirm, and the solicitors very promptly found out that to claim 2 per cent. percentage fees instead of 4 per cent. was a very great advantage to their clients, especially as they got their people relieved from a visitation either by the Commissioners or the Visitors. It happened about that time that a slight crusade in one part of England took place from asylum payments being greatly in arrears, and the result was that there was a considerable inducement to family solicitors to advise their clients to put all their patients under Section 116 as infirm patients to save the 2 per cent. This was a valuable thing with an income of £30,000 a year, and a still more valuable thing for people under £50, so that the patients who would have been found under the inquisition clause before are now found under Section 116, especially under sub-section (*d*), as infirm, and not lunatic, in order that they may be relieved from all visitation, and that the family solicitor may do what he pleases with the allowance, there being no person to enforce the receiver's agreement except the Master.

27818. (*Mr. Dunlop.*) *A propos* of their subsistence allowance for work done in London, does that include the night allowance as well as the day allowance?—In our case there is a different allowance for London, and a different allowance for the country.

27819. What are they?—£1 for London and £1 10s. for the country.

27820. So you receive £1 for a day's work in London?—Not for everything, but for a full day.

27821. How many hours?—My days are worked on this principle: I go out at 9 or 10 in the morning, and between 1 and 2, and I go between 6 and 7 at night. It is a waste of time going in the middle of the day, unless it is rainy or snowy.

27822. You get £1 for most of the day's work done in London?—Yes, as a rule, provided the whole day has been spent; if you see several people in a short time that is not so.

FIFTY-SIXTH DAY.

Monday, November 26th, 1906.

PRESENT:

The Right Hon. The Earl OF RADNOR (*in the Chair*).
W. P. BYRNE, Esq., C.B.
F. NEEDHAM, Esq., M.D.
H. D. GREENE, Esq., K.C.
C. E. H. CHADWYCK-HEALEY, Esq., C.B., K.C.
The Rev. H. N. BURDEN.
W. H. DICKINSON, Esq., M.P.
Mrs. PINSENT.
H. B. DONKIN, Esq., M.D.
J. C. DUNLOP, Esq., M.D.

HARTLEY B. N. MOTHERSOLE, Esq., M.A., LL.M. (*Secretary*).
E. A. H. JAY, Esq., M.A., LL.B. (*Assistant Secretary*).

T. SOUTHWELL KEELY, Esq., called; and Examined.

T. Southwell Keely, Esq.
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27823. (*Chairman.*) It is unfortunate for us that Master Ambrose is unable to attend here this morning as it would have been better, in all ways, if we had had an opportunity of hearing his evidence before yours. I understand he is unwell?—Unfortunately he has laryngitis, I understand.

27824. You are fully cognisant of his views, are you?—I think I may say so. I am very intimately associated with him day by day.

27825. At any rate you can speak exactly as to the facts and arrangements of the office?—Clearly.

27826. Will you tell us how long you have been chief clerk to the Masters?—I am completing my tenth year at the end of this year.

27827. Were you in the office before that?—Yes.

27828. For how long?—To-day, I have been thirty-four years there.

27829. (*Mr. Chadwyck-Healey.*) You are a member of the Bar, I think?—That is so.

27830. Can you tell us, in the absence of the Masters, some facts about their office; for instance, the salary I believe is £2,000 a year?—That is so.

27831. Is there a pension?—Yes.

27832. Can you tell us what it is?—I take it that depends upon the years of service, to which are added a special term by reason of the professional qualification.

27833. According to the Civil Service rule?—That is so. I think ten years are added, under a Treasury minute.

27834. Is the period of office fixed?—No.

27835. Is it during good conduct?—During good behaviour.

27836. As long as they live?—Substantially.

27837. They are also *ex officio* Visitors?—Yes.

27838. Do they ever exercise visitatorial powers?—They never visit. Their position of Visitor is really only shown by their attendance at the Board; they never visit in the way in which the Chancery Visitors themselves go about.

27839. So that their whole time is spent in the office in London?—That is so, except when they are away on inquisitions, which are not numerous nowadays.

27840. What vacations have they?—The usual law vacations are observed.

27841. Including the long vacation?—Including the Long Vacation.

27842. Is there a vacation Master?—A Master is always available; he is not formally Vacation Master, but in fact, unless one of them is abroad, I may say that the Masters are available for any reasonable vacation business at any time during the vacation.

27843. There is nothing, is there, to prevent the Masters from going to any part of the world during the Long Vacation?—Nothing in the world.

27844. So that from the beginning of the Long Vacation to the end the Master's authority might possibly not be available for any application whatever?—It is possible.

27845. In practice does that often happen?—Very rarely. I cannot charge my memory with both of them being out of the jurisdiction together.

27846. If they are not out of the jurisdiction, both Masters might be, we will say, in the north of Scotland?—Just so.

27847. And a pressing application might involve a journey of the solicitors and the parties interested to the north of Scotland to see the Master; that is possible is it not?—Of course all things are possible, but the way in which vacation business is done is by the post; the papers are sent by the post.

27848. If they are sent by post, during that time the Masters are deprived, of course, of the assistance of yourself and others in the office if they should need it?—Except that we are all available through the post again.

27849. But that would involve delay?—Certainly it would.

27850. So that the position is very much what it was in the High Court before the Vacation Judges were instituted; as a matter of practice, that is to say, solicitors and clients had to go and catch a judge wherever they could?—That is so.

27851. Even if he were bathing in the Thames, as it is reported on one occasion a certain Vice-Chancellor was when he made an Order?—I have heard the story.

27852. That inconvenience was remedied by appointing a permanent Vacation Judge who is in London?—Yes.

27853. Why should not the same practice be observed in reference to the Lunacy Masters?—I do not see any reason for it if it is not necessary.

27854. It is not only the Long Vacation, it is the Christmas vacation and the Easter vacation—all the legal vacations?—Yes.

27855. Is there only one chief clerk—yourself?—That is all.

27856. For both the Masters?—Yes.

27857. In addition, how many first class clerks are there?—There are seven.

27858. And second class?—Four.

27859. And third class?—I think it is seven.

27860. All that staff is available for both Masters?—Certainly.

27861. Master Ambrose states that it is his practice to be attended on all hearings by the chief clerk?—One of the first class clerks I think.

27862. Yes, that is so. Is the other Master similarly attended?—No.

27863. Why is Master Ambrose attended by a first class clerk?—That is Master Ambrose's view of the best way of doing his business.

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27864. That takes away the first class clerk from other duties while he is attending the Master?—True; you may say that there is one first class clerk less in the office by reason of his disappearing for a day with the Master. At the same time it is a most useful thing for that man in carrying out his work afterwards.

27865. To know what has been done?—To hear the arguments and to know thoroughly what has been done so that he can go and sit down and draft an Order right away.

27866. Master Fischer does not appear to take that view of it?—Master Fischer does not take that view.

27867. What attendance do the Masters give; are they there every day?—Yes, except Saturdays.

27868. They are not present there on Saturdays?—Not regularly.

27869. What hours in the day?—The office hours are from ten to four.

27870. The office hours are from ten to four for both Masters?—Yes.

27871. Including Saturday, or not?—I have given the office hours as being the office hours for the office generally. I did not mean to say that the Masters were there at ten o'clock. On Saturday the hours are from ten to two.

27872. Those are the general office hours?—Yes.

27873. Now we will take the Master, beginning with Master Ambrose; does he attend from ten to four?—No.

27874. Can you say how much he does attend?—He usually comes in the morning at some time between half-past ten and eleven. His list begins at eleven.

27875. And ends?—And ends with the work. If it is not quite four o'clock when the last case is finished, he has done. If it is after four o'clock, he has done when it is finished.

27876. No more cases are taken?—No more are taken.

27877. Does that go on every day; has he got a list every day?—Yes.

27878. And the same with Master Fischer?—Master Fischer's list is dealt with a little differently; Master Ambrose has a list put up in the office.

27879. Screened on the door?—Screened in the public room. Master Fischer does not have a list of that kind. His list is kept in his appointment book, so that there is not the same publicity of the list for Master Fischer as there is for Master Ambrose.

27880. What is the difference in practice?—That is the difference.

27881. I mean in the result?—There is no difference in the world.

27882. Because all the parties have notice?—I only wanted to make clear that the two Masters differ in that trifling matter.

27883. Is there any difference between the two Masters in the amount of business that they take?—The business it seems to me, is rotaed to them in turn, and the volume of business with which each deals is the same, as nearly as it can be made to be.

27884. Does a given case, once before a particular Master, remain attached to him afterwards?—That is so.

27885. So that if A.B., a person of unsound mind, goes to Master Ambrose to begin with, all the proceedings follow in his department?—That is so.

27886. The two Masters take their chance of the burden of the business by means of the rota?—Yes, you can call with an application and it is rotaed according to the next Master to take a case.

27887. If someone comes in to initiate proceedings, and asks for an appointment, how soon can he have an appointment?—To initiate proceedings you must give the alleged lunatic seven clear days' notice, so that it is no use giving the return to a summons under eight days and upwards, and he would in fact get a return at eight or nine days to a fortnight, speaking roughly.

27888. Can you give us about the average of time which elapses between the request for an appointment and the date of the appointment?—Speaking generally I should say, from a fortnight to three weeks.

27889. Is it not the fact that very frequently appointments are not granted until after the expiration of three or four months?—Not now.

27890. But that was so until comparatively recently?—There was a time, some years since, when the work seemed to have pushed appointments forward in that fashion.

27891. Do you remember a case in which there was an application for an appointment in May, and no appointment given till the following November?—I do not recollect quite so bad a case as that. There may be some explanation of it. At present there is no such thing.

27892. Are you satisfied from your own experience that the profession are themselves satisfied with the rapidity with which they can get appointments in the office?—Now, I think that would be so.

27893. You have no complaints about that?—No complaints; not in fact for two or three years, anyhow.

27894. You keep a list, of course, of all appointments in the office?—Yes.

27895. And the list of appointments will show when the application for an appointment was made?—The books would show; the information would be forthcoming.

27896. Would it be possible for you to furnish the Commission with a list of the appointments given during a given time, say the last twelve months; the dates when the solicitor asked for the appointments, and the dates when the appointments were given?—He gets his date given him when he asks. I understand you to mean the date when the solicitor attends and asks for an appointment and the date when the appointment is in fact taken.

27897. First of all the date for which it is fixed—the date given to the solicitors; then if you could add to that the date when the appointment was actually held, because there may have been an adjournment?—Yes.

27898. Could you supply that return?—I think so; it is only a question of trouble.

27899. I am afraid that is inevitable, more or less, if we want to get information; would you explain your list a little bit; if there have been adjournments in any case, state whether it is on the request of the parties, or by reason of some cause in the office, and what cause?—Yes.

27900. You said something about the attendance of Masters on inquisitions. Of course we know the Master can preside at inquisitions; does he always do so?—Yes.

27901. In point of fact we have a recent case where we know he did not?—That was an Issue; that was quite a different thing.

27902. That is the Townshend case?—That was an Issue which was directed specially in order that a Judge of the High Court might try it. In a sense it is an inquisition, but the procedure takes it out of the ordinary course. There have only been three Issues since that process was invented.

27903. That is a very rare thing?—Very rare.

27904. One or other of the Masters always presides at an inquisition?—Yes.

27905. Can you give us the figures; how many there have been on an average?—They are falling off a good deal, and last year I think there were eighteen only. I have got with me the Judicial Statistics; they give a comparative table of the inquisitions.

27906. Does that Table refer to both Masters?—Yes, there is no distinction; they are lumped together, but I may say, as to inquisitions, that they are rotaed as the other business is, so that you may take it that each Master, roughly speaking, holds the same number of inquisitions as the other. They are rotaed as between town and country cases, so that they each get the same number of town cases and each the same number of country cases. They are rotaed also as between jury cases and non-jury cases, so that there is absolutely fairness of division between the two Masters.

27907. It would be very useful to the Commission if we could have a tabular statement of the number of inquisitions, and which Master presides at each; that would be possible, would it not?—Yes.*

27908. Master Fischer, who gave evidence here very early in our Inquiry, estimated the yearly number of inquisitions for the last five years at forty. I venture

* *Vide* Appendix Papers, p. 421 post.

to think he must have been in error there ?—I have a return before me, and I am responsible for the figures from which this return is made out. For the years 1900 to to 1904 inclusive, that is five years, the average is fifteen.

27909. I was going to suggest, is not that more nearly the figure ?—It is a fact; in the previous quinquennium the average was very much higher.

27910. Possibly he may have had that in his mind ?—One has a rough idea of figures, very often inaccurate, but not intentionally so.

27911. May I take it that the Masters, whatever inquisitions have been held, have divided the business equally between them ?—Absolutely equally, unless one Master may be ill when an inquiry comes on, and the other will sit for him as a matter of propriety.

27912. That is the next question I was going to ask you. In point of fact, have they taken equal numbers, or by reason of illness or other cause, has one Master had the greater burden of the work ?—I do not think there has been any inequality which amounts to a burden. It is purely little illnesses which may happen to a man. I do not think it has been frequent.

27913. Let me put it somewhat personally, because that perhaps will get at the facts. Take Master Ambrose, with whom you have been sitting a great deal; has he presided at half the inquisitions himself ?—To give an absolutely accurate answer, I would like to look at each case during the years you would like to take.

27914. You suggested five years; that seems to be a convenient period ?—Yes, I will get the absolute fact, but my general impression is that it has happened on two or three occasions, or it may be four occasions during my acquaintance with Master Ambrose, that he has been unable to sit by reason of some temporary illness; I do not think it amounts to more than that.

27915. (*Mr. Greene.*) We should like to know how many—distinguishing how many are jury cases and how many are non-jury cases—how many were contested and how many were uncontested, and what length of time each occupied, so far as it is known, because they are charged for by the hour; I think I am right in saying a record is kept of the time they last ?—I do not think there is any record of the time which an inquiry lasts.

27916. I think I have seen the clerk who is in attendance take down in Court the time, but it may be only for his own information.

27917. (*Mr. Chadwyck-Healey*). You can get that ?—Yes.

27918. (*Mr. Greene.*) Do they run into a second day ?—Yes, with a jury; but it is very rarely they run into a second day without a jury

27919. They last nearer half an hour ?—Yes.

27920. (*Mr. Chadwyck-Healey.*) When Master Ambrose presides at an inquisition is it his practice to take you with him too—do you sit with him ?—There always is a clerk with the Master holding an inquisition; there is no distinction between the Masters there.

27921. I only wanted to see whether his statement extended to inquisitions as well as to ordinary applications ?—Yes, to inquisitions.

27922. Was that always the practice ?—Always.

27923. In Sir Francis Maclean's time ?—Yes, going back to Master Barlow and Master Warren.

27924. Sitting below ?—Yes, he was called a circuit clerk, in fact.

27925. On the question of costs, I should like to ask a question or two. All the taxation is done in your office, is it not ?—At present that is so.

27926. Is there any reason why it should be so ?—I think so.

27927. Why should not the bills go to the taxing master of the Court as other bills ?—There is a provision that it shall be so, and at any moment the Chancellor may make the order.

27928. But that order has not been made ?—My private impression about it is that when the clerk, whose duty it is to do these taxations nowadays, ceases to occupy that position, the order will go at once, but I do not know; I have no reason for saying that is so, more than my own private opinion.

27929. I do not know whether you have seen Master Ambrose's statement, but he points out that by the Rules of 1901 there might be that amalgamation with the central office on the question of taxation, but no date has been fixed for the amalgamation and transfer —that is since 1901. I was curious to know why ?—I can only suggest that that is the reason. For many years the Masters wanted to have the taxation of lunacy costs in their own office, but they were done by the Chancery taxing masters. Eventually the lunacy taxations were turned over to the Masters.

27930. Why should they be taken away from the central office ?—The central office had not come into existence at that time. It was thought that someone who understood lunacy business, who could have access to the staff of the office for the purpose of information, easy access to the papers and so forth, could really tax costs better than someone who was not in the habit of doing them every day.

27931. Does the lunacy taxing officer do anything else but tax ?—No; he is overwhelmed with business.

27932. Therefore, if the taxations of costs in lunacy were transferred to the taxing Masters of the High Court, there would be no need for that officer in lunacy ?—No, he would go with them.

27933. I gather from your earlier answer that the delay in fixing the date of the amalgamation was possibly due to the fact that there was already an existing officer and they would wait till his time was up ?—That is my impression.

27934. But there is no reason why the order should not be made now ?—It could be done this afternoon, and the staff there, that is to say, the senior clerk who does the work, and his assistant, would go over technically to the central department.

27935. In your opinion there would be no practical objection to that ?—I know of none at all; it has been determined.

27936. You are no doubt aware that the taxing masters of the High Court tax a great many bills of costs—they even tax costs in ecclesiastical matters if they are asked to do so ?—Yes.

27937. So there is no reason why they should not undertake the taxation of lunacy costs ?—None in the world.

27938. About applications to the Judge, the judicial business, as distinguished from the Master's business, is done by the Lords Justices, is it not ?—Yes.

27939. Five of them; does the Master of the Rolls take any ?—The Master of the Rolls does not read lunacy, according to my observation, during the last few years. The other Lords Justices do.

27940. They take it in turn week by week—each of the Lords Justices ?—Yes, they have been in the habit of reading for about six weeks at a time.

27941. And they sit after four as a rule ?—Yes, in their private room.

27942. Can you give us any information which you think may be useful to the Commission about that, as to the amount of business that goes up to them, or shall we wait till we get a Lord Justice to answer that ?—Our return includes those matters.

27943. Which return are you speaking of ?—Our annual return in the Judicial Statistics.

27944. (*Dr. Needham.*) I suppose a certain number of the 116th Section patients are really visited by the Masters, are they not ?—Very rarely; there is a provision which enables them to visit.

27945. I ask that because I happen to have known it done ?—In one, two or three cases in the year.

27946. If the Master is in doubt about a case he can satisfy himself by visiting ?—He is entitled to go, and does go.

27947. But not as a matter of practice ?—No, the visits are very small compared with the number dealt with.

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27948. Did I understand you to say that the presence with Master Ambrose of a first class clerk was an unusual thing on inquisitions?—I cannot say it is unusual, of late years.

27949. Have not the Masters, of late years, always taken first class clerks with them when they have gone to hold inquisitions?—When the office work was divided, years ago, it was always a second class clerk.

27950. But some clerk?—They always took a clerk, second or first class.

27951. (*Mr. Greene.*) It is obviously necessary; he must have one to swear the witnesses?—Yes, it is a Court of Record.

27952. (*Dr. Needham.*) It is essential that he should have assistance?—Clearly.

27953. Can you explain the discrepancy which exists between the statement in the Civil and Judicial Statistics, the number of subsisting lunacies under inquisitions being 712, when they are stated by the Masters to be 653. What is the reason of the difference between the numbers?—There may be a different date at which those were taken.

27954. Would you tell us what is the number now?—On the 31st December last there were 692 according to my account in the office. I ought to explain this, that there are cases which we include in the list of cases under inquisitions which the Visitors have not anything to do with. There are some Irish lunacies for instance. The record of the inquisitions in Ireland is transmitted to England; then that gives the Court here jurisdiction. I should call an Irish lunatic dealt with here under these circumstances a case under an inquisition, and that is a case which the Visitors would not visit, and would know nothing of.

27955. The same in Scotland?—In Scotland the same thing. And we have two or three or four lunatics who live abroad, though they are found by Inquisition; in Germany and elsewhere. Those do not get on to the Visitors' books, the Visitors only give you the cases whom they visit.

27956. There is nothing to prevent a person who has been found lunatic by inquisition going out of the jurisdiction?—Yes.

27957. How is it you have one in Germany?—He was there in an asylum and his friends took proceedings in England for an inquisition and committees, and the Inquiry was held in England with a jury, evidence brought over as fresh as possible from Germany, and he was found of unsound mind, and he is dealt with just as he would be if he were in England, except that he is not visited.

27958. Is it not a part of the essential duty of the Master at every inquiry that he should see the patient for himself?—Yes.

27959. How about this particular patient in Germany?—The statute makes provision for the case of a lunatic out of the jurisdiction.

27960. Then he is not obliged to be seen?—No, he does not see him.

27961. And he is allowed to remain out of the jurisdiction?—That is so; he is not ordered to be brought within the jurisdictioon. The question of his coming back within the jurisdiction is considered.

27962. Can you tell me what reason has been operating to so largely diminish, of late years, the number of inquisitions?—The main reason is, I think, the cost. There is another reason which I do not think is a good one, people thinking that there is more publicity connected with the inquisition than with the application in Chambers. There is, in fact, of course, a little more publicity in the neighbourhood, but it does not amount to sufficient to deprive the person of the advantage of being under inquisition. The main reason, I think, is the expense.

27963. Is it not a great disadvantage to a patient, that in the one case his property only is protected, and his person not protected, while in the other case his person is protected as well as his property?—I think it is.

27964. As a matter of fact, I suppose that a very large proportion of people who are under Section 116 are not certified?—A great many are not.

27965. I mean even those not under subsection (*d*)?—If you leave out subsection (*d*), I think the majority, the considerable majority, are certified, but there are a good many cases where the means are small, and where they live at home, and do not require asylum treatment, and so forth.

27966. This certification, I suppose, takes place at the instance of the Lunacy Commissioners, not at the instance of the Masters?—No, the certification is at the instance of the friends.

27967. Do you find friends particularly eager to certify their relations?—Perhaps I have not followed you clearly; are you still thinking of cases of small means?

27968. I am thinking of people generally under 116th Section, excluding people under subsection (*d*). I suppose the larger proportion of those who are certified, are certified at the instance of the Lunacy Commissioners. Notice is given to the Lunacy Commissioners that an order has been made, and then they enquire into the condition and find that the person requires to be certified?—No, I do not think that is the process; I think it is the other way. I think first of all the reception order is obtained, and the person put under care, and then, of course, the Commissioners are informed at once, and it is not until some time after the reception order has been made, perhaps a year or two years, that any application is made under Section 116 for an administration order.

27969. That brings me to repeat the question which I asked before. How is it that a large number of persons, as to whom orders have been made under the 116th Section, are not certified as lunatics? But is there a large number?—I do not think there is a large number, because we inform the Commissioners of every case in which we make an order under Section 116, excepting (*d*). It is a very simple little form. We tell them who the parties are, and roughly speaking what the means are. It sometimes, no doubt, enables the Commissioners to follow the matter up, and have a proper reception order.

27970. Then your answer is that there are not very many?—I think not.

27971. Do you know of your own knowledge whether any sensible proportion of the patients who have been the subject of orders under the 116th Section are visited by the Lord Chancellor's Visitors?—Not a substantial number. They have a few cases on a sort of permanent list.

27972. Have you any idea, approximately, of the number?—Perhaps there might be a dozen; I do not suppose it is more than that.

27973. But the visitation of all the 116th Section patients is thrown upon the Lunacy Commission?—If they are visited at all they are visited by the Commissioners; and the Visiting Justices, of course.

27974. I am excluding subsections (*d*) and (*a*)?—Yes.

27975. (*Mr. Dickinson.*) Do I understand from that answer that there are only a dozen who are visited by the Lord Chancellor's Visitors?—Outside the number of lunatics under inquisition, that is so.

27976. That is outside the 600 odd?—You see they are not under any duty to visit any cases under inquisition unless the Masters request them to do so, and the Masters have in a few cases requested them to visit perhaps a dozen cases altogether, to visit regularly, but they find a difficulty in doing their duty, though they are always ready and anxious, when they are asked to visit, to do so, and they have visited a good many cases in the course of the year.

27977. (*Dr. Needham.*) To satisfy the Masters as to their mental condition?—Yes.

27978. But not inspectorial visits?—No.

27979. (*Mr. Greene.*) You have told us about the Masters having their absences and vacation; what arrangement is made for having the office attended by the clerks during the Long Vacation, the Christmas Vacation, the Easter Vacation and the week at Whitsun?—The offices are open every day to the public from eleven till one in all the vacations; in the shorter vacations a couple of clerks are there.

27980. First, second, or third class ?—Second and third, not first. In the Long Vacation, during the early part of it, there are four or five clerks there every day.

27981. How long does the early part last ?—The busy part goes on to the end of August.

27982. That is what you mean by "the early part" ?—Yes, I am not quite sure of the number, but there are always two there. We lighten the numbers after the rush of the first part of the Vacation has gone by.

27983. Are they doing any other work than merely answering inquiries ?—Yes, orders drawn up just before the Vacation have to go through their process of examining and printing and so forth in the early part of the Long Vacation.

27984. Let us take the last part of September and up to the 24th October; what work is there for the two clerks to do except answer inquiries ?—Very little.

27985. The chief clerk takes his holiday at the same time and to the same extent as the Masters ?—Yes.

27986. So that may I put it in this way, that there is no responsible officer in attendance at all during any of the vacations ?—I think that perhaps is putting it a little more strongly than is the fact. There is always a second-class clerk with the third-class clerk.

27987. Is the second-class clerk a responsible person ?—I think so.

27988. Can he make appointments; can he tax costs ?—Oh, no.

27989. Are there any and what classes of work that have entirely to be suspended during the vacations ?—The main business of course is suspended.

27990. Absolutely suspended ?—Unless in urgent matters.

27991. During last Long Vacation, can you tell me how many urgent matters arose, or matters which were deemed urgent, necessitating communication with either of the Masters or yourself ?—I am in communication every day with the office, I have a post every day.

27992. Did you have to discharge any urgent duty last Long Vacation ?—I do not think there was anything.

27993. Were either of the Masters called upon to do any urgent duty last Long Vacation ?—Yes.

27994. What class of work was that ?—The making of orders under Section 116.

27995. If the case arose which Mr. Chadwyck-Healey put to you, of these gentlemen taking their vacation, for health or sport, in distant places, there would be no one to make the orders under Section 116 which you deem to be urgent ?—If they were both at a distance, I admit that they could not make the urgent order.

27996. That leads me to another question; is there any power under the statute for anyone to appoint a deputy to either of these gentlemen ?—No, I know of none.

27997. With reference to the holding of inquisitions, I think I am right in saying that a general commission could issue from the Lord Chancellor to anybody to hold an inquisition. I think I am right in saying that that is provided by the statute ?—There is a general commission addressed to the Masters.

27998. May not the Lord Chancellor direct a general commission or a special commission ?—A special commission.

27999. A special commission to hold an inquisition, just as he may address a special commission to anyone to sit as Commissioner of Assize ?—I think so.

28000. So that apart from that particular incident of work, there is no power to appoint a deputy to discharge any of the Masters' other duties ?—No.

28001. Can you suggest any reason why there should not be much interchangeability of duty of a formal sort with the other Masters, the Masters of the High Court, so that urgent duties could be discharged, which might be done by a deputy ?—Of course the Masters in Lunacy have the qualification of barristers of ten years.

28002. And there is nothing in the nature of the work ?—No, not at all, the work is not at all unlike the Chancery work; in the nature of the work I see no difficulty.

28003. In the case of the temporary illness of either of the Masters, his half of the rota has to come to a standstill, unless he can do the work during his illness ?—No, it does not absolutely come to a standstill.

28004. His speed is very slow is it not ? If it does not altogether come to a standstill, how does it get on at all ?—I have given a hand myself.

28005. Although you, by your standing, would be qualified to be a Master yourself—your professional position would be such that you would be qualified to be a Master—there are a number of things which you may not do, which have to be done by the Master ?—Yes.

28006. May I say that the temporary illness of a Master absolutely effects a stoppage of his half of the rota work ?—It ought to.

28007. I should say it does, but it ought not to ?—I had something rather different in my mind.

28008. Kindly let us have that ?—That I cannot help thinking when there is something which ought to be attended to, and the Master is not there, that I must take the responsibility of attending to it and telling him afterwards.

28009. May I take it that you feel it to be within your duty under those circumstances to act sufficiently as his deputy as to sign his name or affix his seal ?—No.

28110. The absolute validity of any order cannot be dealt with in the temporary absence of the Master ?—No.

28011. The salary is £2,000 a year ?—Yes.

28012. Which implies that the duties are of sufficient weight and importance to require some very highly qualified person to discharge them ?—Clearly.

28013. Do you suggest that your office is properly equipped if this work must accumulate in the absence of one of the highly qualified heads ?—I do not think it is right, of course.

28014. Now we will pass to another point; you are acquainted with the other branches of the Court, the Chancery division, for instance ?—Yes.

28015. In that division I take it the Masters are in immediate communication with the Judge to whose Court they are attached ?—Yes.

28016. Are the Masters in Lunacy in constant or immediate communication. I will not say "subordinate," because it seems rather an offensive word to use, but do they stand in the relation of degree of some sort to any Judge so as to correspond with the position which the Master holds to his Judge in the Chancery Division ?—Perhaps it would not be quite fair to put the Master in Lunacy on an absolute par with the Chancery Master, but there is provision in the rules for the Master attending the Judge and from time to time the Master does see the Judge in difficulties; not every week.

28017. Is it very often that the Judge in Lunacy sees the Master ?—Not very often, but several times in the year.

28018. Each Master would see the Judge in Lunacy ?—Yes, Master Fischer saw the Judge on Friday, and Master Ambrose saw the Judge last Monday; it is unusual.

28019. On the business of their office ?—Yes.

28020. Are they amenable to the Judge in such ways that they are bound, in reference to the management of their business, to attend to the direction of the Judge in Lunacy ?—They clearly must do what the Judge tells them.

28021. Has the Judge sufficient power over them to regulate that one should be in attendance at the office, or provide for the discharge of his duties, during part of the Long Vacation ?—I think the Lord Chancellor would be entitled to do so.

28022. The Judge in Lunacy has not the same power ?—From that point of view I am under the impression that the Judge in Lunacy would not deal with that question. I have never known the Judge to interfere in any such question as that. The Lord Chancellor, of course, is the Masters' Superior.

28023. Is there any record kept in the office of the daily visits of the Masters and the clerks ?—No.

28024. So that the attendances, whether they are sufficient for the purpose or not, cannot be tested by

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information which you can render us from records daily kept?—That is so.

28025. Who is there to look after the attendance of the clerks?—That is my business.

28026. During the vacations when you are away they have to look after themselves, may I take it?—Yes.

28027. The second class clerk looks after the third class clerk, and there is no one to look after the second class clerk?—I do drop in, in the Long Vacation, half a dozen times, as a rule.

28028. You told us that the Master begins his list about 11 and goes on to 4; who provides the arrangements of the Master's list?—The junior clerk makes the appointments.

28029. A first, second, or third class clerk?—The third class clerk.

28030. The third class clerk fixes up the appointments for the Master?—Yes.

28031. How many appointments per day are given in the case of each Master?—Master Ambrose, I should suppose—I could give you the exact figures—roughly speaking has ten or twelve appointments.

28032. They are given every day?—Yes; Master Fischer perhaps a little less. I am only speaking of my general impression; I see the books from time to time.

28033. But that might be, as you explained just now, due to inequality which arises from the distribution of the business by rota?—Yes, quite.

28034. Is there a book I could look at to see how many appointments have been made for each of the Masters during the last year?—An appointment book is kept.

28035. But are the appointments kept?—I think so.

28036. They are given out to the solicitors?—Yes.

28037. How long do they last, taking an average; are they fixed half-hourly?—No, Master Ambrose has his appointments given either at 11 or half-past 2. Master Fischer has his given at fixed hours. There is an effort made to estimate how long the man who comes at eleven will take, and the next man is put in at half-past eleven or twelve, as the case may be.

28038. May I take it that the junior clerk would give five appointments for eleven, and five for half-past two in the case of Master Ambrose?—Probably he would give seven or eight at eleven, and three or four or five at half-past two.

28039. How long does it take to get through those seven or eight appointments?—It varies.

28040. Frequently they will all be over, with settlements and adjournments, being formal matters, in a short time, will they not?—Sometimes.

28041. I put the word "frequently"?—I am scarcely qualified to speak, because of course I have my own business to do, but I have my eyes open as I go about the office, and when I see Master Ambrose is not sitting at half-past twelve, I draw the conclusion that he has got through his list quickly. It is only in that sense that I can give an answer

28042. Would it be wrong to say that it is hardly ever the case that the last appointment is not completed long before 2.30?—He gets through his morning list as a rule by about one o'clock.

28043. And even before?—I have known it to be so. I have observed it to be so. I would not like to answer definitely.

28044. I am not making any attack on Master Ambrose; I only wanted to see what class of appointments they are. I am thoroughly familiar with the work of the Master's Office in the High Court of Justice, where probably seventy to eighty, and even 120 appointments, would be down in the list. How long does the afternoon list take?—That varies again.

28045. Is there very often no afternoon list?—Sometimes that is so; rarely, I think.

28046. Is there any precedence among the two Masters? Is one superior; has the senior appointed Master any control over the work of the other?—No, the Masters are absolutely on an equality.

28047. Planets, each moving in his own orbit entirely?—Yes.

28048. Do you ever attend Master Ambrose?—No, one of the first-class clerks.

28049. May I ask you what your duty mainly is, besides looking after the general work of the office, controlling the clerks, and so on?—Roughly speaking, my main duty, apart from that, is to do the work which the old Registrar in Lunacy did.

28050. Who was dispensed with in accordance with the recommendation of the Committee of 1882?—And his work turned over to the Masters' office.

28051. He was the means of communication between the Masters in Lunacy and the Judge in Lunacy?—Yes.

28052. The Committee expressly reported that that was unnecessary?—Yes.

28053. And that the work should be turned over to you, and that function so got rid of?—Yes.

28054. You do that; what other work is yours; do you do the taxing?—No.

28055. What other work is specially allotted to you?—What I describe as Registrar's work consists to a large extent of drawing up Orders for the Judge; Vesting Orders.

28056. I am not putting it sarcastically, but who arranges for the holidays or leisure time of the clerks in the office, and of the Master, if anybody?—The clerks distribute the Long Vacation into so many divisions, and they make a division of the short vacations, and they agree between themselves as to which of them shall attend in turn according to a rota, and then it is submitted to me to approve. If I think that at a given period of the vacation the two clerks who are down in the rota are not strong enough to act for the office in the vacation, I alter it, putting a more reliable, or dependable, or senior clerk with the junior.

28057. A more disciplinarian second class clerk to compel the attendance of the third class clerk?

28058. (*Mr. Chadwyck-Healey.*) Have we got the hours in the vacation?—Eleven to one.

28059. Every day?—Yes.

28060. (*Mr. Greene.*) On Saturdays?—Yes. That does not mean that they go at one o'clock, or that they are not there before eleven.

28061. Do they spend Saturday afternoon there?—I should think that is rare.

28062. Mr. Chadwyck-Healey put to you whether an appointment asked for in May could have been, during the current year, not accorded before November, or something of that kind; if such an occasion had arisen, was it because the third-class clerk, who books the appointments had not chosen to fix one, or in his judgment had not thought it could reasonably be taken, or because there is a limitation as to the number of appointments?—I find it rather difficult to suggest a reason for a thing like that. I confess I had not heard that anything of the kind had occurred.

28063. It was put to you; I am wanting to see what explanation is possible of such an occurrence?—I can only say I was not aware that such a thing had occurred, and I could not suggest a reason for it.

28064. From the list which you were good enough to say you would prepare, we shall be enabled to say what—I will not call it delay—but what length of time elapses, and has to elapse, between asking for an appointment and the return day of the appointment?—Yes.

28065. Is there any limitation upon the third class clerk as to the number he is to book?—I think they have a set of general instructions to make out a day's work from day to day, and not to make it too heavy, but to put in what will reasonably provide a day's work.

28066. Am I seriously to understand that it is left to a third class clerk to decide how many appointments he shall make, so that he shall not make it too heavy for the Master in Lunacy; that he is to so far judge of the capacity of the Master in Lunacy that he is to decide how much the Master is to do?—In a sense I think it is left to him, because in the course of his experience he gets to tell pretty well how long an application is likely to take.

28067. Is there any Judges' branch of the Chancery Division in which any arrangement of that kind is permitted?—I am not aware of it.

28068. (*Mr. Greene.*) I now pass to another subject; can you tell us at all how many out of the eighteen inquisitions you told us there had been were by jury in that year?—One was with a jury; seventeen were without.

28069. Out of the seventeen, how many were what I may call contested, or opposed, and how many were undefended?—I cannot tell you, with certainty.

28070. Would there be a record in your archives?—I could tell from our papers, but—speaking off-hand—it is quite possible that they were all of them what you would call uncontested.

28071. I daresay you have been present at these inquiries?—Many times.

28072. The proceedings last a very few minutes, do they not, in the cases where there is no contest?—From half an hour to an hour.

28073. The Master has had the affidavits of certain doctors before him previously?—Yes.

28074. He sees them or two other doctors?—He always takes evidence orally.

28075. Of two witnesses?—Yes.

28076. Generally two doctors?—Yes.

28077. And he sees the alleged lunatic privately?—Yes.

28078. And that is sufficient for his purpose?—Yes, sometimes he has a nurse or a member of the family.

28079. No cross-examination being directed, he can please himself, practically, as to how long he likes to take over it?—Yes.

28080. Half an hour to an hour would be an average time for an inquisition?—Just so.

28081. Then there is the time spent in going to and from the place?—Yes.

28082. Are these inquisitions held at the houses of the patients usually?—As a rule.

28083. How often, out of the seventeen cases, did the Masters have to go out of London for an inquisition?—I could tell you accurately if I looked, but, speaking broadly, I should say ten to twelve cases, out of the seventeen, were out of London; more out of London than in.

28084. So as not to involve the Master having to sleep out?—Yes.

28085. Master Ambrose has given us some information with reference to some of the work in the office. He says this: "Orders for inquisition, with or without a jury, or for the trial of an issue in the High Court in lieu of inquisition, for a traverse, and for a *supersedeas*, are made by the judge, without previous consideration of the applications (which are by petition) by the Masters." How many cases of traverse would there have been within the last thirty years which you can recall?—There is one on at present; that is the only one which has occurred since the eighties. I think it is probably twenty years since there was an application for a traverse.

28086. I am going to put to you that hardly since 1852 have there been any?—There are no reported cases since 1852, but there have been cases since then. I have had to look into it as a matter of fact lately in connection with a case which has just been decided.

28087. Is the case for traverse which is now under consideration one which has been tried by a jury?—Yes.

28088. Tried by a jury before a Master?—Before Master Fischer.

28089. But apart from that, the work in connection with traverses is, you might say, nearly obsolete?—Substantially.

28090. You have told us the extent of it?—I think so. I have found since 1852 something like five or six cases, but not more.

28091. In which they have been granted, or in which they have been applied for?—In which they have been applied for and granted, but not taken up.

28092. Not proceeded with?—Sometimes proceeded with.

28093. It is quite possible, although it may be presumptuous for me to say so, that every member of this Commission may not be quite aware what a "traverse" is; I dare say they know, but I will for the sake of argument, suppose they do not. A traverse is a case in which there has been an inquisition held by a Master and the persons affected, either the lunatics or certain relatives or others, have a right to apply that there shall be a re-trial of that issue?—They have a right to apply for a traverse of the inquisition.

28094. I am trying to get at an explanation of the traverse; it is a re-trial of the inquisition?—In substance it amounts to that, but a traverse is tried at the Assizes, whereas an inquisition is tried before the Master.

28095. It is to get the facts re-heard or re-tried before a higher tribunal?—In substance, yes.

28096. This paragraph of Master Ambrose also refers to a *supersedeas*. A *supersedeas* is the Order which is given by the Master in Lunacy to vacate, or quash or terminate, the result of the inquisition which is to affect the lunatic's person or property?—No, the Master has no jurisdiction to grant a *supersedeas*.

28097. That is done by the Judge in Lunacy?—That is done by the Judge. It is in substance a determination of the proceedings and the restoration of the person to his *status quo ante*.

28098. How often are there applications made for *supersedeas*?—They are common; there are several I should say, year by year.

28099. Might I ask you if you could average it?—Two or three one year, four or five another; perhaps one another; I think I might say three.

28100. There is no greater pressure than that?—No.

28101. The Master's duty in connection with the supersedeas is a very small one, is it not?—It does not amount to anything. The papers are sent on to the Judge without the Master seeing them.

28102. Then the Master need not have, in respect of traverse or *supersedeas*, any great claim on his time?—None at all. They look a great deal, but there is really nothing in them.

28103. You told us just now that the Lord Chancellor gave a general commission under the Great Seal to the Masters to do their work. Are those commissions renewed from time to time, or only when there is a fresh Master?—Only on the appointment of a fresh Master.

28104. Do you know what they cost?—They cost the Masters nothing.

28105. What do they cost the country in the way of fees and duties?—I do not think they cost anything. It is simply the copying on a skin of parchment of certain language and the affixing of the Great Seal.

28106. There are no fees for that?—Master Miller fought the question of fees and succeeded in getting the stamps, which then amounted to 14s., issued free of charge. They cannot cost the country anything more than perhaps a sovereign.

28107. Master Miller settled the difficulty which used to exist?—I think he fought about it. The stamp is now 5s. and is issued free of charge.

28108. Is there any reason why the words in the statute would not be quite sufficient to obviate the necessity of having these fresh commissions issued from time to time?—I do not see any reason. Of course, the general commission was invented at the time when there was a special commission issued in each case.

28109. I am quite aware that it was the abbreviation of existing superfluous work, and I now am suggesting to you that this can still further be curtailed?—I agree.

28110. With reference to the work of the Masters which was formerly performed by the Master in the Court of Chancery, relating to the appointment of committees, and the lunatic's kin, fortune, income, debts, and so on, is that now done by the Master in Lunacy?—That work consisted of inquiring and reporting. Those inquiries are still made, but the report is not so made since the Act of 1891.

28111. That saves that wasted labour?—That has been economised already.

28112. With reference to Vesting Orders requiring Chancery jurisdiction and Orders under the Land Clauses

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Act and the Settled Lands Act, how many are there made in the course of a year?—Last year there were sixty-four.

28113. Those are made by the Judge?—Yes.

28114. What work have the Masters to do in connection with them, or your office?—The summons is issued in the Master's office and the evidence on which the applicant relies is filed in the Master's office; the Master hears the application and decides what minutes of order shall be drawn up on the application. Those minutes of order are prepared, settled, and sent with the evidence to the Judge, who reads the papers on his afternoon and makes the order, or does not make the order, as he thinks proper and orders the minutes to be amended or further evidence filed or what not.

28115. Then the amount of work which is done is apparently merely formal; there is nothing but the reading of the evidence by the Master and directing the form in which the order shall be submitted to the Judge?—Yes, the summons, of course, should sketch the form of order.

28116. The summons is done by the clerk outside?—The summons is done by the solicitor and is very often settled by counsel.

28117. It is not done by the Master?—No, the minutes are.

28118. I wanted to see what is Master's work and what is the clerk's work. What the solicitors do is outside?—Yes. The Master hears the application and then sends the papers on to me to draw up the minutes.

28119. There is nothing to be done by the Master except to hear the application upon the affidavits which he has had an opportunity of seeing?—Yes.

28120. The regularity of which has probably been settled by you?—Very often I have assisted them.

28121. Then the work is not very arduous?—From the Master's point of view.

28122. Does that part of his work take long? Is that the bulk of the Master's work?—That is not the bulk of the Master's work; he hears many other applications.

28123. How many of them would there be?—The average would be about one a week.

28124. The applications for Vesting Orders, or Chancery Orders?—Yes.

28125. Are those the orders you have mentioned?—I lump those all together.

28126. I mean such things as the substitution of a fresh trustee?—That class of work, and sometimes sales under the Settled Lands Act.

28127. Why should not those things be done entirely by the Masters in the Chancery Division?—There is the question of the Lunacy Jurisdiction. Do you mean the work itself?

28128. The work itself?—There is no reason in the world.

28129. The Masters in Chancery do it because there is a suit established in that Court, and therefore this is one incidental of the suit?—That is so.

See Q. 32994, p. 300, col. 2.

28130. But the difference between what is occurring in Chancery and what is occurring in Lunacy is that in Lunacy there is no suit pending, there is only an individual's interests protected, but in the Court of Chancery there are two people fighting for whatever may remain when the litigation is over?—That is so.

28131. What is the principal work, the most arduous, or the most laborious work, which the Master has to do in his ordinary routine?—I think the work which gives the Master most trouble is the hearing of the applications under Section 116, other than (*a*); they range over such an enormous field.

28132. That is the most arduous work?—I think so.

28133. How many of them are there in the course of a year?—Last year there were 1,882 summonses heard by the two Masters.

28134. Originating summonses to be put under Section 116, or summonses arising in each matter after it is pending?—504 what you may call originating summonses under Section 116, out of 1,882.

28135. In other words, to translate that, there were 504 attempts to put someone's property under control under Section 116?—Which had not been under before, that is so.

28136. May we take it that that is about an average, or a normal number of cases, under Section 116, which are introduced every year?—That is normal, yes. There has been a gradual growth, so that the year before last there would not be so many; this year I expect more.

28137. (*Mr. Byrne.*) The year before last there were 553 and the year before that still more. I am taking this from the Judicial Statistics?—Perhaps you will allow me to withdraw that; I spoke without thinking. I was under a general impression that there was a growth—that is so.

28138. (*Mr. Greene.*) There were 500 of them?—Yes.

28139. How many of them proceeded beyond summonses?—I should think the great majority of them had an order drawn up.

28140. How many first orders were made for the administration of a person's property under Section 116?—Under Section 116, except (*a*), 484 last year.

28141. Have they all proceeded?—Those 484 orders were drawn up and so far as the patients are alive their receivers are working.

28142. Does that mean that in each of these cases there would be a receiver appointed, who would have to be accountable to the Master?—Yes.

28143. Does that mean that there were 484 more sets of accounts for them to examine a year than there were the previous years?—No, because of course a good number had dropped off.

28144. You must allow for some dropping off?—You must allow for those who die.

28145. What is the net increase of work provided last year over the previous year? We can work it out by counting up the number of cases who are left alive at the end of the year?—At the end of last year there were 3,047 cases under Section 116 living. Then, comparing that with the previous years, in 1904 from the statistics you find 2,878 and so on.

28146. Then there is a distinct tendency for the administration of the affairs of *non compos* people to increase and a falling off of inquisitions?—That is so.

28147. As regards the administration part, colloquially I may say they are like Wards of Court?—Yes.

28148. And the Masters in their origin were called the Court of Wards?—Yes.

28149. Is there any reason why an easy readjustment should not be made whereby all this administrative work of taking accounts and arrangement for the property of a lunatic, whether "so found" or not, should be carried out by the Chancery Division?—There is no reason.

28150. I may take it that the Chancery Division at the present moment has under its care a number of infant wards?—Yes.

28151. Is there any difference, in principle, between administering the property of an infant ward and that of one who is an adult but whose mind has failed?—I am not aware of it.

28152. If the Masters were relieved of this which you tell us is the heaviest part of their work, and it fell into the administration of what on a very much larger scale is being done by the Masters in the Chancery Courts, what would there be left substantially for the Masters in Lunacy?—Not very much.

28153. Would there be enough to occupy their time, even if it were carefully managed and allotted for them by the best third class clerks you have got?—I do not think so.

28154. They would hardly have sufficient for a day's work, would they?—I do not think they would. Of course when you speak of administration you are not drawing any distinction in that respect between cases under Section 116 and cases under inquisition?

28155. I am not. Is there any difference that should be drawn?—No.

28156. I am much obliged to you for your correction, because I wanted to get it quite clear that the administration work under Section 116, and under the inquisition part could equally be withdrawn from the Masters and administered by tribunals which are much more accustomed to it, but of course it is done on a larger scale in Chancery ?—I agree.

28157. In the rather alarming schedule of Masters' duties which has been presented to me, I find, amongst other things, that all matters which require to be brought before the Judge are brought before him out of court, but may be adjourned by him into court. Does that refer only to one of the Lords Justices or does that refer to work which is done by the Masters acting under a recent power as Judges in Lunacy ?—That has reference to the work which was left to the Judge after the passing of the Act of 1901.

28158. "All matters which require to be brought before him are taken out of court." Does the Judge ever exercise his power of adjourning them into court ?—Yes.

28159. Very often ?—Not very often.

28160. What does that convey ?—Half a dozen times a year, or perhaps ten times a year.

28161. The rest of it is done by him, is it not ?—In his own room at the Courts.

28162. If I were referring to a commercial establishment, I should say it was "overtime ?"—It is, distinctly.

28163. It is done when his regular work is over ?—After his day's work is done.

28164. His lunacy work is his overtime ?—Yes, like his judgments, and so forth.

28165. The judgments are delivered in court ?—They are prepared outside.

28166. This is work done by him as overtime, is it ?—Yes, it sometimes goes on for two or three hours.

28167. It depends on the loquacity of the counsel ?—Very often.

28168. The jurisdiction of the Masters, we understand, extends also to committees of persons and estates ?—That is so.

28169. Does that take much time; how many appointments are made in a year, and what is the amount of work which has to be done by the Master in Lunacy in making his appointments ?—The work connected with appointing the committee is the consideration of the propriety of appointing the person who is put forward.

28170. That is entirely a matter disposed of upon the affidavits, and I suppose there is very rarely a contest or difficulty arising ?—It is not frequent.

28171. I do not like to say that any public work done by a Department is formal, but that is almost formal, is it not ?—It ought not to be; I think that is where the judgment comes in.

28172. You say "it ought not to be," but I suggest that it is ?—Shall I say it is not ?

28173. Very well. Now "there are small properties in Ireland and Scotland"; what have they to do with them and why "small" properties ?—The English lunacy jurisdiction has no authority over property in Scotland or Ireland, but in the class of small property cases, there is now under the 1890 Act jurisdiction in England over the small properties in Ireland and Scotland, and *per contra* the Irish Lord Chancellor has jurisdiction over small property here—reciprocity.

28174. Under Section 116, if the lunatic has property in either of those countries—— ?—The Masters can operate upon it.

28175. The word which is given to it is "small" properties; why is it qualified by the word "small ?"—The limit of £2,000; that is in Section 131.

28176. We have been informed that the Masters occasionally make special requests for visitation in particular cases by their Chancery Visitors under Rule 5 of the rules of 1903; is there any record in your office of the number of special visits which the Visitors have had to make during the last year ?—I should think the best record could be got from the Visitors. What happens is that the Master writes a polite note to the Visitors and asks them to visit. I can procure the information.

28177. Would you be so good as to do so ?—There is no book kept. *T. Southwell Keely, Esq.*

28178. Is there a means of ascertaining ?—Yes. 26 Nov. 1906.

28179. Would you be so good as to furnish us with a record of the number of special visits which under Section 5 were made by each of the separate Visitors during last year, the places they were required to visit, and the length of time, if you have such a thing as a record of it, during which they were engaged in those visits ?—I am afraid that would rest with the individual Visitor. *

28180. Perhaps you will kindly add the information, which of them required special professional or expert opinion, and which were of a formal character ?—I think you may take it that it was because an expert's opinion was wanted that the Master asked the Visitor to go.

28181. Then as a rule the medical Visitor would only go ?—As a rule that is the medical Visitor; sometimes the occasion arises where we get a legal Visitor.

28182. Have you ever known the occasion to arise in which it is necessary to send a legal Visitor down to some alleged lunatic who is troubling his mind with some erudite difficult point of law ?—I have not heard of it.

28183. Then why send a legal Visitor ?—May I give you an example ? I had a complaint through an officer of the High Court in the case of some ladies, two sisters who were under the jurisdiction of the court under subsection (*d*), that in the village in which they lived there were complaints of their ill-treatment, that they were not properly dressed, properly fed, and so forth, and the Master asked a Visitor to see what truth there was in the story. The legal Visitor went down and investigated it and, if I may be allowed to say so, did it uncommonly well; he made a very excellent report, in consequence of which the Master eventually had these two ladies removed from the care of their receiver, who was a medical man and their brother-in-law, to other care. That is an example of a case where a legal man is necessary.

28184. The lawyer showed that the medical man had done wrong.

28185. (*Mr. Dunlop.*) The lawyer reported on the clothing and feeding of the patient ?—On the complaint. It occurs to me that that is a kind of investigation in which a legal mind would be perhaps more useful than in a medical question.

28186. Either whether the doctor had gone wrong, which seems to be one point, or whether the lady was insufficiently dressed ?—And so on.

28187. (*Dr. Needham.*) The doctor was not a medical Visitor, I suppose ?—No. The receiver was a medical man by profession.

28188. That was a mere accident ?—Yes, that was an accident.

28189. (*Mr. Greene.*) In the paper that has been given to me, it says that the Masters by certificates dealt with the lodgment, and investment, of cash and stock amounting to £244,000 and so on and tells us what the total receipts were. Is there any difficulty occasioned by the amount of the transactions, or is it their number which mainly gives the trouble ?—I think those figures rather suggest the volume of business.

28190. They suggest the amount, but it depends on the number of transactions which each represents as to whether it gives trouble in the office or not, surely ?—Yes, there may be as much trouble with one single item of stock.

28191. The entry of a million requires the same entry almost, or very nearly as much, as if it were a shilling ?—It may be split up into 300 or 400 items; that is merely put in to show the volume of the business.

28192. We are wanting to get at the amount of work which is done in the office. This paragraph does not convey to my mind any very great information ?—No, I agree.

28193. I do not know whether I asked as to whether there is an age limit for the retirement of any of the officers except the Masters. I do not think Mr. Chadwyck-Healey asked you about the staff; is there any age limit ?—No, there is none.

28194. Do you mean that none of the clerks in your office are under any obligations to retire at any time ?—That is so; regulations have been under consideration

* Vide Appendix Papers, p. 425 post and Q. 29506.

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in past years, but they never arrived at a decision. It has been debated a good deal between the Lord Chancellor and the Treasury, but without result, apparently, up to the present.

28195. Throughout the Civil Service, I think I am right in saying, there is an age limit ?—That is so.

28196. How are the clerks appointed in this happy office of yours where there is no age limit, where you never grow old ?—The Masters appoint the clerks.

28197. Entirely ?—Yes ; the only restriction on them is that they must get the approval of the Lord Chancellor to the person who is appointed chief clerk.

28198. We have not heard that this is part of their duty. How do they arrange this patronage ; is that by rota, alternately done ?—I should not wonder.

28199. It is left to them ?—It is, in fact ; they take it in turns. That arises from the Lunacy Regulation Act of 1853 which puts it that the Masters may appoint such officers, and so forth, as the Lord Chancellor directs and the Treasury shall approve.

28200. (*Mr. Chadwyck-Healey.*) Do they fix a salary ?—No.

28201. (*Mr. Greene.*) Who fixes the salary ?—The salaries have been fixed by the Lord Chancellor in connection with the Treasury.

28202. The Masters choose the chief clerk, and even the third class clerk who chooses their work for them ?—Yes.

28203. Is this a system of which you think you would like to get this Commission to recommend the continuance ?—My private view is that the system has worked in practice uncommonly well ; because there are very few offices with which I am acquainted where you will find a more conscientious, decent staff than the Masters have got. As a system I cannot defend it in the present day ; all I can say is that it works well.

28204. Who has the dismissal of them, if they are appointed by the Masters ?—I think the Lord Chancellor.

28205. Who, I suppose, would hardly be likely to intervene very often unless he was set in motion by somebody ?—Set in motion by the Master.

28206. One Master perhaps would not like to set the Lord Chancellor in motion in respect of the appointee of another Master ?—I do not think they would fail in courage, if it were necessary. It has been so rare, I think it only happened once ; then it was done by the Masters bringing the matter to the attention of the Lord Chancellor and the Lord Chancellor saying he must go.

28207. For ordinary want of diligence, and such minor matters in a public office, there is no one really practically to call attention to the peccadilloes of the clerks ?—It is my duty to see that there are not any peccadilloes, and if my persuasions were not sufficient it would be my duty to bring to the attention of the Master any misconduct.

28208. But, as I understand, you have not had to do that ?—Not to the extent of dismissal. For instance, if a man is late, I consider it my duty to tell him that he ought to be in good time and to see that he does not offend again.

28209. But you do not compel him to put his name down in a book ?—No.

28210. There are none of those ordinary commercial rules in your office ?—No, that is so.

28211. I believe in the public offices they get near enough to commercial principles to meet that requirement ?—In the Civil Service offices, yes.

28212. Who does the taxation business in your office ?—Mr. Corley, one of the first class clerks.

28213. What professional education had he for the purpose ?—I think, if I recollect aright, immediately before he undertook this he was a gentleman of the Chamber to the Lord Chancellor, but originally I believe he served in a solicitor's office ; I forget the solicitor's name.

28214. How long a period elapsed between his original service in the solicitor's office and his leaving his duties in the Lord Chancellor's Chamber ?—I should think a good many years, probably.

28215. Then he was appointed straight by one of the Masters to adjust bills of costs in connection with solicitors' work extending to perhaps thousands of pounds ?—That is so.

28216. Is there any qualification defined or required, for the guidance of the Masters in selecting the person they are to appoint ?—No.

28217. Except limitation of sex ; I do not know whether that exists ?—I do not think that the Masters are personally responsible for the appointment of this particular clerk. That was a matter arranged in connection with the setting up of the taxing department in the office.

28218. Whose idea was it that the taxing master in a great Office of State, which is subject to hardly any control, should be disposed of by a gentleman without any professional qualification ?—I could not say.

28219. Is there any professional qualification required for the discharge of the legal work by any of the gentlemen who are clerks in your office ?—There is no qualification.

28220. No qualification at all ?—No.

28221. And yet they have to overlook the work of solicitors in important legal matters ?—Yes, that is so. Before leaving the question of that taxing officer I should like to say that I did not mean to convey in my answer that the gentleman who is doing the work is not splendidly qualified to do it.

28222. As regards this gentleman, is there anything in your system to secure the efficiency of any one of the appointees to do any part of the work of your office ?—Not a single thing except that they must get a certificate of the Civil Service Commissioners.

28223. A certificate of what ?—A certificate of passing an examination ; an educational examination, not a very difficult one, is a *sine qua non*.

28224. Is there even a medical certificate required for them ?—Yes.

28225. That is another thing, a Civil Service certificate and a medical certificate ?—Yes.

28226. (*Mr. Byrne.*) Could you put in the subjects of the examination ?—Certainly, they are the subjects common to all the clerks.

28227. (*Dr. Dunlop.*) For second division clerks, not first division clerks ?—That distinction does not hold in the Courts.

28228. (*Mr. Greene.*) Has my friend, the third class clerk, any qualification ?—Yes. I hope I do not leave you under any misapprehension as to that. On his appointment as a third class clerk he has to pass the examination of the Civil Service Commissioners and get their certificate before he is paid, or before he is qualified for superannuation.

28229. (*Mr. Byrne.*) Has he to pass any subsequent examination, or is there any period of probation before he is finally confirmed in his appointment ?—I do not think I ever realised that there was a formal confirmation, but it is understood that the first six months, or year, is a probation period.

28230. Is his case brought up formally at the end of a year, for instance on a report by you, or the Master ?—No.

28231. We do that in the Civil Service ; there is probation from the highest to the lowest ?—Yes.

28232. (*Mr. Greene.*) So that in your office, when one gets his appointment he is landed for life ?—Yes.

28233. Unless the Lord Chancellor is brought down upon him to turn him out ?—Yes.

28234. Can you tell me, or is there any means of my being able to get from public returns, what percentages have been collected by your office in each or any year to which I may choose to turn ?—Yes.

28235. Of cases under £100 a year ?—None at all.

28236. So that a lunatic so found by inquisition, or a person coming under Section 116, in each case if his income is less than £100 a year, makes no contribution to the public funds ?—That is so.

28237. And his estate is managed for nothing ?—Yes.

28238. That leads to this, that these people, whose income is over £100 a year, all provide the £9,000 a year surplus which your office yields to the general Imperial revenue ?—Yes.

28239. Can you see any reason or any justice in throwing all that burden upon the people whose income is over £100 a year ?—No, I do not see any reason in it, or justice.

28240. I am dealing with the annual receipts which bring in a profit of £9,000 a year; that is a contribution wholly by the lunatics "so found" and the Section 116 people whose property is over £100 a year ?—Yes.

28241. All other people, whatever their property may be, have nothing to pay whatever ?—No.

28242. They get all the services of the Commissioners and the Visitors and Masters for nothing ?—Yes, that is so. I have got these figures before me in the Judicial Statistics.

28243. What page and for what year ?—It is the volume published this year, being Part 2 of the Judicial Statistics 1904, pages 48 and 49.

28244. (*Mr. Dickinson.*) Can you give us an idea how many you have with an income of less than £100 a year ?—I am afraid I could not do that without investigating it.

28245. Can you give me any rough idea ?—There are a great many; there is all that class of cases under subsection (*e*) of Section 116 where the income is less than £100—a good many of those, it might mean several hundreds—I could only find that out by having the cases looked up.

28246. What is the total number of persons with whom you are, in your office, concerned at the present moment ?—In this statement of Master Ambrose, the number of existing cases under inquisition is given as 653; that was up to date; and under the other subsections of 116, 3,129.

28247. Then you are dealing in one way or another with the property of 3,782 ?—That is so.

28248. Of whom you say a great number are persons with an income of less than £100. What would their number be—say half ?—No, that is very difficult without actually counting them, but my impression is that it might be 400 to 500, but I really would not like to rely on that.

28249. Am I right in saying that all those with whom you are concerned have some property of some kind or another ?—That is the only ground upon which they can come to the Court, that there is property to be dealt with either in possession or reversion.

28250. What do you do with them in cases in which the property comes to an end ?—Our functions substantially come to an end. If, take for example, it becomes necessary to get the assistance of the Court in a case of a lunatic who has £500 and the proper way to deal with the £500 is to use it at £100 a year for his maintenance, at the end of five years his fund comes to an end and he becomes a pauper; there is nothing more on which the Court can operate unless he gets some more property.

28251. Then you wash your hands of him ?—When we take his account and find there is nothing left we put him away as substantially dead for our purpose; we can do no more; our functions have relation only to property; we have no control over his person, or care.

28252. You are aware that somewhere in Master Fischer's evidence he said there were some of your people in the ordinary public asylums ?—Yes.

28253. They got there simply because your control had come to an end ?—They probably are in the same asylum, or taking my example of £100 a year being paid, that would enable them to be kept in a somewhat superior establishment to a public asylum. When the means came to an end then the Guardians would be told to remove the patient to a county asylum.

28254. From that time onwards you have nothing to do with him ?—We should have no more to do with him.

28255. You have told us that the number of cases by inquisition has been diminishing every year ?—Yes.

28256. Can you give me any reason for that ?—I think the main reason is the expense of proceeding by inquisition and the economy of proceeding by application under Section 116.

28257. Can they get precisely the same advantages by proceeding under Section 116 as by proceeding by inquisition ?—No, but what draws people chiefly to the court is the impossibility of dealing with the lunatic's property, and most people are content when they get authority to deal with the property. The patient is being cared for probably quite well, though his property cannot be made available.

28258. You mean to say that, by getting hold of the property and controlling the application of the property you can protect the patient as well as if he had been found a lunatic by inquisition ?—No, not as well, but you can indirectly bring about the same result, because you have the power of the purse.

28259. Do you forsee that, if this diminution is going on, a time may come when there will be next to no cases of inquisition, or do you think there will always be some ?—At present there may be some, because there are certain Acts of Parliament which cannot be worked in the case of lunatics unless they are under inquisition, but when once those defects are amended, there is no reason in the world so far as I can see, why there should be an inquisition, particularly if you will give us an officer in the nature of committee of the person, as well as an officer in the nature of committee of the estate, which you now give us under Section 116.

28260. You do have a committee of the person ?—No, Section 116 only has reference to property.

28261. But you have a committee of the person under inquisition ?—Yes.

28262. If you have a committee of the person under Section 116, there will be then no advantage in proceeding by inquisition ?—Speaking generally, none.

28263. Is that one of the things which you suggested just now you would do away with ?—No, that is not what I was alluding to; I was thinking of the Settled Land Act, where—for instance—you will recollect that Section 62 provides for the exercise of the powers of a tenant for life in the case of a lunatic so found by inquisition. The language is clear that it only applies to the case of a lunatic so found by inquisition.

28264. But there is nothing in principle which would render it improper that it should be applied to others ?—No, and that amendment has been introduced into more than one Bill since 1891.

28265. That is to say omitting the words "so found by inquisition" ?—Substantially applying the words referring only to lunatics "so found," to all lunatics.

28266. One word about the Visitors; has your office anything to do with the Visitors ?—No, not directly, but our Masters are members of the Board of Visitors; we are associated a good deal together, but we are quite distinct and separate.

28267. Who carries on the official clerical work of the Board of Visitors ?—Their secretary.

28268. Their own secretary ?—Yes. There was a time when their secretary and the Masters' chief clerk were one and the same person, but that is many many years ago.

28269. Why was it separated ?—It is a long time ago. It was found convenient to have a separate secretary. When the officer retired who acted as secretary and chief clerk, then the offices were split. There is no particular convenience in having them together.

28270. I should have thought the contrary would have been the case, that it would have been much more convenient to have them together ?—Well, there is a good deal to be said both ways. The Chancellor's view evidently was that it would be a useful thing to have a separate secretary, and he appointed one.

28271. You have, I suppose, to be in constant communication, from the point of view of the administration of property, with the lunatic or his committee ?—With the committee mostly through his solicitors; we rarely work directly with the committees; you cannot carry on business like that by correspondence with lay people.

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28272. And you do not?—No, it is done through solicitors.

28273. You do not concern yourselves with the person of the lunatic, you have nothing to do with the person at all?—If there is a committee of the person, we appoint him, but as a matter of fact it is the Visitors who overlook the personal care of the lunatic and the committee of the person is more their officer than ours, in a sense.

28274. In that case surely there is great duplication between the separate Board of Visitors communicating with the committee of the person, and you communicating with the committee of the estate, or the solicitors of the estate?—Those things do not overlap, those are quite distinct matters; the committee of the person has nothing to do with anything but the personal care of his patient, to see that he is properly maintained, clothed, and cared for.

28275. Is it not the same person?—Very often it is the same person, it is true, but the administration of the property is quite a distinct department, there is no overlapping there, I think.

28276. I am rather anxious to see what advantage there is in keeping up two separate branches?—The Visitors occupy themselves with the visitation of lunatics "so found," that is quite a distinct matter from the management of their property. Some of the properties are pretty large, they range from under £100 a year to £100,000 and the personal care of a patient is, by comparison, a less difficult matter. It is a simple concrete affair. The management of a large property like that is in the hands of the committee of the estate.

28277. Who is generally the same person as the committee of the person?—He very often is committee of the person.

28278. (*Dr. Dunlop.*) Did I understand you to say that the Board of Visitors practically have no connection with your office at all? Do they not send in their reports to your office?—No, they send in their reports to the Lord Chancellor.

28279. To the Masters, I think, is it not?—No; sometimes to the Masters, and when the Masters invite the Visitors to see a patient and report, then of course they would report to the Master, but that is only a small part of the business. They send their ordinary reports to the Lord Chancellor.

28280. Am I not right in saying—I have a note in front of me—that the Visitors report to the Masters, and the Masters then make enquiries, and, should they see right, report to the Chancellor?—Yes, that is another matter. They refer their report to the Masters, they bring up their reports at their Board meeting, and when they go through their reports, and they find that there is this wanted in one case, and that wanted in another, they refer the particular report to the Master to deal with.

28281. They have no ministerial power of their own, have they?—No.

28282. What ministerial power is performed is done by the Master who is in their office?—Yes.

28283. So that they have some connection?—Yes, there is an intimate connection, of course.

28284. (*Mr. Dickinson.*) I understand the Masters are part of the Board?—*Ex officio* the Masters are Visitors of lunatics. They do in fact sit on the Visitors' Board; they are members of the Visitors' Board.

28285. It is *qua* members of the Visitors' Board that they take this action to which Dr. Dunlop is referring?—No, the Board refers a report which requires to bedealt with through the Masters, to the Masters. They meet once a month and each Visitor brings up any particular case to which he thinks attention should be called, since the last Board. If it is a matter in which the Master can help, it is referred to the Master. Then he has the parties before him and gives directions.

28286. (*Dr. Needham.*) Is it not a curious fact that the chairman of this Board is a legal Visitor and not one of the Masters?—I believe that is intentionally so. I forget at the moment where it is laid down, but there is no doubt it is laid down that the legal Visitor shall take the chair.

28287. That is in the Act of Parliament?—Yes.

28288. But the Masters are members of this Board of which one of the Visitors, whom he can send anywhere to look after the people, is the chairman?—It sounds a little anomalous.

28289. (*Dr. Dunlop.*) Under Rule 102 of the 1892 Rules the Chancery Visitors first of all report to the Board of Visitors?—Yes.

28290. Under Rule 103 the Board then report to the Master?—No. If you would not mind my referring you to it, it says the Board shall consider the report and shall refer the same to the Masters—"refer the same."

28291. That is practically reporting to the Master?—No, the report is to the Lord Chancellor, but the report may be referred to the Master if there is something which is needed. Supposing the Visitor comes and finds something wrong in the application of the allowance, that a carriage is not being kept up, then he reports it. That is referred to the Master, who has the parties before him and investigates it.

28292. Can you tell me how often these reports come in?—I should say half a dozen every month.

28293. Those which are referred to the Master from the Board?—Yes.

28294. Six a month?—Sometimes four, sometimes three; perhaps I ought not to say six a month, because that means twelve months in the year.

28295. That would be 72 a year out of 600 odd cases—that is an enormous proportion?—The Visitors are very careful in the investigation; they always report to the Master if there is anything.

28296. Could you give us the number of occasions on which reference was made to the Master in the terms of Rule 103 in the course of last year?—That is in the Visitors' book; I will find it out.*

28297. The official correspondence comes through your office?—Yes.

28298. That will come in the form of official correspondence under Statutory Rule 103?—Yes.

28299. You will give us the number of reports or references made under Rule 103?—With pleasure.

28300. To come back to a more practical point, the dealings between the Board of Visitors and the office of which you are the principal clerk are not very evidently different; the Visitors are looking after the person, you are looking after the property?—We appoint the committee of the person, who acts in connection with the Visitors. The Visitor operates upon the committee of the person. He is the person whom the Visitors look upon as responsible.

28301. The Visitors are inspectors?—Yes.

28302. And inspectors of the person of the lunatic?—Yes.

28303. There is no very great intimacy between the routine work of your office and the routine of the Board of Visitors?—In that sense they are quite separate and apart.

28304. Do you think they could be equally well performed if the work were done by the Lunacy Commissioners?—Yes.

28305. There would be no complication arising from the mixture of the Board of Visitors with the Board of Commissioners?—I think not, except that communication makes it easier; they do, in fact, meet.

28306. With regard to one matter as to which Mr. Greene was asking you, what is the exact position of the clerks in your office; are they Civil Service clerks?—That is about it.

28307. They hold a Civil Service certificate, do they not?—They hold a Civil Service certificate, but I believe in strictness they are not absolutely what are known as Civil Servants.

28308. They are surely Civil Service Clerks included under the Schedule A appointment?—I am not familiar with Schedule A.

28309. Schedule A clerks who have to pass an examination to obtain an appointment?—For that purpose.

28310. Civil Service appointments under Schedule A are included in the sixty-five retiring rule?—Yes.

* Vide Appendix Papers, p. 427 post.

28311. Can you tell me how that does not apply? Every Civil Service clerk holding a Schedule A appointment, which your clerks presumably do, is by Order in Council, made to retire at sixty-five years of age?—The reason is, it seems to me, that that regulation has not been applied to the Lord Chancellor's department.

28312. I understand that is the fact, but can you give me any indication of the reason for that?—I am afraid I have not studied that question. I have always accepted as a fact that the Lord Chancellor had not been induced to apply those regulations to the officers serving the Courts, and that they consequently did not apply to them, but I really have not looked into it.

28313. You are paymaster in your office, are you not?—No.

28314. Who is accounting officer?—We have not such a person; we do not handle money.

28315. Who pays the salaries?—They are paid by the Assistant Paymaster General.

28316. Who signs the monthly cheque?—It is not signed. If I might explain how it is done, the salaries are paid by drafts issued by the Assistant Paymaster-General, who is the head of the Chancery Pay Office.

28317. I get our draft from the Assistant Paymaster-General once a month, but it is signed by a clerk in the Scottish Office, the accounting officer?—These are in the form of drafts on the Paymaster, and you sign it with your own signature as a receipt.

28318. Are you each your own accounting officer?—In a sense each man is his own accounting officer.

28319. Are these things not scrutinised; is there no accounting officer?—The Assistant Paymaster General is an officer whose duty it is to attend to the salaries for the whole of the Courts.

28320. In your office, have you not got an accounting officer?—No, we are only a small office.

28321. Spending £20,000 a year?—Yes.

28322. I should just like to get it quite clear. The warrant I receive on the first of the month as holding a small Civil Service appointment always has a signature when it comes on to me. Whose signature is on the warrant which you cash monthly?—It has my signature on it when I pay it into my banker, but there is some kind of authentication on it. There are the initials of the clerk whose duty it is to attend to the paying of the salaries for the officers in the Courts.

28323. What clerk is it who initials these things?—He is one of the Pay Office clerks. His name is Cruickshank.

28324. In the Law Courts?—The Law Courts Pay Office.

28325. Are your accounts all mixed up and paid along with the other accounts?—We are paid like the Chancery officials.

28326. Just one matter on broad principles; the lunatics pay up a matter of £30,000 a year to your office?—Yes.

28327. Partly by fees and partly by percentage?—Yes.

28328. Am I right in taking it that the fees really cover the services they get in connection with their capital accounts?—They more than cover them.

28329. All the services they get in connection with their capital accounts; there is a scale of fees, so much for each order, and so much for one thing and another?—I distinguish between percentage and fees. Fees mean that there is a £2 stamp on an order, and a £1 stamp on a certificate, and so forth.

28330. The £2 is quite sufficient to cover the legitimate labour in the production of the order. From the lunatics' point of view the lunatic pays £2; what does he get in return?—He gets the benefit of the order, not merely the printed piece of paper. That benefit is worth more than £2.

28331. Very likely so, but in dealing with capital where orders are necessary, each transaction is separately taxed by a fee; whether it is a large fee or a small fee does not matter; is not that so?—No, one order may deal with twenty different things and has only a £2 stamp on it.

28332. It is one capital transaction?—It is one transaction.

28333. But transactions with lunatics' capital are all taxed by fees?—Yes, in that sense.

28334. And paid for that way? What benefits are paid for by this percentage charge?—The protection which the Court gives a lunatic, who otherwise would be a prey to all sorts of designing people.

28335. Exactly so.—There are many things; the management of the estate is paralysed if the owner is a lunatic; you cannot grant leases, you cannot sell, and so on.

28336. As regards the protection of the property, who manages the property of the lunatic?—The committee of the estate.

28337. The committee does the management?—Yes.

28338. The percentage is not for the management?—No the committee is paid if he is a professional man.

28339. If he is a professional man you have to pay the percentage all the same?—Yes.

28340. The percentage as regards property practically pays for the auditing of the accounts?—Yes, you are calling into action the provision which Parliament has made to assist in a case like this, you are protecting the man's estate; it is for that that you pay the percentage.

28341. I may be completely wrong, and I should like you to correct me if I am, but so far as I can make out, this percentage, which may amount to £400 a year, practically pays for the visit from the Visitors in Lunacy and for auditing the accounts. Can you add to those; it is a very large sum of money?—I agree it is, it is too large. This is a matter which was considered and determined when the Act of 1853 was prepared.

28342. The Act of 1853 is past history now?—The lunacy percentage was invented then.

28343. It was increased then?—There was a percentage for visiting then, but lunacy percentage as we know it now was the creation of the Act of 1853.

28344. It was increased by that Act; it existed before?—There was a percentage before.

28345. Limited to 1½ per cent?—Yes.

28346. Never mind the history, the present situation is what I want to get. What services does the lunatic get for this percentage other than the visits of the Chancery Visitors and the auditing of his accounts?—There would not be any accounts to audit at all but for the jurisdiction which the Lunacy Act puts in force for his assistance and protection.

28347. Could a chartered accountant, who does a similar duty every day to protect defenceless shareholders in a company, for a very small fee do this auditing—accounting?—I dare say he could.

28348. The office practically amounts to being an auditing office; for this £30,000 they inspect—with which your office has practically nothing to do—and audit?—Yes.

28349. And the auditing of these accounts represents the difference between £7,200 which is spent on visitation, and £30,000; that is £22,800 for auditing accounts?—Yes.

28350. There is great room for economy?—Yes, I should reduce that to begin with.

28351. Do you see any reason why this system should not be used for the benefit of all lunatics?—Morally I do not think it would be honest.

28352. At present it is used for the payment of paupers in some cases?—A small number.

28353. A small number, but it is so used?—If you propose to deliberately extend it from the few dozen poor ones to the visitation of 120,000 lunatics, that is a matter which will want some serious consideration.

28354. At present a lot of this money is used for purposes quite outside lunacy?—All I know is that it goes into the Exchequer, and, to use a common expression, it goes into the common pot, I take it.

28355. It would be just as legal, or probably more so, to use it for the requirements of other lunatics, would it not?—I do not think there is much distinction between its being used to partly pay for the administration of

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justice of other forms, and the manner which you suggest I do not think there is much difference, but I do think it ought not to exist.

28356. I suppose you know there is no such percentage charged in Scotland, where all the work is done?—I believe not.

28357. In Ireland is there a percentage charged?—Yes.

28358. (*Mr. Byrne.*) Do you think that the present powers of the Masters might with advantage be extended? Do things now have to go to the Judges which need not?—I think the Masters could deal just as well with the matters which go to the Judges as they do with the matters with which they now deal under the 1891 Act.

28359. For instance, minutes of orders submitted to the Judges pursuant to Rule 22 of the Rules of Lunacy; there are a good many of those?—Yes, those are the vesting orders speaking broadly, orders for inquiry, orders for supersedeas, various matters, but the main portion are vesting orders.

28360. Would that include orders about the custody of the person?—The Masters make these now; that is management, that is not comprised in these minutes which go to the Judge.

28361. Those are supposed to be property minutes are they?—Yes, vesting orders.

28362. You do not think that any economy or simplicity would be gained by allowing the Masters to do more than they do now?—I do not see any harm in those orders being dealt with by the Masters; there is really a great distinction to be drawn between the class of orders which they make now and those orders.

28363. That is what I thought. The vesting order is a perfectly simple necessary business?—It is sometimes simple; sometimes it is anything but simple.

28364. (*Mr. Chadwyck-Healey.*) Do the Chancery Masters make vesting orders at all, or do they go to the Judge?—I know that the Chancery Masters do make such orders.

28365. Then there is no reason why the Lunacy Masters should not make one?—By parity, no.

28366. (*Mr. Byrne.*) As a rule this a mere incidental process in effecting a transfer and vesting of property?—Yes.

28367. It is a method which is necessary in regard to a certain class of property?—Yes.

28368. With reference to the opinion which you expressed that a great deal, if not the whole, of their work might with advantage be transferred to the Chancery Division, or at any rate could be transferred there, would you say that that transfer should include the powers of inquisition enjoyed by the Masters, the power of making orders for the custody of the person and property, or merely the incidental powers?—I think you want to deal with administration and management, and inquisitions, in a different way.

28369. What would you suggest about inquisitions if they were transferred to the Chancery Division; if the bulk of the work were transferred to the Chancery Division?—There are half a dozen different ways in which they might be dealt with. One plan which has occurred to me is that one of the legal Commissioners might hold an inquisition.

28370. (*Mr. Dickinson.*) Might I ask whether we could have any particulars which would show the number of cases which have been dealt with in the last few years under each of the subsections (*a*) (*b*) (*c*) (*d*) (*e*). I should like to know how many cases have been dealt with under (*d*)?—We have given them in Master Ambrose's statement.

28371. You have given the number found by inquisition; have you given the number found under (*d*)?—347 is the number at present existing under (*d*). To give the particulars of all the other subsections would involve an immense amount of inquiry.

28372. Could you give it for the others as well as (*b*) and (*c*)?—in time; it would involve an immense amount of labour; of course if you wish it, it can be done.*

(*Mr. Keely also subsequently sent in a Return of Existing Lunacies under Section 116 (1) (E). Vide Appendix Papers, p. 427 post.*)

The Right Hon. Lord Justice Cozens-Hardy, called; and Examined.

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28373. (*Chairman.*) I hope you will allow me to say we are much obliged to you for coming to give us your advice and assistance; also for the statement which you have been so kind as to put in. As I am not a lawyer, it will perhaps be convenient if I ask Mr. Chadwyck-Healey to ask you a few questions, and after him, Mr. Greene?—I shall be most happy to express with perfect frankness my own views, but I desire not to be taken as in any way committing my colleagues. It is quite understood that I do not do that. I have no reason to suppose that their views differ from mine, but anything I say is my own individual view.

28374. May we put your statement on our notes as part of the evidence?—Yes, I have no objection.

Statement of the Evidence Proposed to be Given by the Right Hon. Lord Justice Cozens-Hardy.

Have had experience as Judge in Lunacy for five years, not in my character as Lord Justice, but as a person entrusted, etc., under Sec. 108 of Lunacy Act, 1890. Any Judge of the Supreme Court may be clothed with this responsibility.

By arrangement between ourselves, each of the five Lords Justices takes Lunacy work for about six or sight weeks. He sits in his private room one day a week, after the rising of the Court; though he is accessible at other times. Only the parties concerned attend, and it is not a public Court. We have the assistance of a highly competent and experienced Secretary, and we have daily opportunities of discussing any questions which may arise. A uniform practice is thus fairly secured. Although the jurisdiction is ordinarily administered by one Lord Justice, he can adjourn any case into Court, when it is heard by a Court of three, or if need be, by a Court of six. This is done whenever a doubtful question arises, and the Law Reports contain many decisions in Lunacy matters.

Original Jurisdiction.

(*a*) Application for an inquisition under Sec. 90 (1).

(*b*) Application under Sec. 116 (*c*), (*d*), (*e*), and (*f*).

(*c*) Application for traverse or *supersedeas* of an inquisition under Secs. 101 to 106.

(*d*) Trustee cases.

As to (*a*): This is generally a matter of no great difficulty. The Judge must be satisfied by applicant that there is a *prima facie* case made for inquiry, and that is all. Having made the order, the subsequent proceedings, which often involve very serious questions, are not before him, but before one of the Masters.

As to (*b*): Similar observations apply.

As to (*c*): These applications are rare.

As to (*d*): These are the most numerous cases which come before us. For the jurisdiction of the Masters under Sec. 27 of Lunacy Act, 1891, is limited by the words "as regards *administration* and *management*."

Appellate Jurisdiction.

Any Order by a Master under Sec. 27 "relating to administration and management" is liable to be annulled or varied by the Judge.

And the Master frequently refers a matter to the Judge without himself making any Order.

The Lunacy work which comes before the Judge is not heavy; nor is it difficult, though somewhat technical. But I cannot say that I am satisfied with the present arrangements. I should like the whole of the lunacy jurisdiction, now exercised by the Masters and the Judge in Lunacy, to be transferred to the Chancery Division of the High Court, and the jurisdiction of the Masters, as separate officials, to be abolished.

With the exception of the first step, viz., the inquisition, there is the closest possible analogy between the aim and object of the Chancery Division in taking care of and administering the estate of an infant and providing for his maintenance and custody, and the aim and object

* See Appendix Papers, p. 427 post.

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of the lunacy authorities in taking care of and administering the estate of a person of unsound mind and providing for his maintenance and custody. In the Chancery Division these duties are discharged with reasonable despatch and with admirable care. Thanks to modern changes in procedure, the number of accounts to be taken and receipts to be vouched in the Chancery Division has been steadily diminishing, and I do not apprehend that the chambers of the Judges of the Chancery Division would be blocked by the addition of the whole of the Lunacy work. The change would be economical, but, what is more important, it would tend to efficiency. A Judge in the Chancery Division is head of a large staff, for whom he is, in great measure, responsible. If his attention is called to any lingering delay, he can at once send for the Master in charge, ask for explanations, and secure improvement. This is not so in Lunacy. The Judge has no responsibility for and no control over the Lunacy Masters. I feel myself powerless to correct anything that may seem wrong.

Moreover, in the Chancery Division there is always somebody ready to deal with urgent matters, the Vacation Master and the Vacation Judge. In administrative details this is of very great importance.

If this is sound in so far as administration of the lunatic's own property is concerned, it is almost too clear for argument that the trustee work (including mortgages), should be transferred to the Chancery Division. Appointment of new trustees, with vesting orders, is part of the regular business of that Division. If a trustee is abroad, or cannot be found, you go to the Chancery Division. Why not if he is lunatic? I never heard any argument in support of this anomaly. It not infrequently happens that an order has to be made both in Chancery and in Lunacy, and this is highly perplexing.

As to the inquiry itself, that is a matter which is not administrative in character. In the majority of cases there is no opposition on the part of the alleged lunatic, and the result is almost a foregone conclusion. And even when there is opposition, there may be no demand for a jury. In all such cases one of the Commissioners—by preference one of the legal Commissioners—might hold the inquiry.

But where the question of unsoundness of mind is really in issue and a jury is demanded, a trial before a Master is scarcely satisfactory. A judicial officer of high rank and considerable experience ought to be called in. And this can be done by directing an issue to be tried before a Judge of the High Court (Sec. 94) as was done in two recent cases with great advantage. The order directing an issue, which is now made by the Lunacy Judge, might just as easily be made by the Chancery Division Judge.

In short, I would have the inquiry conducted by one of the Commissioners in every case, except where an issue is directed.

Should not periodical visits of Visitors be extended to persons "not so found" whose property is being administered in lunacy under Sec. 116?

Should not the provisions of Sec. 116 (2) and Sec. 120 be extended. *See re S.S.B.*, 1906, 1 Ch. 712.

Should not costs in lunacy be taxed like all other costs by the regular Taxing Masters, and not by the chief clerk of the Masters in Lunacy?

Should not the right to traverse be abolished, and the lunatic so found be left to apply for a new trial, in case there has been any miscarriage of justice? *See* Sec. 104.

Importance of Official Solicitor. His services cannot be dispensed with in many Lunacy cases.

Distinction between lunatics "so found" and "not so found." Not possible or desirable wholly to abolish the distinction. Sec. 116 applies to many cases where "so found" could not be—or where it is not wished for. And *status* of lunatics so found. *Re Walker*, 1905, 1 Ch. 160 and foreign laws. But perhaps *some* cases under Sec. 116 might be put on the same footing as "so found."

28375. (*Mr. Chadwyck-Healey.*) One question I should like to ask is, whether there are any delays in the Lunacy Office in the management of the business. I should be glad if you have any experience on that point?—I do not think there is any serious delay in matters which come before the Lords Justices. As to what goes on in the purely administrative part of the work in the office, I only hear of that indirectly. I am not in a position really to take any steps in reference to it. There is a very marked difference in that respect between my old position, when I was a Judge in the Chancery Division, and my position as a Judge in Lunacy. When I was in the Chancery Division, I regarded myself as really the head of a great administrative department, with officials under me for whose acts and defaults I was largely responsible, and if at any time it came to my notice that there was any delay or anything of that kind, I did that which seemed to me then, and seems to me still, the most natural thing in the world: I should send to the Master and say "What is the explanation of this?" and nine times out of ten the matter was either explained, or if not explained, was put right. But as Lord Justice I have no right to interfere. I have no control over the Masters in their administrative work. It is only in so far as a matter is adjourned to me, either by one of the parties, or at the request of the Masters themselves, that I have any personal knowledge in the matter or any right to interfere, so I really feel myself helpless to deal with any delays there may be, though from what I have heard I have reason to suppose such delays do exist.

28376. In your personal experience, in cases which have been adjourned to the Judge, can you recollect cases where delay occurred?—No. I cannot say that. It is rather surprising how few cases there are of mere administrative matters that come before us. I do not remember a single case of committee's or receiver's accounts coming before me.

28377. We have had a good deal of information to-day about the administration of the office, from Mr. Keely. He has told us that appointments can be obtained now very much more quickly than they could a few years ago. It is only a question of a very few weeks indeed?—Yes.

28378. Have you any criticisms or suggestions to offer in respect of vacation business?—Yes, I have. I think it is a very great blot that there is not, all through each and every vacation, some regular means of dealing with administrative matters which really will not brook delay. In the Chancery Division there is always a Vacation Master, and there is always a Vacation Judge. The Vacation Master sits two or three days a week, and the Vacation Judge sits one or two days a week, so that practically if there is anything urgent, such as settling a lease, conveyance, or mortgage, it is done without delay. There are no regular sittings in the vacation in the Lunacy Department; I am not aware whether a Master is supposed to attend during the whole vacation, or whether there is any machinery for dealing with urgency matters in lunacy.

28379. We were told to-day that there is no obligation on the part of the Master to attend during the vacation. There is nothing to prevent him going out of the jurisdiction; there is nothing even to prevent the two Masters going out of the jurisdiction, or the chief clerk?—Perhaps without giving any names I may refer to one instance which did occur to me. It was a case in which there was an application in a lunatic's estate which involved rebuilding a house which had been burned down, and arrangements for entering into a building contract, and a tenant having a new lease. It was a special arrangement. I approved the proposals which had been very carefully considered in the office. I said as was most natural (this was in July) "of course the building contract and the lease must be settled by the Master," whereupon I was told there could be no appointment at all till the end of the Long Vacation. I said, "that cannot be." To get over the difficulty I said, "Send them to me in the vacation," and I settled them myself, which I was quite willing to do, but I do not think it reasonable that there should not be somebody in the office to attend to administrative details of that kind, which if not attended to then, would have involved the loss of the whole building season.

28380. You will allow me to suggest a possible case. Supposing in the vacation, when the Masters and the chief clerks and the heads of departments are away, as they are entitled to be, a matter of urgency arises, which is this: A person under the 116th Section is about to perpetrate some enormous act of folly divesting himself of his property, and it becomes immediately necessary for his protection that the appointment of a receiver should be had. Is there any way in which you could suggest that can be done, the staff being away from the office?—If they could catch one of the Lords Justices, he has jurisdiction, and might make an order.

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28381. Supposing they were in the extreme north of Scotland, perhaps twenty miles from a railway station, and the act is about to be perpetrated; it is hopeless?—Quite hopeless.

28382. Supposing something in connection with an infant of an exceedingly urgent character, and supposing it were necessary to obtain the protection of the Judge or Master during the vacation, I take it there would be no difficulty in getting that within a few hours?—Not the smallest. You can restrain the marriage of a ward of Court; it is done constantly by the Vacation Judge who is bound to be within reach of London and for all business purposes is in London, though he may be a few miles out. He is bound to leave his address when he is not in London.

28383. That brings me rather to another question. On the question of any proposal for altering the present business arrangements it has been discussed by various witnesses from the Lunacy Commission as to a proposed transfer of the business of the Lunacy Office to the Lunacy Commissioners, transferring also the Masters, as additional Commissioners, to a body which would be the reconstituted Lunacy Commission. I rather gather from your memorandum that you would propose to transfer the administrative business to the Chancery Division?—Yes.

28384. That would not be incompatible with the transfer of the other duties of the Masters to the modified Lunacy Commission?—No, I never intended for a moment to suggest that what I may call the medical or the personal visitorial business should be transferred to the Chancery Division; it is only so far as the administration of the property is concerend, and also the appointment of the committee of the person as well as the estate.

28385. You would leave that to the Masters—the appointment of the committee?—I would leave to the Chancery Division.

28386. Exactly as it is with infants?—Yes.

28387. You would also probably think it right to transfer the business of conducting inquisitions to the Lunacy Commission, or to a body standing in its place?—Yes, with this qualification; I suggest that it would be convenient that the Chancery Division, who would have to make an order for an inquisition, should direct it either to be held before one of the Lunacy Commissioners, by preference a legal Commissioner, or as I suggest in my memorandum, should direct an issue to be tried before a Judge of the King's Bench Division. I would leave the Chancery Judge to make the order although he would not carry it out, any more than the Lord Justice now carries it out; he simply makes the order.

28388. So that the Judge would make the order which is now made by the Master in Lunacy?—No, the order is made by a Lord Justice.

28389. An order for an issue, but is an order for an inquisition made by the Lord Justice?—Yes.

28390. So it is simply a transference of the judicial duty to the Chancery Judges and the transfer of the executive duty to the Lunacy Commission?—Yes.

28391. That, you think, would work well?—I see no reason why it should not work well.

28392. Assume that some person has come under the jurisdiction of the Lunacy Commission as regards his mental condition, and then follow the natural results; the management of his property is taken over, the Lunacy Commissioner would simply refer the whole matter to the Chancery Division, with his report, and then the business would proceed very much as it does now?—Certainly.

28393. (*Mr. Greene.*) You preface your memorandum by telling us it is not in your character as Lord Justice, but as a person entrusted under Section 108 of the Lunacy Act, that you are brought in connection with Lunacy matters?—It is curious that I found this morning the copy of the warrant appointing me. You know the form of it?

28394. Yes. Will you tell me whether there is any reason for continuing to make a special allotment or appointment of the Lords Justices? Why should not it be done by Statute?—I do not know why it should not be done by Statute.

28395. Why should not it be part of the duties of an Appeal Court Judge?—I do not know why it should not.

28396. This is a relic of antiquity, and you see no reason for continuing it?—No.

28397. That would give six Judges, if need be, in Lunacy. I take it all the Lords Justices are Judges in Lunacy; I do not know whether the Master of the Rolls is?—The Lords Justices and the Master of the Rolls. I do not see any inconvenience in that form, it involves no expense and no delay.

28398. I am only thinking a few words in the Statute would save all the trouble that might arise?—The advantage of the present system is rather this: In case the suggestions I made about entrusting the work to the Chancery Division should be adopted it could be done by a new warrant.

28399. We are contemplating that an Act of Parliament might be necessary for other matters, and this might be included?—Yes.

28400. If no changes take place and things have to go on as they are on the present system, in your view is it a wise system to have two Masters in Lunacy?—I think not. They have a position in which they have nobody to whom they are responsible. That seems to me to lead to difficulties. In this matter, I think, I speak for my colleagues, certainly for myself. We do not feel that we have any responsibility for them.

28401. You have told us about the Master in Chancery. What legal qualification has he for his work before he is appointed?—They are all solicitors.

28402. Is the administrative work, which you have told us is well conducted by the Court of Chancery, more work which falls within the practice of solicitors than that of barristers?—I think so.

28403. Therefore purely administrative work, if it were undertaken in the Court of Chancery, would be better performed by people who had that class of work to do before their appointment?—Yes. From my experience as a Judge in the Chancery Division I believe the administrative work there is done in the most admirable way, and I think I may say without any complaint on the part of the public of delay or anything else.

28404. Is there an age limit?—I cannot answer that question. I should think not.

28405. If we are bound to continue the present system of having Masters in Lunacy, would you suggest there should be an age limit both for them and all the Visitors?—Considering their duty is to so large an extent travelling about the country, I should have thought it might be wise, but I have no strong view on that point.

28406. It was suggested that all inquisitions might be dealt with in the sense of allottting some to the High Court Judges and some to the Lunacy Commissioners. I dare say you are aware that the great bulk of the inquisitions are unopposed?—Yes.

28407. So that in point of fact it comes to nothing more than hearing two doctors in your presence swear to the lunacy of the patient, seeing the patient, and then quitting the room?—Yes.

28408. It is as formal, almost, as it is for a Commissioner to consider the sanity of a patient in an asylum, except that he does not have two witnesses swear before him?—Yes.

28409. Do you see any possibility, or desirability, in abolishing, or any objection to abolishing, the distinction between lunatics "so found" and lunatics "not so found"?—I think there are some objections. The finding on inquisition alters a man's *status*; it is a thing which is recognised in other countries, and has much wider effects than a mere order under Section 116; for instance, when a man is found lunatic by inquisition, no deed he executes during a lucid interval is valid. *See Q. 3483*

26410. He is restrained from marriage?—He is restrained from marriage, and there is a feeling, which I think is on the whole well founded, that proceedings under Section 116 in many cases ought not to be too closely assimilated to lunacy proceedings, particularly under subsection (*d*).

28411. Subsection (*d*), "People suffering from mental infirmity arising from disease or age"?—Yes, if it be merely that cases falling under the earlier subsections

should be treated as though there had been inquisitions found against them, I do not see any objection, but I should be sorry to do away with the distinction altogether.

28412. If any new central body were to be established for the purpose of doing the work which is now done by the Masters, the Chancery Visitors, and the Lunacy Commission, and adding thereto, providing for persons who are defective but not "so found," would you think there might be any other name more desirable than that of "Lunacy Commission"? Do you think if it were called "Court of Wards" or "Body of Public Control" or some other name, it would be better?—I have not thought of that. You are aware that affidavits under Section 116 (*d*) are not headed "In Lunacy."

28413. Merely "The Supreme Court"?—They are headed simply "In the matter of A B" and "in the matter of the Act," no "lunacy" whatever.

28414. With regard to the amount of work which is being done now, and could be done if your suggestion were adopted, would it throw too much work on the Masters in Chancery?—I do not think so, and for this reason: recent changes of the most beneficial kind have greatly diminished the amount of work such as passing receivers' and trustees' accounts. In the old days, as you are well aware, in the simplest administration suit involving in truth merely questions of the construction of a will, you were obliged to take the full accounts of the estate, and the officers in Chancery had an immense deal of work of that kind. Now that has to a very large extent gone by, and I do not think there would be any danger of unduly flooding the Chambers if the whole of the administrative work in Lunacy were carried there. I may just say this: a rigid taking of accounts and vouching them is of the most extreme importance in lunacy because there is nobody to check the committee.

28415. Those officers are exceedingly well trained for the purpose?—Yes.

28416. It has been pointed out that in Chancery you have always got a suit, which brings the matter into the Court and inquiries would be taken in Court?—That is not quite true; you may have an originating summons in the matter of an infant.

28417. The bulk of the work is mainly when there are suits?—Yes, but it is not at all necessary.

28418. There would be no difficulty in allotting the lunacies in the rota to the different Chancery Judges?—Not at all. Take the instance I gave. If there is an infant for whom there is no guardian, there is no suit, you may take out a summons in the matter of the infant and proceed just as though it were a suit; so it would be "in the matter of A B a person alleged to be of unsound mind."

28419. It could be very easily done?—Yes.

28420. No statutory detail need be gone into, it could be left to the confirmation orders under the Rule?—Yes.

28421. We need go into no detail, but if the suggestion were made, it would work itself out under the powers which exist for making rules?—Yes. I should venture to hope that no suggestion would be made which would interfere in any way with the present division of the business in the Chancery Division by what we call linked Judges; it might dislocate business if it were suggested that it should be done by one Judge of the Chancery Division. I think it had better go by rota, just as it is now.

28422. In that case you would retain the Lunacy Judge, and he would be fed, as it were, from the Lunacy Commission instead of from the Masters in Lunacy?—Yes.

28423. (*Mr. Chadwyck-Healey.*) There might be conceivable cases which would not go to the Lunacy Commissioners at all, for instance applications by persons under Subsection (*d*) of Section 116, about whom there had been no inquiry?—That comes before the Judge.

28424. So it would come to the Chancery Judge direct, without a reference from the Commission?—Yes.

28425. (*Mr. Greene.*) When you were in the Chancery Division, could you tell me roughly about how many summonses your Master would get through in a day, or have in his list a day?—I could not tell you, but a very large number.

28426. Is five in the morning and five in the afternoon about the mark?—I should have thought more than that.

28427. Would you have thought fifty or sixty?—There are what they call long appointments and short appointments. The short appointments would be very numerous indeed, but I think a glance at the existing Cause List would answer that question better than I could.

28428. One could count that for one's self any day?—Yes.

28629. Ten of them, taking them long or short as they come, would be a small day's work for the Master?—Yes; when I was sitting in Chambers for one day once a week I frequently had adjournments from the Master to me of twenty-five or thirty summonses, which is a very small portion of those with which they deal.

28430. (*Mr. Chadwyck-Healey.*) They would all have points of substance in them?—Yes.

28431. (*Mr. Greene.*) On which you would have to hear counsel or solicitors?—Yes.

28432. I am talking of cases of which the Masters would hear five or ten without anybody but a clerk?—He would do them in a quarter of an hour.

28433. How is the estate of an infant, a ward of Court, made to pay for the services rendered in administering the the property?—It is only paid by the fees on affidavits and so on. I suppose you are aware there are no stamps on affidavits in Lunacy?

28434. We were not aware of that?—I think I am right in saying there are no stamps on orders made in Lunacy.

28435. I thought there was £2?—There is no stamp on affidavits; I will not say about orders.

26436. Is there any reason for that except this, that lunacy administration is paid for by a percentage on the property which is administered?—It may be that.

28437. As they pay a percentage which provides a benefit of £9,000 a year for general and Imperial purposes, it would be rather hard to make them pay for stamps on affidavits to enable them to earn that money?—That may be the explanation, but I think it is a survival of the old days when it was all done by the Lord Chancellor.

28438. It has been suggested that a certain portion of the present Masters' duties are of a judicial character. The Committee over which Sir George Jessel presided in 1882 to see if the Visitors in Chancery and the Lunacy Commission should be amalgamated, reported that, "looking at the judicial character of a large part of the Masters' duties, a certain proportion of the expenses of their office—perhaps one-third—incurred in respect of their judicial duties, might reasonably be imposed on the public; the other two-thirds, incurred in respect of their administrative duties, being defrayed out of the lunatics' property. The duty of inquiring into the sanity or insanity of any individual is one which is performed as much in the interests of the community as in those of the alleged lunatic; and under those circumstances the public might properly be called upon to provide the requisite judicial machinery." That is one of the recommendations of the Committee. I want to find out what is done for the public in the Chancery Division only on the payment of stamps, which is done by the judicial tribunal at the national cost?—Everything is done; as far as I am aware there is no percentage.

28439. If your suggestion could be adopted, and a transfer made from the Lunacy side to the Chancery side, what would become of this percentage which now yields £9,000 a year net profit?—If I recollect aright that is made under the Act which enables the Lord Chancellor to settle the fees and charges in Lunacy; I do not know what would be the comparative result if stamps were charged upon all documents, as they are in Chancery.

28440. You see, according to the lunacy practice, every lunatic's property which is more than £100 a year has to pay a percentage, though in no case is it to amount to more than £400?—At present they maintain this department.

28441. If your suggestion were adopted and lunacy were put on the Chancery side, what would become of this £9,000 a year; ought that to be charged on the lunatic's estate?—I should think probably it ought to be diminished to a considerable extent because a fee charge on affidavits would be made.

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28442. If you have to go into Court as a Judge in Lunacy, who attends you; is it one of the Masters?—I have never had a Master; the chief clerk has generally been good enough to attend. The Masters never in my experience attend.

28443. In 1882 Sir George Jessel's Committee recommended this: "The attendance in Court only occupies from an hour to an hour and a half a week. This duty might, we think, be performed by the Masters themselves, or, in their absence, by their chief clerk. If the present Masters should object to undertake the duty, it might be performed, during their tenure of office, by the chief clerk; but it should be considered as part of the ordinary duty of all future Masters." If your suggestion were carried out and the legal duties were to be performed by the new tribunal, who would have to attend you in Court?—The Registrar who is there always—exactly the same Registrar.

28444. Is there a Registrar in Lunacy?—No; one of the Chancery Registrars, who is in Court always, I mean.

28445. He would be merely fed, as it were, from the Lunacy Commission?—Yes, and he would draw up all orders made in Chambers, just as he does any other orders.

28446. So that your suggestion would not involve the appointment of any additional officers whatever?—No.

28447. (*Mr. Chadwyck-Healey.*) Do not the Chancery Masters attend the Judge in Chambers?—Yes, a Chancery Master always attends the Judge in Chambers; he has a regular list of cases.

28448. And the Registrar does not attend in Chambers?—The Registrar does not attend in Chambers, but he draws up all orders which are endorsed and approved of by the Master. There is another curious distinction, the reason of which I do not know, the orders I make in Lunacy have to be signed by me. No other Judge, as far as I am aware, in England, ever signs any document.

28449. It bears the seal of the Court. Sir George Jessel's report stated this: "The desirability of enabling the Master and the Judge to have personal communication is a point on which we desire to lay great stress, and we found that the same opinion is held by all the witnesses whom we examined." You do not seem to get that opportunity?—No; I think that suggestion was made before the Act of 1891. It was made at the time when the Judge in Lunacy had to make all the orders, nine-tenths of which are now made by the Masters.

28450. Is the Official Solicitor a functionary who comes before you at all?—Yes.

28451. Is there any work which could be spared from him, or any expense which the public might be saved, by disallowing certain of his acts or economising some of his services?—I think his services are absolutely invaluable in the Lunacy jurisdiction as also they are in the Chancery jurisdiction. I may instance several cases in which it was absolutely necessary to get the Official Solicitor to commence proceedings in Lunacy because none of the relatives would take proceedings. More and more it is becoming the practice, I think, when there is, as there often is, great difficulty in finding any relative competent and willing to act as committee, to put the official solicitor in the place.

28452. Who bears the costs and expenses if there is no estate in that case?—That is part of the expenses of the Official Solicitor's office, I presume.

28453. The nation bears that?—The nation bears that.

28454. In the case of absence through illness or other wise of one of the Masters in the Chancery Division, is there any person qualified to discharge his duty for him?—One of his colleagues does it temporarily; they are all Masters.

28455. They are allotted to each Judge?—They are allotted to each Judge, but there are in fact four Masters now to each of two linked Judges. If one Master should be away for a time then one of his colleagues takes up his work for a few days; that is inevitable.

28456. I dare say you are aware that in the Lunacy Division there is no power of appointing a deputy at all therefore if one is hung up, and the other is overworked, everything comes to a standstill?—That would not be so in the Chancery Division; not merely one of the four but every one of the sixteen Masters would be able to do it.

28457. You do not think that on behalf of the Chancery Judges any objection would be made to the carrying out of the proposal which you have put before us? You do not speak with their authority but do you anticipate it?—I do not anticipate it. My strongest feeling, I confess, is about the absurdity of requiring the Lunacy Judge to make vesting orders, and appoint new trustees, and deal with mortgages, and so on. The Chancery Division have no jurisdiction in that way as matters now stand. That is business which is designed and intended for the Chancery Division, and there is no possible reason why that should not go to its natural place.

28458. There would be equally as good a record of it in the Courts?—Certainly.

28459. And no greater expense?—No greater expense, probably less expense

28460. And distributed amongst twelve Masters the work, if it is done properly now by two, would not be very arduous?—No, not at all.

28561. (*Mr. Byrne.*) In the case of small properties the action of the judicial authorities in Chancery is brought about by application through solicitors and counsel when necessary, is it not?—Yes.

28462. That is essential, I presume, is it not, that an application in Chancery or in Lunacy should be set before the Court by a solicitor?—No, a party may appear in person, but practically that is very seldom done.

28463. In any case there are certain fees for summonses, applications, and orders and certificates, are there not?—Certainly.

28464. Would your Lordship recommend any similar method with regard to very small properties? Would you allow any other authority to deal with or to help in the administration of very small properties belonging to lunatics and incapable persons without going to the Chancery Division? Would you, for instance, allow the Lunacy Commissioners who have the means of ascertaining facts as to the property of lunatics, and who hear complaints from them when they see them in asylums, to have any powers in the matter of dealing with small properties?—I think that would tend to confusion; I do not think it would tend to economy. I think men who are doing it every day are likely to do it more speedily and better.

28465. You know the County Court Judges at the present moment have certain powers?—Yes.

28466. You know they are very slightly exercised?—Yes, very slightly exercised indeed.

28467. The powers of the Judicial Authority in Lunacy are exerciseable only in London?—They sit only in London.

28468. So that means the employment of a solicitor and a London agent, and in the rare cases where witnesses are required, it means their travelling to London?—I do not imagine that the witnesses are heard except it be on the trial of an inquisition. It is almost always held, and I think it is bound to be held, at the residence of the lunatic. The Commissioner has to go down.

28469. In proceedings under Section 116 (*d*) it would happen, would it not, that the two doctors who swore the evidence on which it was hoped the Master would act, would perhaps have to come down from the North of England to London?—That is a matter which is not dealt with by the Master; it is the Judge who makes the order under Section 116 (*d*).

28470. The Judge makes the order for an inquiry?—You are not talking of an inquisition?

28471. No, I am talking of an order under Section 116 (*d*)?—That comes before the Lunacy Judge, not before the Master.

28472. In any event it is made in London?—Yes, in London, necessarily.

28473. You are not prepared to recommend any other system?—No, I think not.

28474. Simplification and cheapness could not be carried further?—I think not. I think if you were to

delegate this, say, to all the County Court Judges throughout the kingdom, of whom I desire to speak with the very greatest respect, you would be delegating work of a very delicate kind to a body, many of whom have never in their lives had to consider it.

28475. You would not have uniformity of action?—No, I think not.

28476. If the Lunacy Commissioners, or some members of their body, exercised the same judicial function on an inquiry as they do on inspection, would you say that the Chancery Visitors might safely be amalgamated with the Lunacy Commissioners, or do you think they necessarily must exist as a separate body?—It is not a matter on which I have any strong views, but personally I do not see why they should not be amalgamated.

28477. We have been told that there is duplicate visitation already?—Yes, that seems to me rather unnecessary, but I have never been brought personally in contact with the Chancery Visitors, though on more than one occasion I have asked to have a report from them in addition to one from the Commissioners.

28478. We have been told by the Chancery Visitors that one of the reasons why it would be inexpedient to amalgamate them with the Lunacy Commissioners was that they were largely at the beck and call of the Masters and Judges in Lunacy, and might be sent at a moment's notice here and there. Does that frequently occur?—I cannot say whether the Masters send them frequently; I dare say they may. I do not see why that should not be equally well done if they were one common body.

28479. Instead of two medical Visitors if they were members of a body where there were a large number of medical gentlemen used to inspection duties, it would be easy for a Judge to obtain an official to go down at once, would it not?—Certainly.

28480. (*Mr. Dickinson.*) When you say that you would like the whole of the Lunacy jurisdiction now exercised by the Master and the Judge in Lunacy to be transferred to the Chancery Division of the High Court I understand that to mean that you would do away with the Judge in Lunacy?—No, the Chancery Division Judges would become the Judges in Lunacy.

28481. That is to say, instead of the Lords Justices of Appeal, the Chancery Judges would be Judges in Lunacy?—I have here the form of warrant of appointment. It might just as well be given to any other Judge of the High Court as to a Lord Justice. It is in fact made out to the Lord Chancellor, the Master of the Rolls, and the Lords Justices.

28482. All that comes to is that you make use of the Chancery Judge instead of the Lords Justices?—That is the first part of the recommendation, but if my suggestions were carried out it would involve also that the present administrative work would also go to the Chancery Division Chambers.

28483. That I quite understand. I am dealing with the Judge first of all. You do not contemplate, therefore, doing away with the word "lunacy"?—No.

28484. It would be a Chancery Judge transacting Chancery business, such as the management of estates for the purposes of lunatics?—Yes.

28485. Then what is the object of keeping the jurisdiction in Lunacy?—The jurisdiction in Lunacy is very peculiar. In the first place it is a very delicate thing to make up your mind whether it is a case in which you ought to make an order under Section 116. If it is a very doubtful case you say "No, I will not let there be an inquisition in Lunacy." It is a very serious matter. You must have someone to direct the issue as to a man's sanity to be decided.

28486. We have been already informed that application under Subsection 116 (*d*) is not entitled "In Lunacy" and never is?—Never is, because that does not presuppose lunacy.

28487. It is to enable persons to be dealt with without being, so to speak, labelled with the word "lunacy"?—Yes.

28488. Could not that exemption be extended with advantage?—You mean the mere question of the heading "In Lunacy"?

28489. Yes, the heading and the practical result of it?—I think the *status* of a lunatic is a very important thing to preserve for the purpose of international law, amongst other things for the purpose of disabilities which are imposed by law on lunatics, and which are not imposed upon anybody under this section. For instance, if an order is made under Section 116 (*d*) I take it that such a person may execute a deed during a sane interval, but a lunatic cannot.

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28490. The reason why I was asking this was that we have, amongst other things, to consider the law with regard to the feeble-minded, and Section (*d*) was evidently conceived with the idea of dealing with that class of person?—Yes, it practically deals with people as to whom there is senile decay short of lunacy; that is what it comes to.

28491. I understand that the number of cases which have been found lunatic by inquisition is every year diminishing?—Slightly, not very largely, I think.

28492. Mr. Keely gave us the figures showing that there is a continual diminishing. He told us that the reason was that people preferred proceeding under the other subsection to going through the process of inquisition?—Yes.

28493. That would rather tend to show a disinclination to make use of the Lunacy portion of this?—Yes, in small cases; but in large cases, of which I am sorry to say there are a great many, I think the full Lunacy jurisdiction is very valuable and very desirable.

28494. May I understand what is the arrangement you contemplate, because you contemplate that the jurisdiction should be in the hands of the Chancery Division, but then the inquiry into lunacy you suggest should be conducted by one of the Commissioners, that is to say, the Lunacy Commissioners in every case?—Yes. At the present moment, as Lord Justice, I make an order for an inquiry. That goes before one of the Masters; then I have done with it for the present. If the matter were transferred to the Chancery Division, the Judge would make the order for the inquiry, either before a Commissioner if it were practically unopposed, or by an issue to be tried before a Judge of the High Court. I have a very strong feeling that in contested cases, one of which we had recently, and another of which came before me personally, and gave me a good deal of trouble—I refer to Mrs. Cathcart's case—it is extremely desirable that a Judge of the highest position and experience should deal with what is one of the most difficult problems which can be presented to any man. I think it ought not to be dealt with by anyone but a Judge of the first rank.

28495. I quite understand that, but your suggestion is that the work which the Master now does should be done by one of the Lunacy Commissioners?—Or by the Judge, on issue.

28496. I understand the issue in important cases, but the general ordinary case would be dealt with by one of the Lunacy Commissioners instead of by one of the Masters. What relationship would you contemplate should exist as between the Lunacy Commissioners and the Judge in Chancery?—Are you talking of visitorial jurisdiction?

28497. No, of the inquisitorial; that is to say, you have practically at the present moment the Judge in Lunacy who has a right to direct an investigation of the case by the Master?—Yes.

28498. That is because he is a Master in Lunacy?—I do not think it is right to say "an investigation of the case by the Master." He can refer it to the report of a Commissioner; the Judge in Chancery would refer it to one of the Commissioners to hold the inquiry, and before doing that, or after doing that, he would get the same sort of assistance as the Judge; as I do now when I do it.

28499. You would not contemplate interfering with the independent position of the Lunacy Commissioners?—No.

28500. You simply get their advice?—The Lunacy Commissioner who tried the inquiry would have a judicial character.

28501. You do not contemplate that that necessitates a change in the position of the Lunacy Commissioners?—No, I think it would rather improve their position than not.

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28502. Would you see any difficulty in extending that same principle to the administration of the estate, Yes, because I do not think that the Commissioners are at all the sort of people to take accounts and vouch receipts and payments; they have not the staff; it is not in their line at all, and they are not at all accustomed to it, whereas in the Chambers of the Chancery Division, taking accounts, mortgages, accounts of trustees and receivers, is everyday work.

28503. You would treat the lunatic as any other ward in Chancery?—Yes.

28504. Quite apart from his being a lunatic?—Yes.

28505. I notice you suggest that the provisions of Sections 116 and 120 should be extended. Will you explain in what way?—That is rather an important matter. It came before me first in this way. A person against whom an order was made under Section 116 was tenant for life of an estate which was wanted to be taken by a railway company or by some municipal corporation having powers under the Lands Clauses Act. It came to me by adjournment from the Master as to whether I should sanction this. I felt so much difficulty about it, and there had been such conflicting decisions, that we had the full Court of six dealing with it. We there decided that in the case of an order in respect of a person under Section 116 there is no power to sanction a sale by a tenant for life or to work the machinery of the Lands Clauses Act. Similar difficulties arise under the Settled Lands Act; it is a very serious matter. If Section 116 is to be largely worked, all this extremely beneficent legislation of the Settled Lands Act and the Lands Clauses Act cannot be operative, for this reason. If you look at Section 116 (2) you will see it says: "In the case of any of the above-mentioned persons not being lunatics so found by inquisition, such committee of the estate under order of the Judge shall be exercised"—by the person we call the *quasi* committee. The Lands Clauses Act power given to a tenant for life is not a power given by this Act; the Settled Land Act power is not a power given by this Act; so we were obliged to hold, after very considerable deliberation, that it could not be done. If I might refer to my own judgment in that case, you will see I suggest the propriety of a general Act that in every case where a committee, strictly so-called, with the consent of a Judge in Lunacy, is authorised to do anything, a *quasi* committee, with the authority of a Judge, should be authorised to do the same thing, but there is a serious administrative difficulty.

28506. Is that because the Settled Lands Act mentioned lunatics so found by inquisition?—No; mentioned committee, but not *quasi* committee.

28507. You mean some new definition should be inserted in the Lunacy Act which should extend the class of persons referred to in the other Acts?—Yes, there have been a good many difficulties of that kind. There was one case where there was a difference of opinion in the Bench in regard to a marriage settlement. The husband and wife had a life interest with power of appointment amongst their children. The question was, could we authorise that power to be exercised in a case where it certainly ought to be exercised, and with great difficulty we held that it might. That is the sort of case I had in my mind.

28508. I should like to ask you on your last paragraph, what is in your mind with regard to the distinction between lunatics "so found" and "not so found" being abolished?—A suggestion had been made that that might be altogether done away with. I do not think that is possible or desirable; partly for international reasons and partly for more serious reasons, I do not think it is well to do away with it. The *status* of a lunatic is a very important one in international law. Other countries recognise that.

28509. By the words, "Query not possible or desirable wholly to abolish the distinction" you mean that it is not possible; I thought you meant, "Query it was possible?"—No.

28510. (*Dr. Dunlop.*) *Apropos* of that point you have mentioned, the distinction between the 116 (*d*) cases and ordinary lunatics, can you tell me any other country where the distinction is made?—I am not aware of any.

28511. As regards international law, has the absence of that distinction given rise to difficulties?—No, except that the *status* of a person of unsound mind seems to involve the vesting of his property in somebody else. Section 116 does not divest the property from him; it empowers certain rights of management, but it leaves the property his.

28512. That is a desirable object in all vesting of lunatics' property, is it not?—I doubt that.

28513. Have you had any personal knowledge of the position of Curator in Scotland?—No.

28514. Where a lunatic is described as an *incapax* and dealt with as an *incapax*, or incapable, whether he is physically or mentally incapable, mental and physical disablement are treated as the same; you have had no international case where that has been the case?—No, I do not remember that.

28515. You are not aware of any special case to the point?—No.

28516. One other point, that is your objections to the County Court Judge disposing of the small cases where the property is under, say, £100 a year. That has been the case in Scotland for a long time?—You mean the sheriffs do it there.

28517. The sheriff and the sheriff's substitute?—They do practically all the jurisdiction of first instance.

28518. All the smaller jurisdiction?—That does not apply in England. I do not think myself that that would be a satisfactory mode of dealing with it here.

28519. Not where there are small cases?—No.

28520. Cannot the County Court Judges be entrusted with that amount of authority—£100 a year?—The attempt to vest in County Court Judges equitable jurisdiction within certain limits for some reason or other has not been successful. I do not wish to say more than that.

28521. (*Mr. Dickinson.*) May I ask whether the present power given to County Court Judges under the Lunacy Act has been made use of, that is to say, property the total of which does not exceed £200?—I do not know at all.

28522. (*Mr. Chadwyck-Healey.*) I think I ought to ask you a few questions about the last page of your memorandum where you put some matters interrogatively, upon which one would rather like to have your views. Take the first one, "Should not periodical visits of Visitors be extended to persons "not so found" whose property is now administered in Lunacy under Section 116." Could you tell us what your views are about that?—I think they ought, as regards some of them. I should think it is very desirable, and in so far as Section 116 is being worked more and more, it seems very desirable that the visitation which has been found so beneficial in that case of lunatics should be extended to them.

28523. Without selection; that is to say, as a matter of course?—Yes.

28524. What do you say about the next paragraph?—That is the point I was explaining to Mr. Dickinson.

28525. Yes, I follow that?—That is the case *re* S.S.B where it is elaborately discussed and all the difficulties pointed out, S.S.B. 1906, 1 Chancery Division.

28526. On the question of the taxing of costs, we have already had evidence this morning by Mr. Keely. I put some questions about that. I think I may say he agrees that the regular taxing masters should take the taxation of costs. I apprehend that is what you had in your mind?—That is what I had in my mind.

28527. That would be a saving of one official?—Yes.

28528. Have you any observations to make about the right of traverse under Section 104?—Yes, there is a case which has very recently, only the last few weeks, come before the Court. It was a case in which an alleged lunatic was found lunatic after a trial extending over three days, witnesses heard and everything of that kind, and he was found lunatic. After that he applied for leave to traverse the inquisition, and the Court of Appeal decided that it was an absolute right of his.

28529. Under that section?—Under that section. I cannot help thinking that that is a relic of the time when these proceedings were in fact *ex parte*, and there seems no

reason why, when a case has been heard out by some judicial authority, in the way in which this was, the lunatic should have any other or greater right than an ordinary litigant, that is to say, to apply for a new trial if there has been a miscarriage of justice such as would under ordinary circumstances justify a new trial being granted. Of course there may be some few cases in which a person is affected by the finding of an inquisition in Lunacy to which he has not been party. That might occur in some cases of alleged marriage, for instance; but where the lunatic himself has been present and had an opportunity of being heard, I can see no reason why he, as a matter of right, should say "Please try this all over again."

28530. It comes to this, that the right to traverse should not be abolished *in toto*, but should be modified ?—Should be modified.

28531. You would give a right of application for a new trial to the lunatic where he has been a party to the trial, then you would have to limit the grounds of application to the present grounds of application for a new trial, "against the weight of evidence"; it would probably be that only ?—"Misdirection."

28530. "Misdirection," or "against the weight of evidence" ?—Yes.

28533. Do you wish to add anything more on that point ?—No.

28534. I think we have your views as to the Official Solicitor ?—Yes.

28535. And we have also your views on the last paragraph ?—Yes.

28536. Now let me go back to the paragraph headed "Original jurisdiction." You say "As to (*d*) those are the most numerous cases." I suppose you mean appointments of a trustee ?—Appointments and vesting orders; they are at least three-fourths, probably more, of the lunacy which comes before the Judge in Lunacy.

28537. I do not know whether this is a question I ought to ask you, but we have a little difficulty in understanding quite the difference between subsection (*d*) and subsection (*e*) of section 116. You are dealing in both cases with persons of unsound mind; in one you have the property limitation and in the other you have not. There are many who are not quite able to appreciate the distinction ?—Subsection (*d*) would not require unsoundness of mind, subsection (*e*) might.

28538. I rather anticipated some sort of answer of that kind. Do you draw, therefore, a distinction between mental infirmity and unsound mind ?—Yes, in practice.

28539. Because the interpretation clause describes a lunatic as a person of unsound mind, or an idiot ?—Yes.

28540. So it comes to a very fine distinction between the words "mental infirmity" and "unsound mind" ?—That is quite true.

28541. I do not know whether I am right in asking you about the construction of an Act of Parliament, but it has pressed some of us, myself particularly; so that a person under subsection (*d*) is not necessarily of unsound mind ?—No.

28542. But he may be ?—He may be.

28543. Why should there be a difference in property qualification; in (*e*) it must not exceed £2,000 in value ?—I cannot see why there should be that distinction; it is a relic of the old Act under which in the under £2,000 cases you did not make a man a lunatic.

28544. If at any time it should be thought proper to suggest an amendment of the Act, would it not be better to clear up some of these difficulties ?—I think so.

28545. (*Dr. Needham.*) Do you see any objection to the alteration of subsection (*d*) of Section 116 by the omission of five words "arising from disease or age," so that it would read "to every person not so detained and not found a lunatic by inquisition with regard to whom it is proved to the satisfaction of the judge in lunacy that he is through mental infirmity incapable of managing his affairs ?" Is there any special benefit in retaining the words "arising from disease or age" which on the face of them do not include children and young persons who are congenitally weak-minded ?—I do not really know. Not being a doctor I should have thought that probably congenital infirmity might be due to disease, but I do not know.

28546. Would you see any objection to the omission of those words ?—No.

28547. It would make the clause much more comprehensive and much more workable ?—Yes, I think it would.

28548. (*Mr. Chadwyck-Healey.*) When Master Fischer was here a long time ago, a question something similar to the one Dr. Needham put to you was put to him, and he suggested, or he concurred, that the restrictive words "arising from disease or age," should be struck out, and the words "or defect" be substituted. He thought that would rather enlarge the scope. Do you see an objection to that ?—No.

28549. That idea was expanded a little by Mr. Barker, the President of the Incorporated Law Society, who seems to have given a good deal of consideration to the matter. He approved of that, and he subsequently handed in a settled form of amendments which he would propose. He says, paragraph 1: "A Judge of the Chancery Division of the High Court of Justice may, upon proof to his satisfaction that any person by reason of his intemperance, immorality, reckless folly, extravagance, or prodigality, or otherwise is unfit to manage his affairs, or is dissipating his estate, order that the estate of such person shall be administered for his benefit by a guardian." That first of all attaches it to the Judge of the Chancery Division which is, I think, what you approve, and the next expands the section considerably by bringing in the case of the prodigal which does not appear at present. Do you see any reason for that ?—That is a very wide alteration of the law; we have nothing like that in England; it is the foreign system, there is a good deal to be said for it.

28550. Intemperance ?—If it does not affect the mental capacity we have nothing like that now.

28551. All those are to be carried to an extent to render him unfit to manage his affairs—or his dissipating his estate; you think that is perhaps rather wide, and would require more consideration ?—I should not like to commit myself to that.

28552. Then he suggests that application for an order under that clause should be made by summons, which should be heard in Chambers. I think you agree ?—Yes.

28553. And the summons should be taken out by any relative of the person and should be served on the person, so far as good ?—Yes.

28554. Should that not be extended to a creditor ?—A creditor can get judgment, I do not see why he should have that.

28555. He would have to wait for that ?—I do not see any reason why he should be allowed to interfere.

28556. (*Mr. Dickinson.*) I should be very glad to have your opinion on this question of marriage by lunatics. The law as it at present stands is, that a lunatic so found by inquisition cannot contract a valid marriage without the consent of the Lord Chancellor ?—I had forgotten that the Lord Chancellor could give consent.

28557. "If he or she marry before he or she shall be declared of sound mind by the Lord High Chancellor of Great Britain or Ireland or the Lord Keeper or Lords Commissioners of the Great Seal of Great Britain or Ireland for the time being or such trustees as aforesaid, or the major part of them respectively, his marriage shall be null and void." That makes marriage null and void ?—I did not quite catch the words, but I thought it was after it was declared null and void.

28558. At the present moment the Lords Justices deal in Lunacy with two sets of people, lunatics found by inquisition, and also a very large and growing number of persons who are not found by inquisition. With regard to the former they have to get the consent for marrying, with regard to the latter they can marry without consent, subject of course to the ordinary law that they must be capable of contracting ?—I am not quite sure that I agree with your first proposition, that a lunatic can get consent to marry; it may be so, but it is quite clear that does not apply to a person not "so found."

28559. It does not apply to the major number of those with whom the Court deals. I was wanting to know whether in your opinion it would be advantageous if that power could be made to apply to all persons of unsound mind, namely, that they should have to get consent

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before marriage would be valid?—Do you mean every person against whom an order is made under Section 116?

28560. I will put it that way; every person of unsound mind, possibly not under Section (*d*)?—I should be very glad if that could be done. I see a little difficulty if you have not any adjudication of unsoundness of mind; it is rather hard upon the lady.

28561. Of course there are a large number of persons who are declared to be of unsound mind, who are not so found by inquisition?—Yes.

28562. I am only dealing with persons who are certified of unsound mind, but not by process of inquisition. As affects them, I take it your answer is that that would be a good thing?—Yes, I think it would.

28563. (*Chairman.*) Is there anything you would like to add?—I think not.

FIFTY-SEVENTH DAY.

Monday, 3rd December, 1906.

PRESENT.

The Right Hon. The Earl of Radnor (*in the Chair*).
W. P. Byrne, Esq., C.B.
F. Needham, Esq., M.D.
H. D. Greene, Esq., K.C.
C. E. H. Chadwyck-Healey, Esq., C.B., K.C.
The Rev. H. N. Burden.
C. S. Loch, Esq., D.C.L.
H. B. Donkin, Esq., M.D.
J. C. Dunlop, Esq., M.D

Hartley B. N. Mothersole, Esq., M.A., LL.M. (*Secretary*).
E. A. H. Jay, Esq., M.A., LL.B. (*Assistant Secretary*).

Sir John Batty Tuke, M.P., M.D., F.R.C.P., F.R.S., etc., called; and Examined.

Sir J. B. Tuke, M.P., M.D., F.R.C.P., F.R.S., etc.

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28564. (*Chairman.*) You have been so good as to give us a statement of your evidence. May we put that on our notes?—This statement consists of extracts from a speech which I made at the House in 1904, and it requires a certain amount of editing, only for verbal purposes.

28565. With that exception we might put it on our notes?—Yes.

28566. There is no alteration in substance you would wish to make, is there?—Except as regards the number of lunatics at present in Scotland; I put it down as 14,500; that is as it was in 1903; it has increased since to 16,658 in 1894.

Statement of the Evidence proposed to be given by Sir John Batty Tuke, M.P., M.D., F.R.C.P., F.R.S., etc.

He wished to draw attention to the inadequate constitution of the English Lunacy Commission, and to certain defects in action consequent upon this inadequacy. In order to guard himself, he wished to say in the first place that he did not desire to attack individuals. He believed that the various members of the Commission were eminent and hard-working men, and that any imperfection in work followed entirely on the paucity of their numbers. What was the constitution of the Commission? It was presided over by an unpaid chairman, and there were four unpaid Commissioners. There were three medical and three legal Commissioners, paid at the rate of £1,500 per annum. The duties of the unpaid Commissioners were confined entirely to the office. The main duty of the paid Commissioners was to visit and report on 121,979 registered lunatics in England and Wales. He trusted he might be allowed to compare the condition of things in Scotland. In Scotland there was one unpaid chairman, two medical Commissioners with £1,200 per annum, two deputy Commissioners at £600, and two unpaid legal Commissioners. The duty of this Board was to supervise the interests of 16,658 registered insane persons. Thus, in England, three medical Commissioners supervised 121,979 patients; whereas, in Scotland, four medical Commissioners supervised 16,658. Putting it otherwise, in England there was one Commissioner to 40,600, in Scotland one Commissioner to 4,164; thus, the supervising power in Scotland was ten times more than in England. He might be told that there was another supervising body in England—the Chancery Visitors in Lunacy. But they did not come into equation in any way whatever. Their duties were confined to looking after the interests of wards in Chancery, and had nothing to do with the discipline or management of lunatic asylums as a whole. They might be put out of count. With these figures they were forced to one of two conclusions; either that Scotland was ridiculously overmanned or that England was seriously undermanned. The result of forty years' experience showed that Scotland was, in lunacy matters, not overmanned, and he would adduce four reasons gained from personal experience to support this opinion. First as to the character of the supervision. In Scotland each lunatic resident in an asylum was visited twice in each year by a medical Commissioner, who performed his duty thoroughly. In England there was only one visitation except in private asylums. In Scotland twice in each year each patient had an opportunity of laying his case before the Commission, who attended to it carefully, and gave it real consideration. In the second place, he wished to adduce the fact that only one action at law had during forty years come before the Scottish Courts, either under the Lunacy Acts or under the common law. Thirdly, they never experienced lunacy scares in Scotland. They had no scandals and outbursts of popular feeling or adverse Press comments. Fourthly, he was warranted in the assertion that there was as much public confidence in asylums and their administration in Scotland as there was in general infirmaries and hospitals, and that was saying a good deal. All the conditions engendered a feeling of confidence between the Board of Lunacy and the asylum authorities. Commissioners would act at once should occasion arise. They would take steps to abate any scandal, but in his long experience he had never known of any serious case demanding intervention. And further, there was a confidence established between the Commissioners and the asylum authorities on the one hand, and the public on the other. Under all these circumstances they were able to work elastically under much milder law than existed in England; and this in its turn worked beneficially for the insane.

Now, on the face of it, he thought it would be generally admitted that it was physically impossible for the same kind and quality of supervision to be carried out in England as in Scotland. Was it possible for a Commissioner, however competent, distinguished, and hardworking, to overcome ten times the amount of work done by his

brother across the Tweed and get equally good results? It was curious and interesting to note the fact that this numerical inadequacy of the English Commission was getting worse and worse.

Under the Act of 1845, the Commission was established exactly on the lines on which it existed at the present day. In 1842 there was reason to believe, although accurate statistics were not available, that the number of lunatics in England and Wales was 25,000. Accurate statistics were only arrived at in 1859, when 37,000 lunatics were on the register. In 1870 there were 54,000, and in 1903 114,000. Thus, medical Commissioners had to do four times the amount of work at the present day that they had to perform at the date of the establishment of the Commission.

Now, he would be reminded, of course, that besides three medical Commissioners, there were three legal Commissioners. He admitted to the full that legal Commissioners were absolutely necessary on the Commission. They could not be dispensed with as representing the law and the public. In the Board room their presence was of the utmost importance. But what was their chief duty? It was to visit asylums along with the medical Commissioner. The legal Commissioner and medical Commissioner hunted in couples, the legal Commissioner knowing nothing more of medicine or of lunacy, or of asylum administration, than policeman X. What was the theory of this visitation? It was a remnant of old tradition, the idea being that during visits at an asylum some points of law might arise which could only be settled by the legal Commissioner. He challenged the Lunacy Commission to adduce a single case within, let him say, the last forty years, in which such an emergency had arisen. Any irregularity could be detected by the Commissioner and be reported and considered in the Board room. As a matter of fact, the legal Commissioner only stood by. Patients were not presented individually but *en masse*. He wrote a report, and, in fact, performed the work of a clerk. He had heard it suggested that he superintended the actions of the medical Commissioner, but this, he need hardly say, was a ridiculous assertion. He was useless for inspection purposes, he was an anachronism. He was convinced of the uselessness of these officers by his Scottish experience. There the legal Commissioners confined themselves to the Board room and the inspection was carried out by one visiting medical Commissioner. He might be told that the inspection of a legal Commissioner gave confidence to the public. He had no hesitation in saying that there was not one in 10,000, perhaps not in 100,000 of the public who knew of his existence. As he had said, the legal Commissioner was an absolutely necessary component part of the Commission in the Board room, but he was utterly useless in respect of inspection.

He would ask the House to consider whether the performance of such duties as he had stated demanded the existence of three officers costing £4,500 per annum. Surely one or two standing counsels at £500 a year each, or, as in Scotland, without salary, would be sufficient, and he was assured that in Scotland there was no shirking of work, no perfunctory performance of duties of those unpaid officials. Now he believed, in fact he knew, that an office undermanned to the extent that this was must work in wooden fashion. It must work bureaucratically, using the term in its worst sense. There was no sympathy, no elasticity; and, moreover, it worked under a hard law and administration; it did not command the same public confidence as bodies in Scotland.

The first step to obtain public confidence was to establish thorough supervision. That could be done by breaking England and Wales up into some four or five different districts, with a registered Commissioner or Commissioners in each. He could not say that they had better Commissioners in Scotland, although they had many of great distinction. The success of their Commission was not dependent merely on this relative numerical superiority, but on the fact that Scotland was a small country, where practically everybody knew everybody. If England were broken up into four or five districts with resident Commissioners in each, these Commissioners would, by the mere force of propinquity, know the character of each institution under its jurisdiction, and obtain information as to the extent of unregistered and illegal establishments. As an illustration of what might be and was going on under existing circumstances, he would adduce the case of a man with no medical qualifications who was prosecuted early in 1904 for maintaining an illegal establishment. He had continued doing this for thirteen years, and when detected, he had seven patients, all of whom were in a most miserable condition. This was not a single case. This could not have occurred in Scotland or in any district with a limited area. The value of an official's work stood in direct relationship to his propinquity to the work.

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He deplored for humanitarian and economic reasons the rapid increase of lunacy in Great Britain. The rate ran up by thousands a year and had more than doubled in thirty years. In England, in the decade 1853–1903, the annual average increase had been 2,414. Whilst admitting that causes other than that which he was about to adduce had been in action, the reason to which he was about to draw attention for the increase of lunacy was the main one. They were manufacturing chronic lunacy day by day in their asylums, and the fault did not lie at the door of the medical authorities of those institutions, than whom no more earnest and hardworking men existed. This was inevitable under the present condition of the law, and his argument was that they could not hope for any relaxation in this respect until public confidence was established, and the first step in this direction was the one which he had indicated.

Until they ceased manufacturing dementia in the way he had explained, the number of lunatics must increase, and no material change could be brought about until confidence was established. The first means to that end was an efficient Lunacy Commission. They would go on building asylum after asylum for the reception of chronic cases. He gave way to no man in sympathy for the insane and in sympathy with their friends and relatives. But it was his duty to say that his opinion was that gross extravagance existed in asylum construction. He had conducted, with good results, an asylum in Scotland which cost about £200 per bed. Now they heard of £350 to £500, and even more, being expended, and this extravagance could only be arrested and controlled by efficient supervision.

In conclusion he desired,

(1) To draw attention to the simplicity of the Scottish system of lunacy administration, and its satisfactory working.

(2) To call attention to the absence of complexity of inspection of curatory cases in Scotland, which are under the Commission only.

(3) To call attention to the unnecessary amount of inspection of private asylums in England.

28567. (*Dr. Dunlop.*) For several years past I think you have taken a great interest in the doings of the English Lunacy Commission and in their constitution?—I have.

28568. What are the principal points which you would criticise with regard to their office and functions?—The first and main one is that the Commission is undermanned.

28569. You are aware that at present there are three legal and three paid medical Commissioners, and in your opinion that is utterly insufficient?—Utterly insufficient.

28570. Can you give us any estimate of the amount of strength they require, or what addition to their present strength is necessary?—As there are nearly 122,000 patients to be visited I do not see how it can be overcome without something at the rate of one Commissioner to 20,000 patients.

28571. One Commissioner to 20,000 patients is at least six Commissioners; that is the present strength?—It is medical Commissioners I am speaking of.

28572. Six medical Commissioners?—Yes.

28573. What about legal Commissioners?—I hold very strong views that they are entirely useless for visitation purposes.

28574. For visitation and inspection they are, in your opinion, useless?—Quite.

28575. Are they required in the office for administration?—Undoubtedly.

28576. So you want a certain strength of legal Commissioners in the office?—Certainly.

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28577. And at least six medical Commissioners?—At least six, probably supplemented by a certain number of deputy Commissioners.

28578. On this point you have just mentioned, the inspection by legal Commissioners, are you of an emphatic opinion that it is quite useless?—We never had it in Scotland; we never found the necessity for them. I cannot see what can be the object of putting such a duty on legal gentlemen in England.

28579. Do you think it is possible for anybody, without a medical qualification, to make a sufficient inspection of an asylum?—No, I do not think he can.

28580. There are too many health questions cropping up?—Yes.

28581. Connected with physiology, pathology, and disease?—Quite so.

28582. With which, of course, a legal training does not make one competent to deal?—No.

28583. I think you hold some views as to the decentralisation, if I may use the term, of the Commission; that is Commissioners residing in different centres in England instead of all living in London; being nearer the work?—As I have put it in my statement, I do not say that our men are better men than the English Commissioners, but they are near their work, and I hold that the value of an officer's performance of his duties is in ratio to his propinquity to his work. If a man lives in the district, he thereby learns, one way or the other, the general character and the general tone of each institution under his charge and obtains information which he cannot possibly receive if he is in London, or which he cannot obtain under the present system of inspection of asylums in England.

28584. The individual Commissioner in England visits each asylum once in three years. The asylums are visited oftener, but each individual only visits once in three years. Is that sufficient to keep in touch with what is doing at the institution?—No, you require continuity.

28585. It would be a great advantage to have one district of asylums under one or two Commissioners and for them to keep them in close touch?—I believe it would.

28586. Would it also be an advantage that resident Commissioners in a district would get in touch with what is going on outside the asylums and would know whether there is lunacy going on outside? They would be more in touch with what is doing than Commissioners living in London?—Undoubtedly.

28587. It would be a great advantage?—It would be a great advantage.

28588. How many subsidiary districts would you advise for England with its 120,000 lunatics?—I think the Metropolitan district would require two Commissioners with, as I have said, deputy Commissioners. The northern district would require two, Wales would require one. They should be distributed according to the number of lunatics; the area should be arranged on the principle of the number of patients resident in each district.

28589. Would you take 20,000 as your limit for a district, or 40,000? Would you divide England and Wales in three districts or six?—I would rather divide them into five.

28590. That would probably entail an addition to your number of Commissioners. If you had two Commissioners in each district it would make ten?—Yes.

28591. If that scheme were adopted you would require ten medical Commissioners?—Yes. Commissioners and deputy Commissioners.

28592. Which would be none too many for the work?—None too many for the work.

28593. Have you any opinion as to the advisability of putting the duty of looking after defective persons, not at present certified, on the Lunacy Commissioners?—I think it would be convenient if all such patients, and patients detained in workhouses, were placed under one authority.

28594. Unification; bring them all into line?—Yes.

28595. Will you give us your opinion as to the necessary number of annual visits to an asylum for proper supervision?—It is good for all that there should be two a year.

28596. Two a year is none too many, and as a rule it is not too few?—No.

28597. With additional visits for express inquiry of course?—Yes.

28598. But two complete inspections?—Yes.

28599. Do you approve of the present system of visiting the different institutions for the insane a varying number of times in the year. Certain private asylums and licensed houses are visited six to eight times; the lunatics in some workhouses are visited once in three years?—I think that constant visitation of private asylums is quite unnecessary when you take into account the high character of the men who look after them.

28600. Would twice a year satisfy the requirements of all private asylums?—Yes.

28601. And hospitals, the same way, twice a year?—Certainly.

28602. And the county asylums and idiot asylums twice a year?—I should place them all on the same footing as we do in Scotland.

28603. Lunatics in workhouses?—Yes.

28604. Also twice a year?—That I am not quite prepared to answer; it might be twice a year. Once a year might be found sufficient.

28605. Is it not a fact that the lunatics in workhouses are the lunatics of all others most apt to be neglected?—I have no personal knowledge of that.

28606. They have not the same skilled personal supervision?—No.

28607. So, on the face of it, they would require rather more inspection than others?—On that ground, yes.

28608. Regarding the visitation of lunatics in workhouses, I suppose you are aware that they are visited by Local Government Board inspectors?—Yes.

28609. Who are not necessarily medical men?—No.

28610. Would you take it that their inspection and visitation are equivalent to visits from the Lunacy Commissioners?—No.

28611. So their inspection does not reduce the necessary number?—No.

28612. With regard to the lunatics in private dwellings, do you think it is desirable that they should be inspected?—Undoubtedly. Otherwise it is quite possible that you might have very gross abuses.

28613. Are you aware of the fact that there are about 5,600 outdoor private lunatics in England who are never inspected by Commissioners or deputy Commissioners?—I was not aware of the fact.

28614. When I inform you of that will you describe the condition of affairs as scandalous?—I would certainly. Even under supervision, objectionable events may occur; how much more is it likely to happen without supervision.

28615. Without proper skilled supervision?—Yes.

28616. Regarding the functions of the Lunacy Commissioners, would you think it desirable to enable them to license institutions or hospital wards for the reception of acute cases of insanity for the purpose of observation and for short courses of treatment?—It would be one of the most valuable enactments that could be made.

28617. What are the special points which occur to you in favour of such a plan?—In the first place a large number of cases of insanity are amenable to treatment at the very earliest stage. The procedure at present is slow, very cumbrous, and days may be lost which are of the utmost importance to the patient. I believe you should have hospitals, or hospital wards, attached to great hospitals, or what are called in Glasgow, "observation wards," and that by that means you would avoid the sending of a very large number of patients to asylums, and by that means what I have spoken of here as "the manufacture of dementia" would be reduced.

28618. The establishment of such observation wards or places for early treatment would, in your opinion, prevent a development of a great deal of hopeless chronic insanity?—I believe it would

28619. And keep down the number of insane, and be a source of great economy to the community?—I believe it would.

28620. You are aware of the existence of what is known as the "six months' rule" in Scotland?—Yes.

28621. Is that adaptable to the English requirements? Have you any views as to that?—I do not know. I use it constantly in Scotland myself, and find it works very satisfactorily and well. In England no such rule exists, and to speak plainly we are obliged to break the law. I break the law in three cases at the present moment in England, and I shall continue to do so in the interests of the patients. I must do it.

28622. Of course the patients come first?—Yes, they are my first consideration.

28623. Would you advise the adaptation of the six months' rule in England? Would it meet a need?—It would meet a very great need indeed. The law in Scotland is simply this, that you grant a certificate to the owner of the house and authorise the reception, and there is no notification to the Commissioners; the Commissioners in Lunacy know nothing whatever about it, they need not know; as a matter of fact they generally do know, but there is no necessity for intimating to them in any way whatever.

28624. Would you think it desirable that the houses for the reception of such cases should be in any way supervised or registered or licensed?—I cannot speak as to the local conditions in England so well as I can in Scotland; but I know that in Scotland we do not find that necessary at all. The doctor who grants the certificate practically makes himself responsible for the well-being of the patient.

28625. I think it is general knowledge of the medical profession that there are in England a large number of nursing Homes that openly advertise for medical cases and receive them in considerable numbers. Are they a desirable class of institutions; should they be allowed to exist, and if they do exist should they be licensed?—They should be licensed, certainly.

28626. Wherever lunatics are treated there ought to be supervision in some way?—I object very strongly to any change of the law in Scotland, but it might be advisable in England that the notification should be made.

28627. Or if an institution receives more than three cases, the institution should be licensed?—Certainly, if it receives more than three cases or four.

28628. If it receives three or four cases the institution should be licensed?—Specially licensed.

28629. To receive cases?—What we term "special licensed houses," in Scotland.

28630. There is another point upon which you might be able to give us the benefit of your experience; are you aware of the nature of the returns required by the English Commissioners, and whether they entail a large amount of clerical labour on the part of the medical superintendent?—I believe so.

28631. Have you any view you can tell us about that?—I can only again revert to our Scottish system, which is extremely simple and entirely satisfactory.

28632. Is there much red tape in lunacy matters in Scotland?—Very little indeed; just the necessary amount which must exist in all offices.

28633. There must be some, of course?—Yes, if I receive a patient I have to send in, within twenty-four hours, a note of the physical condition of the patient; between three and fourteen days I have to send in a full report of the mental condition and everything about the patient. The patient is not liable in any way to the inspection of a justice of the peace.

28634. (*Dr. Needham.*) You send a copy of the documents, of course?—A full copy of the documents, yes. As I say, he is not liable to inspection by a justice of the peace, which (if I may be excused saying so) is to my mind an utterly ridiculous provision of the law. I have copies here of all the returns one has to make in the event of recovery, death, or removal. They are all of the simplest nature.

28635. (*Dr. Dunlop.*) You would advise that the returns in England should be kept as simple as they possibly can be?—Yes.

28636. You mentioned the matter of certification, the order being signed by a justice of the peace in England; do you think that is a duty which could be put upon the Lunacy Commission; should they sign orders in the case of a lunatic, and bring skilled knowledge to bear on the matter?—I would rather keep it a strictly legal procedure as we have in Scotland. The petition is signed after the medical certificates are given, and then a sheriff grants the warrant. I think it much wiser to keep it as a strictly judicial procedure.

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28637. If you had a legal chairman of the Lunacy Commission, or a legal member of the Lunacy Commission sitting at headquarters, would he not take that ministerial function on him?—I never thought of such a plan.

28638. Have you had much experience of Chancery lunatics, inquisition lunatics?—Not much, but I know a good deal about it. We have very few in Scotland.

28639. There are very few in Scotland, but you meet with them?—Yes.

28640. Can you express an opinion as to the desirability of a double medical visitation, the Lunacy Commission and the Chancery Visitors; is it necessary?—Having no personal knowledge of the thing it is difficult for me to answer. All I can say is that all curatory cases, that is to say, lunatics who are under the charge of the High Court in Scotland, are visited only by the Commissioners, and not more frequently than other persons.

28641. They are quite sufficiently, and efficiently, visited in Scotland by the Lunacy Commissioners, without the existence of any separate body?—Quite.

28642. You are emphatic on that?—Quite.

28643. You do not see why the same should not hold good in England?—No, I do not.

28644. It would be an enormous saving of money, would it not?—I do not know; I do not know the money side of the question.

28645. (*Dr. Needham.*) When you speak of the visitation of outdoor lunatics in England, saying that they all ought to be visited, I suppose you mean the 5,000 people who are in receipt of outdoor relief who are imbecile?—Yes.

28646. I suppose you would not apply to England what you would not apply to Scotland, with reference to visitation? If you had the incipient insanity clause which has been introduced into one Bill in the House of Commons, you would not, I suppose, expect or insist upon all those people being visited by the Commissioners?—No, certainly not.

28647. Patients of that class are not visited in Scotland?—No.

28648. And their existence is not known in Scotland?—No.

28649. They are not notified in any way?—They are technically not lunatics.

28650. Therefore there is no proof of a really efficient character that these people are well cared for and well treated?—There is no official proof.

28651. I mean no one knows of their existence?—No.

28652. Therefore they cannot know what sort of existence they are leading?—No, the responsibility is thrown upon the family doctor.

28653. Quite; in Scotland it rests altogether upon the good faith and the good action of the family medical man, the medical man who takes charge of the patient, at all events?—Yes.

28654. You are content to leave it there?—Quite.

28655. You do not think any inspection, other than that, is necessary?—I do not think so. I have never heard of the very slightest suspicion being thrown upon the working of that clause.

28656. No, but as the Commissioners have told us, and as you have told us to-day, they do not know of their existence. There may be a great deal of cruelty and want of care going on of which you are not conscious; is it not possible?—I do not think it is possible.

28657. You mean to say you think the Scotch are so much more virtuous than the English that you can have this kind of thing going on in Scotland with impunity and in England not with impunity?—No, I do not put it on that ground.

28658. I am not asking in any captious way. I want you to tell me what you do think about it, because it is a very important subject, of course?—If one goes back

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over one's experience of forty years, I have a pretty close knowledge of everything which goes on in connection with lunacy in Scotland. I have had the experience also of other medical men, men like Dr. Clouston and Dr. Yellowlees, who employ the clause constantly, and Scotland is a small country where everybody knows everybody.

28659. Has Dr. Clouston said to you what he said in his report, that this system of treating the patients on the six months rule existed, but, as far as he had seen, it was of very small use?—I do not remember that.

28660. Do you not remember the last report of his asylum?—No.

28661. I was very much struck with that remark?—It is a curious thing; I make considerable use of it.

28662. You think it desirable that there should be a clause of that kind in England?—It is very strongly called for by the profession.

28663. You know that Sir John Sibbald, when the Commissioners in Lunacy recommended the Lord Chancellor to introduce this incipient insanity clause in the Bill, was very strongly in favour of notification? He said that the fatal blot in the Scotch arrangement was that there was no notification, no one knew what was going on. He changed his opinion afterwards, I believe, but that is the view which he expressed to the English Commissioners?—I was not aware of that; he was speaking from an official point of view, I suppose.

28664. As regards having your Commissioners local instead of central, do you think it is a good thing to have local people? Do they carry the same weight? Do persons get into grooves and get into intimacy, and get put in a very invidious position, if they live in a district instead of coming from London?—I do not think so.

28665. Why is it not done in Scotland?—Because we only have a population of four millions.

28666. Does that make a difference?—It makes all the difference.

28667. Then may I ask on what principle you are generalising from what takes place in Scotland as to what should take place in England, if the conditions of the two countries are so essentially different that you cannot introduce a thing which you recommend for England?—I want to reduce England to the condition of Scotland in Lunacy matters.

28668. What are the advantages of your Scotch experience if it is an experience which does not apply to England? If it is a good thing to have local Commissioners one would have supposed that it would have been a good thing for every place to have local Commissioners, and yet you do not have them in Scotland, which you say has a perfect system?—We do have them in a limited district; Scotland is a limited district.

28669. The whole of Scotland?—The whole of Scotland is a limited district.

28670. Quite so. I ask again, if that is so, and if the conditions in Scotland are so essentially different from the conditions in England, it would appear that you cannot apply with any advantage the state of things which exists in Scotland to a much larger and quite different country which probably requires very different treatment?—I put it this way; I would reduce England to five Scotlands, make York correspond to Edinburgh, let London have its own particular district, and locate the other Commissioners in convenient areas, according to the distribution of lunatics.

28671. I understand you to say that you would have a Board of Commissioners in each of these centres?—Not a Board; one or two resident Commissioners.

28672. Are you to have no Board?—Have your Board in London and meet as occasion requires; it is no great distance, even from Newcastle to London.

28673. Does the fact that Scotland is so much smaller than England justify England in having what you are pleased to call five districts of lunacy administration?—I go upon the principle that the nearer the man is to his work the better the work is done.

28674. You think the Commissioners would visit the asylums, if they were limited to districts, with the same authority and the same value as Commissioners living in a centre and going round all the asylums and passing all the asylums in review?—I have not the slightest doubt.

28675. Their experience would not be of a limited character and would not be therefore of less value?—Not at all.

28676. I suppose as a matter of fact all the Scotch Commissioners live in Edinburgh?—Yes.

28677. As respects what you said to Dr. Dunlop about visitation of the same asylums, instead of a fresh pair of eyes coming and seeing the asylum, I understood you to say that you thought it would be an advantage to have the same Commissioner going on visiting and visiting the same asylum?—Yes.

28678. Is it not a good thing to let three sets of men, say, visit in succession, so that the asylum may be seen by three pairs of eyes; as long as they continue their policy?—There is a breach of continuity then.

28679. Have you had very much opportunity of seeing institutions in England and the working of the Lunacy Commissioners?—No.

28680. Have you ever had charge of an English lunatic asylum?—No.

28681. Or ever been an assistant at a lunatic asylum in England?—No.

28682. Then your knowledge is altogether confined to Scotch asylums?—Yes.

28683. As regards the visitation of Scotch asylums and the time which is taken over their visitation by the Commissioners, are you aware that the condition of things in England and in Scotland is essentially different; that the Scotch Commissioners have the power of discharging patients from the Scotch asylums?—No, they have not.

28684. Have not they the power of discharging from the district asylums?—No.

28685. You are quite sure of that?—Quite sure of that.

28686. Who has the power?—The superintendent.

28687. Have the Committee the power?—No.

28688. The Committee have no power?—No.

28689. You know of course that the Committee of the English county and borough asylums are the only people who legally have the power of discharge?—No.

28690. You are aware that the Committee of the asylums is the only authority which has the power of discharging patients, and that it is no part of the duty of the Commissioners to investigate the mental condition of pauper patients in county and borough asylums?—No, I am astonished to hear it.*

28691. But it is their duty most carefully to investigate the condition of the patients in hospitals, and in licensed houses, and in single care?—Yes.

28692. I suppose if the Committees of the Scotch asylums had the same power as the English Asylum Committees have, then probably the Scotch Commisioners would not inquire so carefully into the mental condition of all the pauper patients in the various asylums. If the sole power of discharge rests with the Committee it must be the business of the Committee to investigate this?—The committee has nothing to do with it with us.

28693. But I say, if it were the case in Scotland, as it is in England, then the Scotch Commissioners would probably think it was desirable to throw all the burden upon the back upon which the law had placed it?—But the Commissioners have no power of discharge in Scotland. As soon as a doubtful case occurs they discuss it, probably, with the superintendent. If there is any doubt upon the case they send two medical men to inspect, and upon their report discharge can be ordered.

28694. But who orders the discharge?—I never thought of that—how it comes about.

28695. What is the good of a Commissioner sending two people to inquire into the state of mind of a person if they have no power to discharge afterwards? That cannot give effect to any report. May I ask you to recon-

* The witness subsequently intimated that he understood Visiting Committees had the power to discharge, under the advice of the medical superintendent.

sider your answer whether the Lunacy Commissioners have not the power of discharge in Scotch asylums?—No, they have not the power of discharge.*

28696. You told us you had no experience of the English asylums—no personal knowledge of the way in which the English Commissioners discharge their duties. I notice that in your statement you make a strong case against the legal Commissioners?—Yes I try to.

28697. Have you considered what the influence of the legal Commissioners has been in the past in the Commission; men like Barry Cornwall, and Campbell, Sir Charles Bagot, and John Forster, all of whom have been legal Commissioners? I should have thought they had exercised a very considerable influence on the Commission, and I should have thought there was a very strong feeling that they had been largely influential in improving the management of asylums and the tone of them, and that many reforms in asylums had been introduced on their recommendation?—So far as our unpaid legal Commissioners are concerned, the same may be said. They have had a great influence, and it has not been dependent on visitation.

28698. Quite so. You say that the legal Commissioner's position has been that of a clerk. I assume that you do not know very much about it practically?—No, I do not; that is what has been stated to me over and over again by English superintendents.

28699. That he acts as a clerk?—Yes.

28700. Are you aware that the legal Commissioners in the past have been, many of them, very strong men who were very little likely to allow themselves to be in the position of a clerk?—It becomes inevitable, I should think, by their position.

28701. Do you mean that they simply record the views of the medical Commissioner?—Yes.

28702. Then I take it you think that all the views which are expressed in the reports of the English Commissioners are the views of the medical Commissioners expressed by the legal Commissioners?—They may be tinctured by them.

28703. Do you think that is so?—I cannot say, exactly.

28704. One cannot help seeing that at any rate full expression must be given, according to that theory (which I am afraid is not a very correct one), to the views of the medical men, just as expression is given to them in Scotland?—Reading the English reports does convey the idea that it is the medical partner who has expressed the views.

28705. It has not occurred to you that by a process of education and evolution the legal Commissioners have become largely medical in their thought and therefore in their mode of expression?—I am glad to hear that it is so.

28706. I only asked if it had occurred to you. May I ask how it is that you are able to get in Scotland (I think there must be a great many charitable people in Scotland), the unpaid legal Commissioners who are willing to devote all their time to discussion of important legal subjects without being paid?—It is only a part of our Scotch system. We have unpaid Commissioners in other departments; our Lighthouse Department, for instance is entirely visited by unpaid Commissioners. It is one of the wrongs of Scotland.

28707. I suppose if the English Commissioners want very excellent legal advisers all that they have to do is to go to Scotland for them?—I should think so—a very good plan, when we have such men as Sir John Cheyne, a man of the very highest position, the Dean of his Faculty, and Mr. Cowan, of the very highest position amongst the solicitors in Scotland, willing to do this, and doing it thoroughly well.

28708. Can you suggest the names of any gentlemen you know in England who would be willing to devote the whole of their time to the benevolent object of giving legal advice to the Lunacy Commission without payment?—No, I do not know them. It is not the spirit of England, to do anything for nothing.

28709. At all events you have no doubt that the legal element is necessary?—Yes.

28710. Legal questions must crop up continually?—Yes, and of the utmost importance, in the Board room.

28711. I see you say, "One or two standing counsel at £500 a year each, or as in Scotland, without salary, would be sufficient." Again I ask where are you going to get your standing counsel at nothing, or even £500 a year? Where would you get your counsel at £500 a year?—I do not know. As I say, we get it in Scotland.

28712. You get them for nothing?—Absolutely for nothing.

28713. I am quite sure your Scotch Commission in that respect is very efficiently served, I am not disputing that for a moment; only it is a matter of surprise that it can be so without any payment. The people must be extremely disinterested to do that kind of thing without any pay. I am afraid it is not so in England?—You have an unpaid Chairman.

28714. Yes, it is true the Lunacy Commission has an unpaid Chairman, and also in Scotland?—Yes.

28715. Do you think there is a very unnecessary amount of inspection of private asylums in England, having regard to a point to which you have drawn attention, the very large size of England. Is it desirable that the frequency of the visitation of the licensed houses should be diminished?—I see no object in it; again, of course, I am speaking from Scotch experience.

28716. None of the Scotch asylums are visited more than once a year—the private asylums?—Twice a year.

28717. How many private asylums are there in Scotland?—I think only one at present.

28718. Is that Saughton Hall asylum?—Yes.

28719. Is that the only one?—Yes.

28720. Then the visitation of the Scotch private asylums is a negligible quantity, practically, if there is only one asylum to visit?—Yes.

28721. You are aware that there are a large number of private asylums in England, in fact there are private asylums in England which hold as many as 700 patients, many of them paupers, and of the same size as some of the largest asylums in Scotland; do you think it is sufficient that those should be visited only twice a year?—The fact that such institutions exist for pauper patients is, to my mind, a blot on the English lunacy system.

28722. Quite so, but there it is; the legislature has not interfered with them?—If they are under well-known and respectable men, if the superintendents are of the high character which I believe they are, all over England, I cannot see any necessity for inspecting them any more than county asylums.

28723. Is it not a fact that a great many of the private asylums belong to people who do not reside in them, but put in resident superintendents who are changeable from time to time, and as to whose character you cannot know a very great deal—they are not permanent officials?—Yes, under such a blot as that it is quite possible it may be necessary.

28724. That would rather modify your view as to frequency of visitation?—It might, yes, to some extent.

28725. I have only one more point to deal with, that is as to the gross extravagance in asylum construction. I am not going to find fault in the smallest degree with your use of terms. You say you had "conducted with good results an asylum in Scotland which cost about £200 per bed. Now they heard of £350 to £500." I assume by inference that this is a reference to the inefficient influence of the English Lunacy Commissioners, because you say: "The first means to that end was an efficient Lunacy Commission. They would go on building asylum after asylum," and "gross extravagence existed." I assume that the whole thing is connected in your mind, and that if the Lunacy Commission were more efficient, they would be able to reduce the cost of asylum construction. You say: "Now they heard of £350 to £500, and even more, being expended and this extravagance could only be arrested and controlled by efficient supervision." Are you aware that if you take the average of the English county and borough asylums, the average cost per bed in the English county asylums, as given in the report called for

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* The witness subsequently intimated that he had been misinformed, and had since ascertained that the Scottish Lunacy Board had power to discharge lunatics.

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by the House of Commons and presented to the House of Commons last year, was £217 7s. 9d. only ?—Including ground ?

28726. Including buildings and land ?—That applies to borough asylums.

28727. County and borough asylums, all the public asylums in England; and in Scotland the cost per bed of buildings and land was £298 ?—There, I was hitting, I admit, as much at Scotland as at England.

28728. But in Scotland they have earned the unenviable notoriety of having spent £613 per bed at Govan ?—Yes, that is a perfect scandal.

28729. And £446 a bed at Midlothian ?—Yes, probably more.

28730. £368 at Roxburgh, and I understand the new Bangour Asylum is going to cost £400 a bed ?—A good deal more, I am afraid.

28731. And the highest asylum in England, as put down here, Cheddleton, is £434 and Canterbury £489 a bed ?—How many patients ?

28732. Canterbury has very few patients and is not nearly completed. At the time when this return was made it was not open for patients at all, it was only calculated upon a very large amount of administrative building and very small accommodation for patients, therefore it is not a fair comparison. I only want to point out that efficient inspection in Scotland, and efficient supervision in Scotland, have not succeeded in producing very cheap asylums ?—That I quite admit; that is the only fault I have to find with our Scotch Commission: that they have not exercised their powers in reducing expenditure as they could have.

28733. Have they the power to prevent extravagance in asylums ?—They can indirectly. They have done a good deal to reduce expenditure in certain extravagant schemes.

28734. The Aberdeen asylum was a very good specimen of the reduction of expenditure of a very salutary character ?—Very good.

28735. (*Mr. Byrne.*) I want to ask some questions about certain passages in your statement which seem to me to imply that very undesirable consequences arise from the way in which the Lunacy Commission in England actually do their work, or fail to carry it out, through not having sufficient staff. You say, for instance, "that this must work in a wooden fashion, it must work bureaucratically, using the term in its worst sense. There was no sympathy, no elasticity, and moreover it worked under a hard law and administration, it did not commend the same public confidence as bodies in Scotland." Do you mean that this is your opinion, or is it a general opinion, an opinion which one can find in England ?—I was expressing my own opinion.

28736. Do you know anyone in England who shares it ?—Yes, a great many.

28737. Do you know any facts in which woodenness, want of sympathy, and want of power to secure confidence, are shown by the Lunacy Commission in England, because we shall be very glad to have them ?—I have not any concrete facts to put before you at the present moment.

28738. Could you mention any tendencies or any omissions on their part which have brought about this want of confidence on the part of the public ? I am asking you because I have never come across it myself. I dare say you know it is not a commonplace that the Lunacy Commissioners are unsympathetic, wooden, or undeserving of public confidence, and I would like to have either some facts or suggestions, or even some *obiter dicta*, of other persons to support that ?—It is a generalisation founded very much on expressions of opinion I have received from numerous English medical superintendents.

28739. About want of sympathy ?—Yes, generally.

28740. How far have they gone; have they complained of having their work hampered by the Lunacy Commission ?—No.

28741. Just simply want of sympathy and want of guidance ?—Yes, the difficulty of getting information, the difficulty of getting assistance in different cases.

28742. The difficulty of getting assistance in the medical treatment of the cases ?—The diagnosis.

28743. The Lunacy Commission have nothing to do with the diagnosis of cases in asylums. I am sure no English medical superintendent could have complained of that with good reason, because he knows perfectly well that the Lunacy Commissioners have nothing to do with it. You know that, do you not, that the Lunacy Commission have no duty to investigate the mental condition of a patient of an ordinary county asylum unless it is specially referred to them by the Lord Chancellor or the Secretary of State.

28744. (*Dr. Dunlop.*) Section 187 requires it to be done in every case.

28745. (*Mr. Byrne.*) Requires it to be done as part of their general work, but they have to report to the Visiting Committee as to discharges. They have no power to act. It is the medical superintendent's duty to bring the cases before the Committee. In what sort of way do medical superintendents complain that they do not get help from the Commissioners with regard to individual cases ?—It is very difficult to go back upon what occurred so long ago. I was going on general grounds, expressing my opinion, which is the result of my general experience.

28746. It is a general opinion of a very serious character, is it not ?—Yes.

28747. We should be glad to have facts. Would you convey confidentially to the Commission, without mentioning names, any series of facts respecting it, because it is the most serious allegation we have received, so far as I remember ?—No; my feeling is and was that, with such an undermanned Commission as it is at present, it would be impossible to do more than what it actually has to do as laid down by the Act.

28748. But that does not affect either their sympathetic behaviour towards the superintendents, or their capacity for doing their work in so far as it is done; I mean, taking into consideration the amount of ground which their work covers, that they have not much to do with the mental condition of patients, but only with their proper treatment. I notice you say at the present moment "we are manufacturing chronic lunacy day by day in the asylums and the fault does not lie at the door of the medical authorities of those institutions." Is the inference that the fault lies with the Lunacy Commissioners ? You say this is inevitable under the present condition of the law. Is it the Lunacy Commissioners' fault that we are manufacturing lunacy every day ?—I do not think you are exactly following out the line of my argument.

28749. I would like to know what you mean in that sentence, "chronic lunacy is being manufactured day by day in our asylums" ?—So it is.

28750. And that it is not the fault of the medical authorities of those asylums; would you kindly enlarge on that so that we may know exactly what it is ? How is chronic lunacy manufactured in these asylums of which we are so proud ?—Because the state of the law is such that you cannot submit patients to treatment at the very outset of the case.

28751. It merely means that because we send nearly all our lunatics to asylums therefore we are manufacturing chronic lunatics, because we have not another method of dealing with incipient insanity ?—To a great extent that is the reason.

28752. That is all. Then the seriousness of the charge becomes very much diminished. We have had it given in evidence before us that the incipient insanity clause is very little used in Scotland. You say you have used it a great deal ?—Yes.

28753. In how many cases have you used it yourself ?—I should use it probably in six or eight cases a year.

28754. How long detention would that usually entail ?—Six months.

28755. In how many cases would you expect them not to require further medical treatment ?—A very large proportion, I should say. Of course one does not submit cases which one knows are almost inevitably hopeless from the very beginning, such cases as general paralysis. One picks one's cases. I should say five out of six cases recover, roughly speaking.

28756. Could you give us any idea to what extent it is used in Scotland ? Should you say there are fifty cases a year ?—I should think very likely.

28757. Would there be 100 ?—I could not say.

28758. You cannot say at all ?—No, I could not say at all. I only refer to my own experience.

28759. As we have had evidence that the system is very little used in Scotland, and we know it is very little used in any foreign country (that particular form is not used in any large foreign country), the charge that we are manufacturing chronic lunatics is one which England can bear in common with Scotland and all other countries ?—Certainly, there is no doubt about that; you require a much more radical change in the law than has been made at present.

28760. Do you consider it an important function of the central lunacy authority to give guidance and advice to the local authorities as to the nature of the institutions, and so forth, that they may establish ?—I think it is.

28761. That you consider has not been done to a sufficient extent, perhaps, in England ?—No.

28762. To what extent is it done in Scotland ?—A very considerable extent, I understand. Of course I am not within the circle of the Lunacy Commission. I know that plans are submitted to them which are criticised most carefully, advice is given and very often taken, not as much as it might be done, but to a certain extent they influence the policy of the local lunacy boards.

28763. In the public asylums in Scotland do you consider that the classification is carried out satisfactorily in consequence of this guidance ?—Classification is improving. In all the asylums they have built recently they have constructed hospital wards where recent and acute cases are taken and treated for such a time as improvement goes on.

28764. What is it which gives the weight of authority to the Scottish Lunacy Commissioners' advice; is it their personal knowledge, their study of foreign systems, their knowledge of the medical aspect of mental diseases, or is it the experience and traditions of their Board ?—I think the former.

28765. Their personal qualifications ?—Yes.

28766. Therefore you think that even if you had local Lunacy Commissioners in England, provided they were well picked and highly competent men, they would exert a satisfactory influence ?—Yes.

28767. And that the influence of a central board would not be so much missed ?—No.

28768. (*Mr. Greene.*) You are a physician, are you not ?—Yes.

28769. A Scotch physician, and you have practised all your life in Scotland ?—Yes.

28770. You are Member of a University mainly consisting, or very largely consisting, of medical men ?—Yes.

28771. Have you had any medical office in Scotland connected with the administration of lunacy matters ?—I have been superintendent of an asylum all my life.

28772. Have you given that up ?—No.

28773. You still are ?—I still am.

28774. Is that a public or a private institution ?—Private.

28775. May I take it that, except for that, you have had no administration of lunacy law bringing you into connection with lunacy matters at all. You have not been a Commissioner ?—No.

28776. You have not been superintendent of a public asylum ?—Yes, I have been a superintendent of a public asylum.

28777. How long ago was that ?—In 1865, for eight years, I was superintendent of the Fife and Kinross Asylum, and I was assistant at Morningside Asylum before that.

28778. Have you had any experience whatever in lunacy practice in this country, either as a consulting physician, or in connection with any public or private institution ?—As a consulting physician. No connection with any institution.

28779. Nothing to bring you into connection with the Lunacy Commissioners at all ?—No, not directly.

28780. Nor indirectly ?—No.

28781. Neither directly nor indirectly have you been brought into communication with those gentlemen at all ?—No.

28782. The evidence with which you have been so good as to supply us to-day is, I understand, a bowdlerised edition of a speech you made in the House of Commons ?—Yes. *Sir J. B. Tuke, M.P., M.D., F.R.C.P., F.R.S., etc.*

28783. That speech was made upon the estimates, moving a reduction of the vote for the salaries and expenses of the officers in Lunacy in England ?—Yes. 3 Dec. 1906.

28784. There is no occasion, from your point of view, to move any reduction of the salaries and expenses of your friends the Commissioners in Scotland ?—No. *See* Q. 34746.

28785. With reference to a matter to which your attention has been called, certain phrases in your speech, I understand you to say that the legal Commissioner when he inspects simply stands by. You say: "The legal Commissioner and medical Commissioner hunted in couples, the legal Commissioner knowing nothing more of medicine or of lunacy or of asylum administration than Policeman X." Where do you get that from ?—It was the expression of opinion offered to me by numberless men connected with lunacy, superintendents of asylums and otherwise, in England.

28786. Numberless ? It is very important, as you will see, and that is why I am putting it to you and pressing you rather, if I may, upon the subject of how many it is who have made this communication to you ?—It has been the subject of conversation for years and years when we met. I have had a number of friends amongst Englishmen, of course. I was only voicing the expression which has been made over and over and over again.

28787. Where do you get this from—"As a matter of fact, the legal Commissioner only stood by. Patients were not presented individually, but *en masse*" ?—The same source.

28788. But that is a statement of fact; that is not an opinion. Do you mean that numberless superintendents have told you that the patients were not presented individually, but *en masse* ?—Certainly; if a Commissioner takes three days to inspect an asylum of 3,000 or 4,000 patients, how is it possible for anything else to happen ?

28789. But that is reasoning and conjecture; I wanted to know where you got this, as a fact. We have had some evidence of fact: "as a matter of fact, the legal Commissioner only stood by; the patients were not presented individually, but *en masse*." That seems to point to a habit, and is an absolute statement of a constant fact occurring ?—It is a statement of fact which has been constantly made to me by medical superintendents in England.

28790. Could you put us on the trail of finding out anybody who would be able to state that here ? I tell you frankly that it points to such a state of things, such misconduct on the part of the Commissioners, that instead of involving a simple reduction of their salary it is a question in my mind whether they ought not to be removed from office. Could you tell us any person—or any five people, if you like, but I will say any one person—with whom we could communicate to find out whether that was his experience ?—You ask me to find someone who would come and place himself in an extremely invidious position.

28791. Not so, if you will allow me to say so, with all respect to you. If a superintendent had seen a Commissioner purporting to inspect, but merely standing by, and not having the patients individually presented, but *en masse*, and felt that it was so serious a matter that it was his duty to speak about it, surely he would have sufficient public spirit to communicate with us ?—I could easily ask one or two if they will do so.

28792. Would you mind doing that ?—I will. You can easily understand what the answer would be from a man in that position.

28793. Two answers are possible; one is, "Sir John Batty Tuke misunderstood me" and the second is, "I decline to come forward" ?—Yes, one or the other. One would be an evasion and the other would be an absolute refusal.

28794. Then this statement of fact goes on, that he (that is, the legal Commissioner) "wrote a report, and, in fact, performed the work of a clerk. He had heard it suggested"—you go on now to the region of mere rumour—"that he superintended the actions of the medical Commissioner, but this, he need hardly say, was a ridiculous assertion. He was useless for inspection purposes; he was an anachronism" ?—Yes.

Sir J. B. Tuke, M.P., M.D., F.R.C.P., F.R.S., etc.

3 Dec. 1906.

28795. Would you agree with the observation of one of the Commissioners here, who was first a Secretary and then was a Commissioner, and has been for some years, and may therefore be presumed to know something of what legal Commissioners do; he was asked this: "As a matter of fact, does the legal Commissioner, when he inspects, simply stand by, or are patients presented to him individually?" he answered: "He does exactly what the medical Commissioner does. He sees and speaks to every patient and talks to them; in the great majority of cases in county asylums the demand for the legal Commissioner by the patients is more remarkable than the demand for the medical Commissioner?" —It is a very interesting statement, but I do not see how he can do that for a thousand patients a day.

28796. It was pointed out to him that he only looked at them *en masse*. This is his answer; are we to accept or reject that answer?—That is for you to say.

28797. Is it true or untrue, should you say? He was asked: "Does he write a report on what he has seen?" He answered: "He writes the report of the asylum afterwards. It is the legal Commissioner who does that for every institution except the few Metropolitan asylums." Were you aware of that?—That the legal Commissioner does write them?

28798. That he does write them for every institution except the few Metropolitan asylums?—I was not aware of the exception.

28799. The phrase from your speech to which I have called attention having been read to this gentleman, he he was asked: "Is that anything approaching the fact?" and his answer is "Certainly not." Then he was asked "Would you be surprised to hear that that was put forward in the House of Commons on the 12th May, 1904, as part of a speech of an honourable Member representing a University?" and he says, "I do not know that I should be surprised." The next question was: "A University where his constituents are mainly medical graduates"; his answer was "By whomsoever it was put forward it is absolutely inaccurate and absurd, in my opinion." The experience of this gentleman, and his having an opportunity of estimating the value of the gossip you have got from superintendents, does not suggest to you that you may be wrong?—No. I cannot believe in a physical impossibility.

28800. It is then put to him: "And you do not agree with the further statement by this distinguished medical man, representing medical men, that as he had said, the legal Commissioner was an absolutely necessary component part of the Commission in the Board room, but he was utterly useless in respect of inspection." The answer is: "I think that is absolutely absurd too, and absolutely inaccurate. I think it shows that the gentleman could never have been round in an inspection of an asylum carried out by two of our Commissioners. I think I may also add that if you were to compare the opinions of the medical superintendents of this country they would endorse my words." That statement does not shake your opinion formed on the gossip or the information of these nameless superintendents?—Not materially, no.

28801. Have any patients complained to you at all? You have not visited public asylums, perhaps, in England?—Yes, I have visited many.

28802. Have you had many complaints from any of them with reference to the action or inaction of the Commissioners?—No, of course not.

28803. I understood you to say that inspection by justices is "ridiculous"—I think that was your phrase?—Quite.

28804. Why?—After a man has been certified and examined carefully by two medical men, to have their opinion reversed by a justice is to my mind ridiculous.

28805. Do you have a system in Scotland, with which I dare say you are familiar, of visitation and investigation by justices?—No.

28806. Is your opinion based upon any facts with reference to the insufficiency of the justice's examination here?—No; it is based on the view that the position is, in my opinion, ridiculous, that the opinion of two men should be reversed by a justice of the peace.

28807. Has it occurred to you that it is not necessarily a reversal, by any manner of means, of the opinion of any medical man; that the justices may be seeing and inspecting the patient many days, or many weeks, or many months after he has been certified by the doctor, and that therefore a totally different condition may have arisen on which his judgment has to be formed?—But it may be at a very early stage of the case.

28808. But it may not?—It may not.

28809. If the justices have visited and have any doubts, they can easily communicate that to the Commissioners of whom there are some medical Commissioners, who could go and inspect; they have to make a report, have they not?—I believe so.

28810. Have you familiarised yourself with the duties of justices who inspect asylums?—It is not the inspection of asylums, it is the inspection of individual cases.

28811. Well, individual cases. Do you mean cases which are not in asylums?—No, cases which are admitted to asylums and certified to be insane; they undergo the criticism of a justice of the peace who knows nothing at all about it.

28812. May I ask whether you have made yourself familiar with the statutory or other duties which are imposed upon justices when they examine patients in an asylum?—In what sense familiar with them?

28813. Are you acquainted with the directions given to them for the duties which they are to perform?—No, I am not except that he has to review a medical position which he is not fit to do.

28814. Are you quite certain? Is that your view of what the justice has got to do, that he has to review the medical position?—Yes.

28815. Whatever may be the duties discharged by justices in Scotland, for I think they have something to do with the detention of the insane, you have not made yourself familiar with the duties of the justices in England?—I have not personally observed their duties in that case.

28816. (*Dr. Donkin.*) I see that you have made a statement that in Scotland there are no scandals and outbursts of popular feeling, or adverse press comments. May it be inferred that in England we have much trouble with scandals and outbursts of popular feeling?—Not so much within the last few years, but there were certainly.

28817. Would you say within a few years?—Say within the last ten years.

28818. This is a recent Parliamentary speech?—Yes, but I cannot put dates, of course, to each event. You must recollect the case at Virginia Water, how that roused public opinion; how an action was brought against a medical man of distinction in London, and how that did the same thing. Those are two cases in particular.

28819. That is quite true, and you could go further back to others; but would you think, considering the much greater size of England than Scotland, that there are more cases of scandals, or there have been more scandals in proportion to the population?—The only test I have of it is that for forty years there was never an action raised before the Court of Session for illegal detention and never any scandal. In my own experience there has never been scandal of any kind in Scotland.

28820. That may be so; I am taking that without any question; but it seems to me that the point you make in the speech which is crystallised in this report, or the inference that any one would draw from it, is that in Scotland there are no scandals and in England there are many scandals?—Yes.

28821. That is just what I think you fail to substantiate. I think there are not many of any importance?—There was a very important one in 1904, just before I spoke, I have not had time to refer back to the medical papers in which a man was convicted of keeping a house with seven patients somewhere down in Sussex, and those patients were in a disgraceful condition, and he was punished. He had kept the house for seven years.

28822. I think your statement goes further; your statement says there is very considerable want of public confidence?—That is the impression I have formed in talking over matters.

28823. It is an impression; you cannot say more than that it is an impression?—No; it is the result of observation.

28824. You say further, on another point, "he had no hesitation in saying that there was not one in 10,000, perhaps not in 100,000, of the public that knew of the existence of the legal Lunacy Commissioner." Is that the fact; have you stated that as your opinion from your knowledge of lunacy matters?—Yes.

28825. Would you be surprised to hear that there are a great many people who think that all the Lunacy Commissioners are legal?—I cannot understand their thinking that.

28826. You state there is not one in 10,000 perhaps not one in 100,000. That may be the case in Scotland, but it is not the case in England?—No, I am speaking generally.

28827. You say "until they ceased manufacturing dementia in the way he had explained"—you do not explain it in this paper at all. It has been brought out by Mr. Byrne that you mean there is no method of early treatment?—That is what I had in view in saying that. There ought to be some means of obtaining public confidence to allow institutions in which the early treatment might be conducted.

28828. Of course, this Parliamentary speech has the effect practically of charging England alone with the manufacture of lunatics? It is a little Parliamentary ornamentation?—I admit that.

28829. (*Dr. Loch.*) Are there any pauper lunatics kept in Scotch poorhouses?—Not very many, I forget the number.

28830. Are you satisfied with the supervision of the lunatics in the poorhouses?—Yes, quite.

28831. Would you prefer they should be taken from the poorhouses and provided for in separate institutions?—They are so practically now; in connection with the workhouses there are separate wards.

28832. Are you content with there being separate wards in the poorhouses or would you have them in a different institution?—I think for that class of case, chronic cases, it is of no great consequence.

28833. It is only the chronic case which is left in the poorhouse?—Only the chronic case.

28834. How often are the asylums visited by the Lunacy Commissioners in Scotland?—Twice a year.

28835. What other visitation is there?—None, except the Local Board.

28836. How often do the Local Board go?—Generally every month; more frequently in certain cases. I believe I was thinking of my own experience in Fife where we had monthly board meetings, and they met at the asylum.

28837. Are you satisfied that the frequency of them is sufficient?—I believe so.

28838. With regard to the management of the asylum apart from the medical side, I understand the superintendent is responsible for all that?—For everything.

28839. Do you think that that is a good plan?—No, I do not; I should prefer to see the administration left in separate hands and the superintendent in a purely medical capacity.

28840. If you had administration in separate hands, how would you arrange it, would you have a steward for it, as it were?—A steward.

28841. Do you know whether that has been a policy which has been followed in Scotland?—I do not think it has, except in my own case, where to all intents and purposes I handed the business arrangement of the asylum to the steward and clerk.

28842. From the point of view of supervision which is our main issue you think an institution could be better supervised if there were these two departments?—I think so. I know one very outstanding case (I cannot mention names) in England; one of the most distinguished men has to occupy four-fifths of his time in administrative work.

28843. With regard to the supervision from the point of view of expenditure on building, I take it from your answer, you are dissatisfied with the amount of control in Scotland at the present time over expenditure?—Yes.

28844. What is your suggestion as to preventing this very large expenditure?—I have no actual method to put forward, I only point out the fact that I believe it is in the power of the Commission to reduce expenditure.

28845. Is it the fact that the municipalities are very powerful and able to spend a large sum of money?—Yes.

28846. And the consequence is that they rather overpress the Commission?—They build one against the other.

28847. Unless the power that is to prevent expenditure is strong enough to prevent it, the expenditure will still go on?—Yes; but it might be checked.

28848. Might I take it your main issue is this, that apart from detail you wish to lay stress on this point, that the population of Scotland being so small, and the numbe of lunatics there comparatively small, a system which is found in your opinion to work well there could not be applied to England unless the English system was very much enlarged?—Yes.

28849. So that your main point really is to press for the extension of decentralisation of the control in England?—Yes.

28850. (*Dr. Dunlop.*) In talking about the division of the country into districts you do not anticipate that these districts will be so small as to be merely local. In Dr. Needham's examination he was rather talking about them as if they were very small local divisions, they are divisions containing about 6,000,000 of population which you suggest?—Yes.

28851. Large districts; it is not local administration but administration of large districts?—Yes.

28852. I think you stated you are aware (in answer to Dr. Needham) that it was not part of the duty of the Commissioners at their visits to inquire into the mental condition of the inmates of asylums. Is that a state of affairs you approve of?—Certainly not.

28853. What would you say is their primary duty in visiting asylums, or should be their primary duty?—As medical men to inquire into the health of the patients. By health I mean mental as well as bodily health.

28854. And their first duty is to see that the patients are the proper patients that are in the asylums?—Yes.

28855. That is the duty of the Commissioners, and if it is not the law just now, it should be the law?—Yes.

28856. You would make strong recommendations to that effect?—Yes.

28857. You were talking about discharge from the Scotch asylums by the Commissioners. May we take it that as a matter of fact nearly all discharges are by superintendents stating that the patients are sane?—Yes.

28858. That it is not the duty of the Visiting Committee in any way to interfere with the discharge?—No.

28859. It is entirely a matter for the superintendent, and is so carried out practically in all cases?—Yes.

28860. You may be aware of the existence of Section 92 of the 1857 Act which gives the Commissioners power, after obtaining outside evidence of sanity, to release. Can you tell us whether that power is ever acted upon in Scotland? Have you in all your experience come across a case where the Commissioners have acted on that section?—I never knew of such a case.

28861. The power does exist, but the fact that you do not know it shows that it is very seldom acted upon?—In forty years' experience I never knew it acted upon.

28862. Regarding the unpaid legal Commissioners in Scotland, I suppose it is a fact that they are not full time servants and they simply attend meetings and give opinions when they are asked to do so?—Yes.

28863. What is more, it is no heavy tax on their time?—No.

28864. In England the office is very much larger; would you advise full time Commissioners to do the office work in England?—Yes, certainly.

28865. You could not expect a man to do full time work without payment?—No.

28866. And a very handsome salary—a reasonable salary?—Yes.

28867. Regarding the number of inspections to be paid to private asylums, you said "two per annum." Dr. Needham said "Would that be sufficient to allow for frequent change of superintendents?" A change of superintendent would surely be an occasion for a special visit?—It might be.

28868. Even frequent changes would not be a complication in deciding the number of ordinary visits of inspection, and the change cannot be so frequent. Mr. Greene was asking you about the power of the justices of the peace to review medical matters. It is a fact that they do so in England; you know that, do you not?—Yes.

28869. They criticise the medical certificate?—I believe so.

28870. And criticise the medical superintendent's opinion as to discharge?—Yes.

28871. So that both in taking in patients, and putting them out, they override medical opinion.

28872. (*Mr. Greene.*) This gentleman said he did not know the duties.

28873. (*Dr. Dunlop.*) These duties are known to everyone; I am sure Sir John Batty Tuke knows them?—Yes.

28874. (*Chairman.*) Is there anything else you would like to add?—No.

G. H. SAVAGE, Esq., M.D., called; and Examined.

G. H. Savage, Esq., M.D.

3 Dec. 1906.

28875. (*Chairman*). I think you have had a long experience at Bethlem Hospital?—Seventeen years.

28876. And have had a very wide experience as regards the subject of our enquiry for a great number of years?—Yes.

28877. On this occasion I think you are not only kind enough to give us evidence of your own knowledge, but you also speak on behalf of the Medico-Psychological Association of Great Britain and Ireland?—I do.

28878. And also on behalf of the Royal College of Physicians?—I do.

28879. May we put in your own statement and also the statement on behalf of the Medico-Psychological Association as part of our Minutes?—Yes.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY G. H. SAVAGE, ESQ., M.D.

I think there ought to be many more Commissioners. I think the additions should be chiefly if not entirely medical, I think they should be chiefly men with some experience of the insane, but I do not think it necessary they should all be public asylum men, I think private asylums need representation as at present they are required by the public, but they are unfairly competed with by rate and subscription aided institutions. I think deputy Commissioners would be very useful and if the feeble-minded are to be visited (and I think they ought) it might be their duty to do this. I do not think any gain would follow the appointment of laymen (neither lawyers nor doctors), I think the medical qualifications ought to be fixed. In older days the College of Physicians selected or recommended men suitable for the appointments, and I think it would be a good plan if the legal members and one medical man was always in sessions in London while the medical men did the visiting.

I think a permanent sanitary officer or surveyor would be useful and would relieve the other Commissioners. I have always thought that if in the great asylums a clerk went before the Commissioners and verified the patients, and took the names of those who wished for an interview the patients would be better satisfied than they often are with the interview in the wards, and this would relieve the Commissioners of useless work. In Welsh asylums it is useless as the Commissioner does not understand the language.

I think a Commissioner who understands Welsh might be useful. I feel very strongly that there must be some system of notifying, not certifying, the acute presumably curable patients as at the present time the greater number of these patients belonging to the upper classes are under care in doctors' houses and nursing homes unrecognised by the Commissioners. This is due in great part to the dislike to the magistrates' order being required.

G. H. SAVAGE.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY G. H. SAVAGE, ESQ., M.D., ON BEHALF OF THE PARLIAMENTARY COMMITTEE OF THE MEDICO-PSYCHOLOGICAL ASSOCIATION OF GREAT BRITAIN AND IRELAND.

The Parliamentary Committee of the Medico-Psychological Association of Great Britain and Ireland have met and discussed this matter at length and have resolved *nemine contradicente*.

1. That in their opinion two additional Commissioners should be appointed who shall be medical practitioners but that no other change be made in the Board of Lunacy.

2. That Assistant or Deputy Commissioners should be appointed in such numbers as may be required in view of any increased duties which may be imposed on the Commission.

The Assistant Commissioners only to visit in place of Commissioners as and when directed by the Board, and that they be attached to the London Office and not to any local district.

3. That where visits are now required to be paid by two or more Commissioners a visit by one or more should be sufficient.

4. That the Association is strongly of opinion that as the visitation of Asylums, Hospitals, and Licensed Houses is the most serious part of the duties of the Lunacy Commission, none but the Commissioners themselves should carry out any ordinary visitation.

5. That the disqualification for appointment as Lord Chancellor's Visitor and Lunacy Commissioner imposed by Sections 158 and 165 of the Lunacy Act, 1890 on certain medical practitioners connected with Licensed Houses should be abolished.

It was further resolved that evidence on behalf of the Medico-Psychological Association be tendered by Dr. G. H. Savage, of 26, Devonshire Place, W.

28880. (*Dr. Donkin.*) I should like to ask you what, in your opinion, should be the functions of the Lunacy Commission generally?—First of all, to see every patient periodically who is under certification, whether in asylums or whether not; that they should have a general supervision of the buildings in which persons of unsound mind, and certified, are placed; they should also be the referees to whom those under certificates may appeal. One feels that they should have power, more than advisory, both in relation to the situation and construction of asylums, and also to the discharge of patients, and there seems to be an absolute necessity arising for the supervision of the very large number of patients now in private care. The Commissioners' reports show a decrease in the number of private patients under certificate. That I am sure is altogether misleading, in consequence of the very large number of insane patients who are treated in nursing Homes and without certification, and one does feel that if that goes on, it will be likely to lead to the evils which lunacy legislation was originally designed to stop.

28881. That last necessity is a very great one, in your opinion?—A very great one.

28882. Those being, in your opinion, the proper functions of a Lunacy Commission, are you of opinion that the present Lunacy Commission requires enlargement?—I am.

28883. Are you of opinion that the present Lunacy Commission is constituted in the best way for carrying out its functions?—I think not. I may say the visitation by Commissioners, when they talk of being able to see 800 patients in a day, although a large proportion are weak-minded, must mean very imperfect visitation; periodically I go to a lot of these private asylums and hospitals, and if one sees thirty or forty in a day and really takes any interest or notice of their progress, it is as much as one can do. As for seeing 600 or 800 patients no one can do that in justice to them, it seems to me.

28884. Is it your opinion then that the Lunacy Commissioners in visiting asylums should have sufficient time to go into, say, the medical aspects of all the cases or many of them?—Many of them; all the recent ones, for instance.

28885. You would not agree with the opinion which has been expressed, by the majority I think of the Lunacy Commissioners, that the function of the Lunacy Commission, as at present understood, does not necessitate any particular special legal or medical knowledge, although it is held that the constitution is good, half medical and half legal: it is the general opinion of the Commissioners who have been before us that special medical and legal knowledge is not essential; you would not agree with that?—I think it would be advisable, if not essential. I believe the general feeling is, in speaking of those Commissioners who have been selected from general positions and not from asylums, like Dr. Clifford Allbutt, Dr. Coupland and others, that at the end of two years they were quite as efficient as those who came from asylums and that they had certain advantages, and I should think that those who had wide medical skill, apart from insanity, should be represented on the Board, that they should not be all asylum men; some asylum practitioners, some of the best of the younger men, complain that the superintendents have no time to see any scientific work which is going on in the asylum. One superintendent was saying to me that a physician Commissioner who had not been attached to an asylum had a greater interest in seeing original work, but they had not time to do it.

28886. Would it be your opinion that all the Commissioners who visit should be medical men?—No, I would not say that. I think it would be a good thing for the legal Commissioner to visit, but not habitually; for instance, if he had one course or turn a year and the rest of the time in London; I think it would be rather a good thing for the legal Commissioner to know something of the buildings, therefore I should put it in that way that I think it would be advisable that the legal Commissioner should visit sometimes.

28887. But you would regard the medical visits as much more important?—I think so.

28888. Would you think that twice a year, or once a year, would be best for the visits of medical Commissioners to asylums?—It seems to me that one visit a year is too small.

28889. Would you say two, as a minimum ?—I should say two, as a minimum.

28890. You would not think that a visit solely by a legal Commissioner was very effective or economical ?—No, I do not think it would be.

28891. You would say that occasionally the legal Commissioner should accompany the medical ?—Yes.

28892. You have expressed some view about deputy Commissioners ?—That rather hangs on the question of the feeble-minded and single care ; one feels that if extra work of that type has to be thrown upon the Commissioners, the deputy Commissioners could do it. A very strong feeling was expressed by some members of the Committee of the Medico-Psychological Association against deputy Commissioners, who it was presumed would not be paid so highly as full Commissioners and who would probably be younger men without the same position in the profession, visiting and commenting upon the asylums. They thought that the deputy Commissioner should not be the official Visitor to asylums, but that his work should be to occasionally visit asylums, and that the official visit should be by the medical and legal Commissioners, while the visitation to workhouses and the visitation to single-care cases and to the feeble-minded if they are to be visited, might be undertaken by the Assistant Commissioners, as I believe the Commissioners themselves have said that they could not undertake it. I know that when there was a committee of the Fellows of the Royal College of Physicians in relationship to that, they wished the feeble-minded to pass to the Education Board and not to the Lunacy Board, because they said it was practically impossible for them to undertake such work ; therefore it would be a good thing, one thinks, to have them. Another serious point in relationship to that was that they should not necessarily expect to be made Commissioners.

28893. Supposing that institutions of any kind were started for the prolonged detention of the feeble-minded in large numbers, what reason would there be why the superintendents and managers of those institutions would be less likely to resent the visits by somewhat younger men, with less high salaries, than the superintendents of asylums ?—I suppose they would have the same objection, but their duty should be with those persons who are not in big institutions.

28894. But I am taking the case of the future, the possibility of the creation of large institutions or colonies ; would it not, in your opinion, require quite as much care, on the part of managers and supervisors and inspectors, to run these places properly ?—Quite, and I think in some respects more.

28895. Therefore you would say that the same amount of knowledge and the same amount of weight would be required, in the visiting Commissioners of these institutions, as is now required in the case of asylums ?—I think so.

28896. You would not say that the work was inferior and therefore to be put off to inferior officers ?—The best plan would be a large increase in the full Commissioners.

28897. (*Mr. Greene.*) May I get on record what the nature and aims of the Medico-Psychological Association of Great Britain and Ireland are, of which you are the accredited representative ?—It first started some sixty or seventy years ago as the Association of medical officers attached to asylums. Since then it has grown, and has practically all the superintendents and the assistant medical officers of the public asylums and hospitals for the insane, and for the private asylums ; besides that there are a certain number of men who are purely, you may say, scientific men who are called neurologists, rather than psychologists. It publishes, and has published for fifty years, a journal of medical science ; it has quarterly meetings ; it has regular examinations for a certificate in psychological medicine ; it has an examination three or four time a year for nurses ; and it organises systematic lectures and teaching at asylums for the attendants, having also text books for their benefit.

28898. Having given its description and its objects and the weighty character of its constituents, perhaps you will kindly tell me how many your constituents are, what is the number of your constituents whom you are representing ?—I should think 800 at least.

28899. Being more or less connected—in fact almost entirely connected—with the medical profession, one can hardly expect them to have the same enthusiasm for the legal profession ?—Not the same knowledge.

28900. If any question of capacity for future Commissioners is concerned it will hardly be going out of one's way to expect that your Association would prefer a medical man to a legal man ?—Quite so.

28901. You say in your statement that you think there ought to be many more Commissioners, and your Association say two additional Commissioners. Is that on the assumption that the present Lunacy Commision will continue with its existing work, or with any added work ?—That it will contuine with its existing work.

28902. And does it also pre-suppose the continuance of the Visitors in Chancery and the Masters in Lunacy ?—It does.

28903. So that the value of that opinion would be very considerably altered if it were proposed to interfere either with the numbers or the character of the existing Commission, or of those other bodies, the Visitors and Masters in Lunacy ?—Yes.

28904. If I may say so therefore, respectfully, this is merely a provisional opinion applicable to the existing state of affairs ?—A definite statement that the Association feels that the Commission should be strengthened and that it should be strengthened by two ; and that seemed to be rather falling in with the Lunacy Commissioners' own wish, I think.

28905. That is all based on the assumption that the Visitors in Chancery and the Masters in Lunacy would continue as they are ?—Yes.

28906. This being an augmentation of the power of the existing Lunacy Commission ?—Yes.

28907. Concede a change in the Lunacy Commission, concede, for a moment, the fusion of the Lunacy Commission and the Visitors in Chancery and the Masters in Lunacy, and this recommendation would fall to the ground ?—Of course, one feels that the two added, whether they were Lord Chancellor's Visitors or others, would be two added, but whether it would be the best thing I doubt.

28908. That is all I want to get, that this is not an absolute pronouncement, but one which has relation to the existing state of affairs ?—Quite so.

28909. That also disposes of the next recommendation of your Association : " That assistant or deputy Commissioners should be appointed in such numbers as may be required in view of any increased duties which may be imposed on the Commission " ?—Yes.

28910. I do not know whether you draw any distinction between Assistant Commissioners and deputy Commissioners. " Assistant Commissioners " appear to me to be people who would be called upon to assist the Commissioners, but " deputy Commissioners " seem to me to be substitutes, or temporary substitutes, for existing Commissioners ?—I think that distinction was made, as it was recognised that periodically Commissioners may be laid up, or there might be such a stress of work that they would have to call in extra men who would go as their deputies on single and individual cases.

28911. Have you, or your Association, considered at all whether there is to be any different qualification in the assistant or deputy Commissioners from that which is required for the Commissioners themselves ?—It was recognised that there is no qualification, I believe, in the appointment; that the Lord Chancellor might appoint anyone to be a Commissioner who was barely medically qualified.

28912. Excuse me, it is " a medical practitioner " in the definition clause, and a medical practitioner appears to be a gentleman who has no higher scientific qualification than that of licentiate of the Society of Apothecaries ?—Quite so.

28913. I do not know whether your Association has considered whether this would be a recurrence to what was the condition many years ago, of appointing only those people who are members of the Royal College of Physicians, or whether there is any professional qualification which your body would desire to suggest we should propose ?—There was no full agreement on that question.

28914. Was there a difference ?—It was rather left that there should be some definition in any future legislation as to what the qualification should be.

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28915. May I take it that they advisedly avoided giving us that particular recommendation, or that there was such a difference of opinion that there cannot have been said to have been a unanimous opinion?—I think they advisedly left it out.

28916. May I ask why?—I may say for one reason that another suggestion came from that meeting and also from the meeting of the College of Physicians; in the one place it was put rather as an historical fact that from 1845 I think to 1862, the College of Physicians nominated the Commissioners. I suggested that that should be put as one of the suggestions. They, as a body, said they hardly felt prepared to do that, and the British Medical Association distinctly opposed that. They said, "we do not want a single body like the College of Physicians any more than the University of Oxford or the University of Cambridge."

28917. Perhaps the College of Surgeons might have liked to have a say upon the matter?—Yes, that was rather the feeling, that they wished a qualification, and they should like a recommendation.

28918. They did not know which was stronger, the physicians or the surgeons, and therefore they did not want to fight it out and recommend it?—Quite so.

28919. As you are kind enough to come here to give us your opinion, possibly you will tell us whether we ought not to make some alteration in the present statutory prescription that it has to be a medical practitioner? I may preface my question by this: we have been told by one of the Commissioners in Lunacy that it would be desirable, if there were any augmentation of their medical associates, that there should be at least one with special lunacy experience?—I should say distinctly that if there were to be any increase, suppose it were decided that there were to be two added—perhaps you will say this is again from personal knowledge—I think it would be better that they should both have asylums experience as they would get into harness more quickly; that the Commission at present having Dr. Coupland—a former physician——

28920. Would you mind avoiding any reference to individual names on the Commission because we have agreed on all hands to treat them impersonally in every question that we put, or practically so?—Quite so. There being a physician formerly connected with a hospital on the Board, it is not so essential that another general physician should be appointed.

28921. In any recommendation for the future constitution of the central body, would you recommend that it should be a statutory requirement that a certain proportion of them should be selected by the appointing authority out of people who have special lunacy experience?—Yes.

28922. And with sufficient graduation in medicine to be of scientific qualifications which would commend universal respect?—I think so.

28923. Something higher than a mere licentiate of the Society of Apothecaries?—The general feeling is that he should be a graduate of a University, or a member of the Royal College of Physicians.

28924. But not Surgeons? Perhaps they were not there that day. The Assistant Commissioners, who, you suggest, should only visit in place of the Commissioners, are to be qualified people, but their services are mainly to be directed to the increased duties which it is supposed might be recommended?—Yes.

28925. This would be, it was supposed, in connection wth the feeble-minded; is that a subject which requires almost more experience than dealing simply with lunacy patients?—Yes.

28926. Then would it do to depute the function of dealing with the more difficult and intricate subjects to subordinate people who were only familiar with the simpler phases of lunacy?—There is a very great distinction I think, in visiting a large institution where a number of those are aggregated. I think it was a question rather of the superintendent feeling that he would be slighted if he were visited by a lieutenant instead of a colonel.

28927. Is there any real foundation for such an apprehension, do you think?—I not only think so, but I know it exists. Speaking in rather a large committee of the Medico-Psychological Association—a dozen or fifteen men representing the hospitals and representing the private asylums—some of them said: "Well, we will not have it, emphatically; we shall disregard whatever these people say;" they were immediately in opposition; foolishly, I think. Then as to the question about the individual weak-minded, I think at present each of those cases requires certainly very special care, and perhaps one finds a difficulty in expressing all one means in relationship to it, because, first of all, there is no legislation; the large class of feeble-minded are not under lunacy law; many of them are living in doctor's private houses and there is no notification; and what I feel, and have long felt, is that there should be a recognition of these feeble-minded, though not a certification.

28928. Not certification according to the present system of certification, but there might be a certification that they were feeble-minded?—Yes.

28929. Though you would not say they should necessarily be certified in the same terms?—Quite so.

28930. Supposing this Commission were to suggest that there should be what may be termed an intermediate certification—that is, that they should not be certified to be absolutely sane nor certified as absolute lunatics, but that they should be certified as feeble-minded, and dealt with in some such manner as might be suggested by this Commission; I am putting to you whether that is not a matter which would require a great deal of discrimination and skill on the part of these Assistant Commissioners?—Yes.

28931. And would it not be putting upon them a more difficult duty than is now put on the Commissioners, that of merely seeing the lunatics?—The difference, as I say, is this, that to go to an asylum and speak dogmatically as to the possible alterations in asylums, possible alterations in the wards, the possible rearrangement of groups of patients, requires a very special experience. The man who had had a fair insane experience, as well as medical practice, would, I think, be quite as able to judge of the feeble-minded, but my contention is that these ought to be visited by some medical man of experience.

28932. A specialist, or a general medical man?—A general medical man, as I think the ideal would be such an increase of the Commissioners as to enable the full Commissioners to visit them.

28933. I see the fourth recommendation of your Association is that "as the visitation of asylums, hospitals and licensed houses is the most serious part of the duties of the Lunacy Commission, none but the Commissioners themselves should carry out any ordinary visitation"?—Yes; that would depend upon what we said just now, that they would object to being officially visited by deputies.

28934. Not deputies, but assistants?—Yes.

28935. "Assistant" rather implies a permanent appointment of a subordinate character?—They could not object, of course, to the deputy.

28936. Will you kindly tell us why this Association, in this resolution of theirs, describe it as "the most serious part of the duties of the Lunacy Commission," that of visiting?—They felt that it was; although they have no autocratic power enabling them to pull down or rebuild an asylum, yet every proprietor or manager or superintendent of an asylum feels the Commissioners' visit once or twice in the year as the most important function of the whole year. The Report is laid before the committees or the boards, and everything the Commissioners have reported is considered most seriously by the governing body, whether it is a committee or not, and it therefore may influence the whole of the next six or twelve months; therefore they think that is the most important.

28937. They have the power of discharge have they?—They have power of discharge, but only under certain conditions. They recommend constantly. For instance, there is an official book where they make a note: "we are happy to see so and so improving and we believe they will be discharged before the next visit"—something of that sort.

28938. Have they any power of discharging the superintendent or dealing with the officers?—No.

28939. None whatever?—No.

28940. Is there any reason why the superintendent should feel alarmed at being supervised by an Assistant Commissioner ?—I do not think there is any alarm, but he thinks it would be less dignified, and that it would interfere with his position. Personally, it is a matter of indifference to me.

28941. Suppose, instead of calling him an Assistant Commissioner, you gave him some other name, would it get over that difficulty ?—Perhaps I might give a concrete example. One of the men said, "Well, you know, I have got a very clever senior assistant medical officer. It is quite possible he might be appointed as Assistant Commissioner, and it is possible he might next month come and supervise me."

28942. I presume it is hardly conceivable that such an event would be to the advantage of that gentleman's institution ?—No.

28943. What is the reason for the fifth resolution of your Association, "that the disqualification for appointment as Lord Chancellor's Visitor and Lunacy Commissioner imposed by Sections 158 and 165 of the Lunacy Act 1890 on certain medical practitioners connected with licensed houses should be abolished" ?—That again is a personal matter. There are perhaps half a dozen large private asylums in England of the very highest class, whose superintendents or part proprietors or whole proprietors have the highest medical qualifications, and yet on no consideration could they be appointed as Lord Chancellor's Visitors. I cannot conceive that any of them would want to be.

28944. That pays better, does it not ?—It used to.

28945. I will not say now, but it used to pay better to be able to run a private asylum than to be a Commissioner or Visitor ?—I should have thought so.

28946. £1,500 a year would hardly tempt a gentleman from a large private establishment of his own; he does not care to go from affluence to poverty on a Commission ?—One may add this: there are a certain number of men now who have shares. Let me give an example: A private asylum; the proprietor dies; he has no sons to succeed him, and a superintendent is put in to manage it, and he is paid a certain salary, but he has also a certain allowance on the profits of the year; therefore he is part proprietor, and that would exclude him from being appointed Lord Chancellor's Visitor; there are men of that kind.

28947. I am looking at this from the point of view of what this Commission ought to do. Is it worth our while to submit to our Sovereign that this is a matter really worth legislating upon at all ?—I do not think it is, but it is my duty to bring it before you.

28948. A good deal of your evidence given to Dr. Donkin seemed to me to turn upon what your Association's idea has been as to the functions of the inspection to be discharged by the Commissioners. Do you suggest that it is to be the duty of the Commissioners to personally inspect in each case the state of mind, and the fitness to remain continually certified, of each patient in every asylum ?—My contention is that every patient who is capable of appealing to the Commissioners should have the right to do so.

28949. But at present he has the right, at all events; whether he receives the opportunity or not is another question ?—There is a suggestion which I made many years ago, and which I have made here again. It seems to me that if, for instance, on the day on which the Commissioners visited, a clerk from the Commission verified the existence of A, B, C, or D, and said: "Do you wish to make any complaint, have you any complaint to make ?" then they should be able, as they do on special occasions I believe still, to take the patient apart; or in the case of patients who wish specially to see the Commissioners, to see them out of the wards altogether. I have had patients complain to me, and I said: "Have not you spoken to the Commissioners ?" They said: "I have spoken to the Commissioners, but there were half a dozen people round the Commissioners at the same time.

28950. And you believed what the lunatic patient told you ?—In some cases, certainly.

28951. Suppose for a moment that the Commissioners took pains for themselves to give every lunatic the opportunity of speaking to them if they liked, that is all you would reasonably think they would require ?—That is all.

28952. Although you suggest that a clerk might do it, you would have to have the clerk there also to identify the patient to the Commissioners, and that would increase the duties ?—Yes.

28953. Out of how many cases in an asylum would patients require to see the Commissioners ?—It varies; in some asylums it would not be five per cent.

28954. I suppose those who are at all near the border line would want to see the Commissioner, and could ask for him ?—I should say that every patient who has been admitted to the asylum since the last visit of the Commissioner ought to be seen by him.

28955. Seen separately ?—Yes.

28956. As a matter of routine ?—Yes; so that he could form his own judgment.

28957. That would not require legislation ?—No.

28958. We are looking to see where legislation is wanted ?—That is a mere matter of recommendation to the Commissioners to be a little more searching, perhaps, than they are, in giving opportunity, in individual cases, to lay grievances before them ?—To give them time to do it.

28959. Are you rather anti-lawyer as regards the appointment of Commissioners ?—No; only I say we have enough.

28960. They have not been created absolutely for nothing; I suppose, even like beetles and worms, they have some function in life ?—I always find them very pleasant functionaries.

28961. I observe you think that a permanent sanitary officer or surveyor would be of value ?—Yes.

28962. Is that from any asylum experience of your ?—Certainly.

28963. What opportunities have you had ?—I had seventeen years at Bethlem.

23964. What reason is there for giving that to the Commissioners ? Why would it not be better to give it to the superintendent ? I am sure Dr. Savage, if he had a sanitary officer and a surveyor, would keep them employed quite as well as the Commissioner would if he had them ?—I rather felt that if I had been a Commissioner and had had to go round wards and comment upon paper and upon drainage, and had had to do this, that, and the other, that my opinion would not have been worth having, and therefore I thought that very possibly the opinion of the Commissioners who gave similar advice would not be worth much; mine was not expert advice, anyhow.

28965. There is one other thing which you have brought out but which nobody else has brought out; we do not want to add to the grievances of Ireland or Wales if we can help it; you have pointed out that in Welsh asylums visitation is useless as the Commissioner does not understand the language ?—Yes.

28966. Do you suggest that we should have to test the capacity of every Commissioner to speak in Welsh ?—I should put it this way. A good many years ago I had a former house physician who became superintendent of the South Wales Asylum; I spent a week with him, and he informed me that there were sixty Mary Jones's there, and I think fifty of them could not speak English. I said: "what do you do when the Commissioners come round ?" He said: "We tick them off." The advantage of ticking off the names of people who are to appeal to the Commissioners is not very apparent; they do not understand what they say. That merely struck me as a want; at least, it would be an advantage to these Welsh speaking people, who are very numerous, I believe.

28967. I am quite prepared to follow your reasoning so far as this, that there might be some difficulty if an English Commissioner, speaking through a Scotch superintendent, tried to make out at a visit the insanity of a Welsh inmate who could not speak English ?—Quite so.

28968. But is that an insuperable difficulty ?—No.

28969. Does not the superintendent, or do not some of the attendants speak Welsh ?—I think very often.

28970. When it suits their purpose, do you not find that Welsh people are perfectly ready to speak in English ?—I think that is true.

28971. I only speak of the courts of justice. I never found any difficulty myself in getting a Welsh witness

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to corroborate anything that I wanted. How do they manage with reference to prisons?—I do not know.

28972. In Welsh prisons, for instance, the same reasoning applies, that there must be a Welsh Prison Commissioner in order to inspect a prison containing Welsh prisoners?—I do not know anything about them.

28973. Is there any practical difficulty in the managing of Welsh patients, superintended by Welsh speaking attendants and superintendents, at the present time?—I do not know, but it struck me that if the insane person is to appeal directly to the authorities, he can only do so if the Commissioner speaks Welsh.

28974. Should not we almost have to have the gift of tongues visited upon all these Commissioners? Let us take the case of Cardiff asylum, some Chinese, a few Italians, some foreign Lascars and a few Spaniards; are the Commissioners to have the gift of tongues and to be able to speak in all these languages?—I think there is a difference between an Englishman in Wales and a Chinaman in England.

28975. Chinamen in Cardiff I was putting—anywhere you like; is there any practical difficulty, or is this only a theoretical difficulty?—It is more theoretical.

28976. (*Mr. Byrne.*) Between the views expressed by the Medico-Psychological Society and the views of the Lunacy Commissioners as expressed before us there is a striking and beautiful harmony. You no doubt know that they are identical, practically. I presume it does not indicate in any way previous rehearsal or consultation?—No.

28977. They have not had the opportunity of consulting each other in any way?—No.

28978. We may take it therefore that it indicates a marked sympathy between their views?—Yes, distinctly. We heard of course what their views were; the Commissioners' Report I think was in our hands.

28979. You agreed with it very largely?—Yes, we went though it.

28980. That indicates a very great sympathy in your views, and an agreement?—Yes.

28981. Which would go very much against what Sir John Batty Tuke told us, that there was no confidence or sympathy between those two bodies?—I should say that is perfectly untrue.

28982. Would you say that you are not only speaking as an individual, but practically you are using the language that would be used by almost anyone conversant with lunacy affairs in England, when you say that it is quite untrue?—Certainly.

28983. You have no hesitation about that?—Our scientific meetings are rarely held without some representative of the Commission being present.

28984. If I may put it without offence, just to get it on our notes, you find them neither "wooden," nor "bureaucratic," nor "wanting in sympathy," or any of the other things said about them?—I should be absolutely opposed to every one of those things.

28985. Should you think, from what you have heard and know, that the Lunacy Commissioners do habitually help medical superintendents, and are glad to talk with them, both about the mental condition of individuals, and the general condition of the asylum?—They do it to a most extraordinary extent

28986. And most medical superintendents are glad to hear their views, whether they adopt them or not?—Distinctly.

28987. As it adds, at any rate, to their knowledge of the subject?—Certainly. I speak as having been President of this Association in former years and knowing intimately the superintendents of nearly all the asylums.

28988. The inspection of public asylums now is an inspection of that which as a rule does not require inspection; they are admirably managed as a rule, are they not?—I think so.

28989. In all matters in connection with which the Lunacy Commissioners have any authority whatever, the asylums generally speaking are admirably managed without them?—I think they are.

28990. The inspection they have to give is not an inspection which it may be anticipated will discover and have to devise remedies for a large number of evils?—No.

28991. The asylum goes on, the day after and the week after the Lunacy Commissioners have inspected it, exactly as it did the week before, in an admirable way?—Yes.

28992. Do you think the amount of that inspection which now goes on is absolutely necessary, under present conditions, to keep up this high excellence of administration when you consider that every asylum is inspected by the Visiting Committee and has a very large staff of mostly highly competent doctors, all keenly interested in carrying it on well? Do you think the inspection of the Lunacy Commissioners in great detail is necessary?—I do.

28993. Would the administration relax if the inspection were relaxed?—I think it would. I may say, in parenthesis, that the English asylums are under-officered, compared with all the European asylums. The asylum in England which has a superintendent and two assistants, in Italy would have at least five, and in nearly every European country there are far more; therefore you want, I was going to say, a pretty careful supervision by the heads to see that nothing is slack.

28994. But the inspection of the Lunacy Commissioners could not discover any such thing as imperfect medical attendance on, say, ordinary sickness in an asylum?—No, except from the patients themselves.

28995. That, they would not get in the majority of cases?—No, they might not.

28996. That is the sort of thing that could best be ascertained by the Visiting Committee seeing it once a month or oftener?—Yes:

28997. So in that case the visit of the Lunacy Commissioners is not of much use?—No.

28998. Similarly, occurring only once a year, it is not of much use in regard to the methods of curative treatment applied to various forms of insanity?—No good at all.

28999. In fact the Lunacy Commissioners would not claim any such advantage themselves?—No.

29000. Thirdly, as regards the nature and style of the future provision to be made for asylums, most local authorities carry out their own investigations and studies, do they not?—They do.

29001. The Lunacy Commissioners do not act as a body of experts, ascertaining and publishing the best results from all over the world?—No.

29002. They would disclaim any such position?—They are not able to do it.

29003. Lancashire and London visit America and the Continent and make their own studies?—They do, but it would be a very great advantage if the Commissioners were stronger. Their annual reports are looked upon all over the country as a most valuable contribution.

29004. That would be more valuable if they adopted a more didactic attitude?—Yes.

29005. You think it would be expedient that they should do so?—Yes.

29006. Practically your recommendation of an increase is based on the idea that you would like to see them taking up this more determined attitude?—Yes.

29007. A more prominent and authoritative attitude?—Yes.

29008. At present do you agree with what the Lunacy Commissioners say, that they claim no authority except in a few little details where they have statutory authority—that they are an advisory authority?—It is so.

29009. And as regards public asylums they are only one of many advisory bodies?—Yes.

29010. The committee of the county council, the visiting committee, the financial committee, the architect, the surveyor—there is a whole army of people highly paid and highly qualified already advising on matters on which the Lunacy Commissioners exercise general advisory power?—Yes.

29011. May we not conclude from that, although it is true that there must be a central inspection, and that if it were relaxed evils would arise, that nevertheless that inspection is not very definite nor very searching in the

matter of detail, nor very exhaustive in applying the knowledge that has been acquired—do you agree with that ?—I think, as at present carried out, it is impossible to be more so, but I think the desire is that it should be more so.

29012. It should be improved ?—It should be enlarged in all those directions.

29013. Taking it as it stands, do you agree with me that there is no great proof of a necessity for high accomplishment or correspondingly high salaries, on the part of the gentlemen who represent the Central Lunacy Body carrying out the inspection ?—I said, and I would repeat, that my idea would be that it would be very much better to have the addition of the highest men you could get.

29014. But that is an abstract ideal, is it not ?—It is a question of full Commissioners, deputies, or assistants. The best idea would be an enlargement by Commissioners.

29015. At present there are six Lunacy Commissioners getting £1,500 a year for doing this mildly advisory work of inspecting institutions which are already advised by the highest experts and inspected very often by equally interested persons. Is it necessary that we should spend, not the £8,000 we spend now, but the £12,000 you recommend, in doing that, or do you only recommend this extension of their number if they will take up this more prominent useful attitude which you suggest, and become more minute inspectors of detail, and more useful advisers on general principles ?—Of course no one but the Commissioners knows exactly what the amount of work is, but from the outsider's point of view, one who has been connected with an asylum and knows a great many asylums it, seems to me the Commissioners feel that they have more work now to do than they can do, call it merely advisory work, call it inspection work, call it what you like. It seems to me that here is the head of a great body, they are recognised as a head, and ought, as the head, to have a directing, observing, and supervising power.

29016. There the difference comes in, they are recognised as the head in a sense, but you have told us that they do not have a directing and advising power ?—But they ought to.

29017. I want to know, is it because they ought to, and is it because you hope they will assume this position, that you and the Medico-Psychological Association recommend that their number should be increased ?—I think they ought to have more power.

29018. Now about one little detail; the inspection of any asylum involves a considerable number of details, some of great importance and requiring technical knowledge, others such as those you have suggested should be given to a clerk requiring no technical knowledge at all, simply care and attention to duty ?—Quite so.

29019. At the present moment the Lunacy Commissioners, in inspecting an asylum, do the whole ?—Yes.

29020. You think their inspections are useful and good ?—Yes.

29021. But they do it all themselves; the most trivial matters—to see, for instance, whether a range of w.c.'s which they ordered last year have been put up ?—Yes.

29022. Or to see whether such and such shelters in the airing ground have been erected; little things like that which anyone can do ?—Yes.

29023. Do you think, by giving certain parts of the inspection of institutions, which are of a subordinate nature, to subordinate officials, that the Lunacy Commissioners could be reserved for the higher and more important part of their work without increasing their number ?—No, I do not think without increasing their number; but I think they should be relieved, as much as possible, of the purely mechanical work which is outside both their medical and legal province.

29024. The bulk of inspection is mechanical, practically, is it not; even take the part which is in the abstract most serious, the interviews of the Commissioners with individual lunatics who might make a complaint; in that case, of course, as you know from practice (everyone who has been in an asylum or had dozens of letters from lunatics knows it), you do not go into the case, you use a few friendly words, pat them on the back, and say "My good woman, your case has been before the Home Secretary himself," or "before the Commissioners"; you say a few friendly words, you do not investgate the case, and would not suggest that the Lunacy Commissioners should investigate the case ?—I say as I said before, every new case should be inspected; every patient who has been admitted since the last visit should be brought before the medical Commissioner for him to form his judgment, as if it were a new case.

29025. The most talkative new cases would fail to convey to you their complaints in less than three-quarters of an hour; it would be a physical impossibility ?—It is a physical impossibility for the Commissioner to see all the new patients who are admitted into a large asylum, but it seems to me it would be very much more useful if the Commissioners were in one of the rooms at the end of the gallery and the superintendent was there with the case book and went through it and said: "A. B. has been here now three months" and what his condition on admission was; then the medical Commissioner could examine for himself. Itwould not take so very long in the majority of cases. He would give the patient an assurance that things were all right, and I think that is a great thing. Before I came here I got a long letter from a patient in an asylum complaining that nobody took any notice, that she had never seen anyone since she had been in the asylum. I think very often good is done to patients by a recognition that they are under an official head who has seen them.

29026. That is common ground. The point where we should part is this, that inspection, even of the case book and the individual together, by the Commissioners, must be, at that time, of a perfunctory and friendly character rather than of a critical nature ?—I say it ought to be critical.

29027. Supposing there were 250 cases admitted since the last visit ?—It would have to be perfunctory so far.

29028. At that time, and not excluding further examination afterwards in their office, it is perfunctory and not an essential part of the administration; it is not a practical means of finding out wrong-doing ?—I think it ought to be an essential part; I do not think you can define what is little and what is large, what is important and what is unimportant, in the Commissioners' visits.

29029. The Treasury have a way of doing it; nothing is unimportant if funds are unlimited ?—No.

29030. (*Dr. Needham.*) I was looking at the entry of the Prestwich asylum of the number of patients admitted since the visit in May previous; that was 535 ?—Was that a new asylum ?

29031. No, a very old one; 535, which is about the normal number of admissions between the two visits of the Commissioners. Of course, you are aware that the law gives the power of discharge and makes it necessary for the committees of all the county and borough asylums to examine all the certificates upon which patients are admitted, and to satisfy themselves as to the propriety of their admission, and that it vests in them, and in them only, the discharge ?—Yes.

29032. If the Commissioners undertake the duty which you suggest, that they should examine all the new cases, even then they would have no power of discharge, if they found that they were sane ?—No.

29033. What would be the object of their examining them ?—I think probably the powers will be increased; at least it is to be hoped so.

29034. You think the power ought to be given to the Commissioners to discharge from county asylums ?—Yes.

29035. Then you see the obvious corollary, that if that is so the Commissioners would have to do what they do not do now, and what they do not profess to do, to form their opinion as to the mental condition of all the patients in the county asylums ?—Yes.

29036. Therefore, they would require to be enormously supplemented ?—I quite recognise that; it seems to me that in the one case it is being useful, in the other it is not.

29037. That is what you think; you think it ought to be so ?—Yes.

29038. You think that the law ought to be altered and ought to throw the *onus* upon the Commissioners and not upon the Committee ?—Yes.

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29039. As regards the number of Commissioners, Mr. Byrne asked you whether you thought an increase ought to be made in the number in order to enable them to do some increased work; have you reason to believe, or have you any knowledge on the subject, whether the present work of the Commissioners is beyond the powers of the present Commission to discharge efficiently?—Of course I have no power of gauging it, but it seems to me altogether beyond them.

29040. Impossible for them to do it with their number?—I think so. There is the official work one knows you have, besides the visitation work—that is one thing which has not been referred to in cross-examination—the amount of official work which comes not only to the legal but to the medical Commissioners, the number of letters, twenty or thirty letters a day, to each of you, I suppose, besides the judging of the fitness of the certificate.

29041. Do you think it would be quite safe, and in the present state of public opinion would be at all agreeable to that public opinion, for the Commissioners not to pay personal attention to all letters which are addressed to them by patients, a matter on which the Select Committee of 1877 laid very great stress?—It seems to me that an enormous amount of rubbish must be sent to your office which might be stopped by the chief secretary or clerk, but still I do not know.

29042. But would it be safe to allow somebody else to open a letter which is addressed to a particular Commissioner?—I do not think it would.

29043. Then as regards the examination of documents, the examination especially of certificates and continuation reports with certificates, would it be safe to allow clerks to examine those and judge of the weight of facts alleged as indicative of insanity?—I should have thought it would not be a good thing for a clerk to be responsible.

29044. You think it is a thing for the Commissioners themselves to discharge?—Yes.

29045. Then you think the number of Commissioners ought to be increased, from what you have seen and observed yourself?—Yes.

29046. As regards the character of the work which has been described as "mildly advisory"; I do not know whether you know much about the way in which the Commissioners discharge their duty in the visitation of large asylums and the appeals which are made to them, and the enquiries they have to make, and the things they have to see—whether you would regard that as of a "mildly advisory" nature, or whether you would think they were duties which at all events took a good deal out of people in their discharge?—I should say it is extremely heavy work. I think that two and a half or three days round Colney Hatch is extremely exhausting.

29047. (*Mr. Byrne.*) I only meant "mildly advisory" as opposed to imperative advice.

29048. (*Dr. Needham.*) No doubt you have read the evidence of the manner in which the Commissioners discharge their duties in the county asylums?—Yes.

29049. They go into the ward, they get a list of the patients, and they count them, and they walk slowly up and down in front of every patient; one would not say that they speak to every patient, but they practically speak to every patient, or give every patient the fullest opportunity of speaking to them?—Yes.

29050. Do you think that is a better plan than sending a clerk who would probably not satisfy the patients, and would not give them the idea that they were having the opportunity afforded them by the highest authority which visits them?—I should have thought it would not affect those who were too weakminded to appreciate it one way or the other.

29051. But the others?—The others, I think, if they knew they had an opportunity of seeing the Commissioner, would think it a more important thing.

29052. That would involve the appointment of another person?—I suppose it would.

29053. As regards the legal Commissioners you have had a very great many years of superintendence; you have had very great experience of the legal Commissioners?—Yes.

29054. I will mention the names of Mr. Phillips, John Forster, Sir Charles Bagot, and other men one could think of; do you believe that they gave strength to the Commission?—I do.

29055. And that they really had a considerable influence in determining the attitude of the Lunacy Board in the discharge of their duties?—I do.

29056. They were not what Sir John Batty Tuke has called them, the mere clerks of the medical Commissioners?—Certainly not.

29057. Will you tell me whether you think they were men of strong individuality, who were not likely to be reduced to that position?—I think the superintendents felt greater confidence in being also supported by members of another profession than by being supported by members of their own profession only. I always felt that the legal Commissioners were a very great strength.

29058. Only one more question as bearing on what Mr. Greene has said with reference to the Welsh Commissioner. Is it not a fact that at Colney Hatch they mass together all the Jewish patients they have—a very vast number of them I believe they have; would you suggest that there should be a Commissioner appointed who could talk Yiddish?—I am afraid I should not, but it would be an advanatge.

29059. Are you aware that there are only about two county asylums in Wales in which Welsh is very extensively talked, Carmarthen and Denbigh, and Denbigh not so much as Carmarthen? Do you not think that was one of the reasons why the Commissioners gave up taking the names of patients, because if you get into a ward of the Carmarthen asylum you have about forty Jane Jones's and they could only identify them by the places from which they came?—Quite so.

29060. The nurses, superintendent, and the assistant medical officers, all talk Welsh in those asylums?—They do now.

29061. They can all translate?—It is merely one of those things which struck me.

29062. There are a number of races, Jews, Turks, Poles, Italians, Frenchmen, all nationalities—the Commissioners make returns to the Secretary of State with reference to aliens who are in English asylums, and there is a considerable number of them; there is a very vast number of patients who speak Yiddish; you do not suggest there should be a Yiddish Commissioner?—No, I do not.

29063. (*Dr. Dunlop.*) I think you told Dr. Donkin that really the most important function of the Commissioner visiting asylums was to enquire into the mental and physical condition of the patients; is that your opinion?—Yes.

29064. Both into their mental and physical condition?—Yes.

29065. If it is not at the present moment a statutory duty of the Commissioner you are of opinion that it should be made one?—Yes.

29066. To what extent is a legal Commissioner competent to perform this first and most important duty of the Commissioners? Can he report as an expert on either the mental or physical condition of the patients?—He could report, and (I was going to say) frequently does, as to the general surroundings, the dress of the patient, and as to the alterations which had been made in the grounds; those general conditions which might perhaps have been fulfilled by somebody else; but, as I was saying just now, he gives a kind of confidence both to the patients and the doctors. It is not infrequently the case that the patient will say, "You are another doctor; it is no good talking to you," yet they would talk quite freely to a lawyer.

29067. But while you say the lawyer is a necessity—a lawyer may have a wide knowledge of medicine picked up in other ways—the qualification of being a barrister does not qualify a Commissioner to discharge all the duties, and especially this primary duty of seeing to the health of the patients?—No, I do not think he does fulfil all the conditions.

29068. So the corollary of that is that under no circumstance should medical visitation be replaced by legal visitation?—I should say certainly not.

29069. Among the recommendations of the Medico-Psychological Association there is No. 3: "that where visits are now required to be paid by two or three Commissioners, a visit by one or more should be sufficient;" you would not extend that power of single visitation by a legal Commissioner, would you?—I should not, but the Committee seemed to be inclined to accept it.

29070. They would be satisfied with one legal Commissioner visiting asylums?—Some members of the Association would. If there had been a minority report there would have been a report that some would have been content.

29071. What is your own opinion?—I should say no.

29072. Decidedly no?—Yes.

29073. The barrister Commissioner is not of necessity fit to report upon this all-important matter of the mental and physical condition of the patient, or to satisfy himself on the matter?—I should think not.

29074. I think you also told Dr. Donkin that you are of opinion that the visitation should be increased to two a year in asylums all round?—Yes.

29075. That would increase the amount of work put upon the Lunacy Commissioners very greatly, would it not?—Yes.

29076. Allowing for that, do you think the addition of only two medical members is sufficient?—I should doubt it. The Commissioners themselves seemed to think two Commissioners were all that they would want, therefore I think the other Committees have said, "very well, we will fall in with your request," but my own feeling is that much more would be required.

29077. Could you put any limit on the number of lunatics to be put under the inspection of one medical Commissioner? Would 10,000 be too small a maximum? Take them in and out as you get them; all patients in asylums do not want close supervision?—I should think 10,000 would be a maximum number for one Commissioner.

29078. That would be twelve medical Commissioners for England?—Yes, that is averaging them.

29079. Can you express any opinion as to the number of asylum patients whom one medical Commissioner, for full inspection, is able to see in one day satisfactorily?—Of course my experience is not worth much in relation to the large county asylums, but at Bethlem Hospital where there were 250 fairly acute or recent cases, and where the Commissioners saw and spoke to every individual case, it took the whole day, morning and afternoon, to do, say 250 cases.

29080. Was that one Commissioner or two Commissioners?—Two Commissioners.

29081. Seeing them together, or seeing patients separately?—They generally went together. Of course if you double that number for chronic cases, it seems to me that 500 or 600 a day would be a very full supply for any Commissioner to do anything beyond simply ticking off.

29082. 500 or 600 you would lay down as the maximum number, and regulate the number of Commissioners accordingly?—Yes.

29083. In Scotland the maximum number works out to about 300 a day; would you say that is too few?—That is rather giving what my experience was at Bethlem; 250 or 300 would be the number.

29084. You would put 500 or 600 as the utmost possible?—Yes.

29085. Have you any knowledge of lunatics in workhouses?—None. I have visited workhouses where lunatics have been, but I have no practical knowledge.

29086. In your knowledge have nursing Homes and institutions for uncertified lunatics grown very much of recent years?—Enormously.

29087. Could you give us any conception of the number, or the number of patients in them?—I think probably the best reply I could give is that within the last five years I have had over 3,000 applications, from doctors alone, wanting to have patients in their houses. Of course I do not know how many of them get them, but it shows the demand. There are over 3,000 doctors who have sent their names in to me within the last five years, asking if I could recommend a patient to their care. I should say without any exaggeration that there are over 1,000 patients in doctor's houses and nursing Homes at present who are either on the border line or very near it.

29088. Many of them would be, doubtless, single patients?—Yes.

29089. But Homes or institutions; can you tell us whether any of those Homes have, let us say, a dozen patients from your personal knowledge; I do not want to press you for names?—A dozen is a large number, but I should say that there is a considerable number of nursing Homes which take the so-called border-land cases, with six or eight patients, and nearly every one of those, if I had my will, should be recognised by the Commissioners. They should have knowledge that people, although not certified, were not of fully sound mind, and the Commissioners, or their deputies, or somebody, should have knowledge of the very large number of patients who were in single care, or in nursing Homes.

29090. Would you go further than that and say that these nursing Homes should be licensed by a special certificate?—No, I do not think I should.

29091. Would you allow anybody to start nursing homes?—No; my own feeling is that directly you had got notification and it was recognised that special visits might come, a very large number of these would die out at once, they would know that they could not bear inspection.

29092. There are a good many such places?—Yes.

29093. I dare say you have seen some?—Yes, I have.

29094. Do you not go the length of saying it is advisable that a certificate should be got; that it should be the duty of the Lunacy Commissioners to grant certificates to suitable nursing Homes and for acute cases as reception Homes?—That opens up a very large question in lunacy. In Glasgow they have gone a long way ahead of us in having a hospital so that all acute cases which fall into the hands of the police or the relieving officer are not sent to asylums but are sent to a nursing Home, which is not recognised but licensed.

29095. It is licensed and under the control of the Lunacy Commissioners?—Yes, they visit.

29096. They visit and they have drawn up rules for management?—Yes.

29097. Could not these pauper nursing Homes be similarly brought under the control of the Lunacy Commissioners?—I think they should be under some body; it is a question I had not thought of, the question of licensing, but it seems to me that it would be a very good thing if the Commissioners, or some body, were to recognise this nursing Home as only fit to receive six patients, for instance, or that this nursing Home could only receive two patients. At present the single care patients the Commissioners extend not infrequently, if it is a suitable Home, to two certified patients, and in some exceptional cases even to three, but for these nursing Homes for border-land cases I certainly would have a limit of not more than, say, six.

29098. You want some control exercised over them?—Yes.

29099. You do not want the the patients' action restricted, but you want the kind of institution to be controlled?—Yes, and recognised; to be known.

29100. For control?—Yes.

29101. They would require some security or licence which could be taken from them in case of bad management?—Yes.

29102. Coming back to one point about the legal Commissioners, you quite agree that they are not competent to do the full inspection, including the mental and physical condition of the patient?—Yes.

29103. Will you agree that they are of the utmost use and importance in the central office for the many legal points which arise?—Yes.

29104. There is one remark you made, that the legal Commissioners should visit for their own education and benefit so as to know what is doing; I suppose that is literally true?—As I said just now, with the legal Commissioners going round Bethlem in the old days, one felt reassured that one had got someone besides oneself and one's medical brethren supervising one's work, and looking at it from another point of view. Medical men

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look at things from a medical point of view. Now and then an educated barrister might look at things from another point of view.

29105. (*Dr. Needham.*) With reference to Number 5 in the resolution, it is stated: "Disqualification for appointment as Lord Chancellor's Visitor and Lunacy Commissioner imposed by Sections 158 and 165 of the Lunacy Act 1890 on certain medical practitioners connected with licensed houses should be abolished"; I suppose you are aware that the Commissioners quite indorse that view?—Yes.

29106. (*Chairman.*) Is there anything you would like to add?—I think the only thing I might add is to repeat something I think I said before, that formerly the College of Physicians nominated the Commissioners, and that there was a feeling that it might be a good thing if the Lord Chancellor, in his wisdom, asked representatives of medical bodies (and one may say the President of the College of Physicians is the nominal head of the profession) to submit names of suitable men to him. The question of the feeble-minded has been very much brought before me by various members, and their inspection. I do not know whether it would come before this Commission, but I was asked to mention the fact that the 116th Section, Sub-section (d) for the care of the property of those suffering from senile and other infirmity not so found by inquisition, by the mere addition of the words "congenitally feeble-minded," would enable the administration of the assets of the feeble-minded to be undertaken in a much simpler way than through the Chancery Division. I do not think there is anything else.

W. H. WINTERBOTHAM, Esq., M.A., called; and Examined.

W. H. Winterbotham, Esq., M.A.

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29107. (*Chairman.*) Would you kindly tell us how long you have been Official Solicitor?—About ten to eleven years.

29108. Before that I presume you were in practice?—I am still in practice. The appointment is held by a solicitor in practice. I have been in practice thirty-seven years. Almost the whole of my time is taken up by my official duties.

29109. You have been so kind as to give us a statement of your evidence; may we put that on our notes?—Yes.

STATEMENT OF EVIDENCE WHICH W. H. WINTERBOTHAM, ESQ., M.A., THE OFFICIAL SOLICITOR, PROPOSES TO GIVE.

I am a practising solicitor of thirty-seven years' standing and am senior member of the Firm of Waterhouse & Co.

I was appointed Official Solicitor in the Spring of 1895. I have an office and a staff in the Royal Courts of Justice. My official work takes almost my whole time, averaging from six to seven hours a day. The hours in my office are from 10 to 6. My duties are varied and important.

I intervene when directed, or when appointed, by the court (but not otherwise), to protect the persons or property of infants and persons of unsound mind. I do not act for persons who are *sui juris*. Circumstances frequently arise when the court, either of its own motion or on the application of outside parties, considers that the interests of infants and lunatics are not being duly protected, and I am directed to institute or defend proceedings on their behalf, either in Chancery, or in Lunacy, and sometimes in the King's Bench and Probate Divisions. Applicants to the court in person are very frequently referred to me for inquiry or report. I also act in many cases as Judicial Trustee under the Judicial Trustee Act, and assist the judges generally whenever required.

I am Committee of the person or estate of lunatics so found by inquisition in sixty-two cases out of a total of 651, and I am Receiver under the 116th Section in 198 cases out of a total of 3,151. This is apart from the cases in which I am appointed by the court "Next Friend" of a lunatic plaintiff, or guardian *ad litem* of a lunatic defendant.

As examples of the cases in which I am appointed I may mention the following:—

(*a*) When the Commissioners in Lunacy, in exercise of their duties in visiting certified cases, have reason to believe that their property is not being applied for their benefit they make a report to the Lord Chancellor under Section 100 of the Lunacy Act. This comes before the Lords Justices and is referred by them to me with directions to take action.

(*b*) The London County Council also frequently find that lunatics in their asylums have, or are believed to have, property which ought to be made applicable for their maintenance, and they ask the Master in Lunacy to direct me to take action and to apply for my own appointment as Receiver.

(*c*) Outside parties who have difficulty in finding a suitable person to act as Receiver ask the Master to appoint me; or the Master himself, not being satisfied with the persons proposed, appoints me.

(*d*) In some cases a Receiver already appointed proves unsatisfactory and fails, or delays, to render proper accounts, and I am directed by the Master to apply for his removal and my own appointment, and to take all necessary steps to protect the lunatic's estate.

I perform somewhat similar duties in the case of infants, being guardian of their persons or estates, but this and many other of my duties are outside the scope of the inquiry of the Commission.

My relations with the Commissioners in Lunacy are not by any means so intimate as with the Masters and Visitors, because all cases in which my assistance is asked or directed are, or on my application become, what are popularly known as Chancery cases, and I act under the directions of the Masters. As above stated, the Commissioners by a Report under Section 100 put me in motion through the Lords Justices, and of course as Receiver I have to apply to the Commissioners for orders to transfer lunatics. The Commissioners also sometimes desire to substitute me as Petitioner under reception orders.

In the Committee cases I undertake to visit four times a year, but I am allowed to visit by proxy, *i.e.*, I may (and in suitable cases I do) instruct a medical man (or a lady sometimes in female cases) to visit and report to me. I visit, however, once or twice a year personally, or by my chief clerk, Mr. Toone, in all cases.

My costs in all lunacy matters are taxed and paid out of the estates of the lunatics. No part of the expenses of my department falls on the State.

I have had the opportunity of reading the evidence of Lord Justice Cozens Hardy on the subject of transferring to the Chancery Division of the Court the work of the Lunacy Department. I am not in a position to say whether the present staff of the Chancery Department could undertake the work of both departments, but of course if this could be done a considerable saving would be effected. The administration of the estate of a lunatic is substantially the same as the administration of the estate of an infant, and the Masters in Chancery are of course perfectly able to do administrative work of that kind, but the change would not be altogether a simple one, or one without disadvantage to the conduct of lunacy business.

(1) The Lunacy Department not only do the work relating to the estates of lunatics, which is analogous to the work done by the Chancery Masters and their staff, but they draw up all orders and tax all costs; in other words, they do all the work which in the Chancery Division is done by the Chancery Registrars and by the Taxing Masters' Department. Moreover, the Masters in Lunacy make orders which would (if the work were transferred) have to be made by the Judges of the Chancery Division. The Masters in Lunacy are in a sense judges of first instance, a very small fraction of the orders being made by the Lords Justices. A transfer would increase largely the Chamber work to be done by the Judges of the Chancery Division.

2. Another serious question is the distribution of the work among so many Judges and Masters. At present all the cases come before one of two Masters, who takes the cases from beginning to end, and very soon becomes well acquainted with the estates he is administering. My 260 cases, now dealt with in one office with two departments, would be distributed among twelve departments with a reference to any one of six judges, and as the two judges in each of the three Chancery Courts sit in Chambers in alternate terms, I should not be sure of having the same judge to deal with applications relating

to the same estate. Moreover, I should not only have my work distributed in this way, but I should have to go in each case to another department to get my orders drawn up (viz., the Registrar's Department) and to a third department to get my costs taxed. The concentration of all the Lunacy work in one department undoubtedly facilitates the despatch of business.

(3) I think also that the expenses of administration are likely to be increased. Counsel are very frequently instructed before the Chancery Judges in Chambers. It is only in exceptional cases that they attend before the Masters in Lunacy. The employment of Counsel in administrative work largely increases the expenses.

(4) Then there is the question of visiting to which I attach great importance. I think it is a serious blot on the administration of the Chancery Department that, although they undertake the charge of wards, they have no machinery whatever for seeing that the guardians they appoint do their duty or expend on the wards the allowances made by the court. One at least of the judges endeavours to meet the difficulty by making orders for a year or two only, thus requiring frequent applications and giving opportunities of ascertaining how the wards are getting on, but this is an expensive and at best an imperfect method. In all cases in which persons are found of unsound mind by inquisition the Lord Chancellor's Visitors visit the patients at frequent intervals. They know all the cases individually. They meet to confer on cases of difficulty and they compel the committee through the Masters to carry out their recommendations. It would be a great misfortune if anything were to interfere with this system. It should, I think, be extended to include cases dealt with under Section 116, which are now only visited by direction of the Masters in special cases. A very large proportion of the Chancery cases are in private asylums or under private care, and it is just these cases which need visiting most. I do not myself see what will be gained by transferring these duties to the Lunacy Commissioners. They have now to inspect asylums and all the arrangements of these institutions and to visit some 120,000 cases. It is impossible that they should know all these cases individually or bestow upon them the personal attention and care which the Visitors give to the cases they visit. I find the Visitors of great service. I have only to mention my difficulty to the Master and he directs the Visitor to visit the case and report. The whole cost is borne by the estates of the lunatics and it is money well spent.

(5) Then every committee of an estate and every receiver has to render and vouch his accounts at short intervals, and if he does not do so, pressure is put upon him and if necessary he is removed and his sureties are proceeded against. There is no analogous system in Chancery except in the case of receivers appointed pending litigation. When I am appointed guardian of an infant I always see to it that the order directs me to account, as, being an officer of the court, it is obviously wrong that I should make a profit out of my guardianship, but there is no machinery for calling upon me to account, and if I did not voluntarily carry in my account it would drift on until the ward came of age, when probably the solicitor then acting for the ward would call upon me to account.

(6) Then again all cases before the Masters in Lunacy are heard in strict privacy, no one but the parties concerned being admitted into the room, and no list of the cases is published. The Chancery Masters, if dealing with lunacy work, should adopt this practice which would be difficult unless the lunacy business was appropriated to particular Masters or taken at special times.

These and other considerations which I think were hardly present to the mind of the Lord Justice show that the question is by no means a simple one, nor is the advantage all on one side. I note that the Lord Justice speaks of the unsatisfactory arrangements in the Lunacy Office during vacation. Probably a more sweeping reform dealing with the whole question of the Long Vacation might well be applied to all the divisions. I do not think the branch of the profession to which I belong considers the arrangements for vacation business are satisfactory in the Chancery Division. It would be easy to bring the Lunacy Department into line with the other divisions in this matter.

(*Signed.*) W. H. WINTERBOTHAM,

29th November, 1906.

Official Solicitor's Department,
Royal Courts of Justice.

W. H. Winterbotham, Esq., M.A.

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29110. (*Mr. Byrne.*) I should like to ask you a few questions for the purpose of amplifying your statement. Would you kindly tell us what your staff is ?—I think we have nine. I have a principal clerk, who attends to my strictly official duties largely, that is interviewing persons who are sent to me by the judges, and visiting and so on. I have two admitted solicitors, and I have three senior clerks and three juniors; then I have a cashier, and a shorthand and typewriter.

29111. Are those all private employees of your own ?—The senior clerk, who has been there some thirty years, receives part of his salary from the State, in connection with official duties, and the rest are my own staff and are paid by me, they are not Civil servants.

29112. Not pensionable ?—Quite so; but there was some understanding with regard to the senior clerk when I was appointed, as he had been there a great many years, that I should not deal with him as with the others.

29113. Are they remunerated by the State or through you ?—Entirely by me.

29114. Do you receive a salary ?—I receive a salary for official work. The bulk of my duties is to represent infants and lunatics, persons who are under disability. Of course all the expenses and costs are discharged out of their estates. But I have a great many other duties connected with the court, reporting to the judge on matters, seeing all kinds of people sent by the judges to me, visiting prisoners committed for contempt of court and a variety of other duties for which I have no remuneration other than my salary. Therefore they pay a salary for those duties and pay also £350 to my principal assistant by way of a remuneration.

See Q. 33589.

29115. In addition to the Law Courts, you assist other Government Departments occasionally ?—Yes.* I should like to say that all the expenses of my establishment are, by arrangement with the Treasury, discharged out of the fees I receive, so that there is no charge of any sort to the country for my department: in fact it is a profit-earning department.

29116. Even your salary ?—Including my salary.

29117. It does not appear on the Votes, does it ?—If it does appear there is a credit on the other side, which is larger.

29118. That is true of a great many things; that is why I asked whether you had a salary, whether it appears in the estimates as a salary ?—That would appear as a salary for the Official Solicitor for his duties.

29119. Can you give us any idea how often you are appointed as next friend or guardian *ad litem* ?—It is very uncertain, but I have always a number of cases going on of that kind, litigation where I have to represent infants and lunatics more particularly. I am usually appointed to act as guardian *ad litem* of a defendant, and occasionally I act as next friend of a plaintiff.

29120. The number of cases in which you appear does not appear in the judicial statistics, does it ?—It varies very much, but I could give you the number to-morrow more accurately; I daresay there are thirty or forty cases going on.

29121. You say in your statement that when the Lunacy Commissioners make a report under section 100 of the Lunacy Act that the property of a lunatic is, they fear, not being devoted to his benefit, then the Judge in Lunacy refers it to you and you take action ?—Yes.

29122. Does that mean that you communicate with the relatives and get them to take action through their solicitor and friends, or do you present a petition yourself and acquire knowledge of the property, and so on, and make a recommendation as to what ought to be done ?—That depends on the circumstances. If there is someone who ought to move and who has not moved, I communicate with the relatives of the family, and if I find, as is often the case, that there is nobody to move, or the person who ought to move is not doing his duty, then I apply for my own appointment.

29123. Or if there is an improper person ?—If there is an improper person already there who is not accounting or looking after the property of the lunatic, I take action to protect the assets.

* The witness subsequently sent in a memorandum as follows:—"It would be hardly true to answer it 'Yes.' Only *indirectly* do I assist other Government departments."

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29124. Supposing in a proper case you have taken up the management of the estate, on what scale of costs are you remunerated ?—Just as anybody else would be ; my charges are carried in and taxed by the officer in lunacy and certified, and they are paid then out of the estate.

29125. They are not taxed by the Chancery Masters but in the Lunacy Office ?—No, they are taxed in the, Lunacy Office. The Lunacy Office tax all their own costs.

29126. Incidentally I would like to have it on our notes ; do you consider that the scale of costs allowed, and the mode in which it works generally, are fair and proper ?—I think so. The fact is that those who are accustomed to the work of the Lunacy Department carry through their work with very much greater ease than those who are not, and I think for those who are thoroughly accustomed to carry on the work, and understand it, the remuneration is fair and reasonable.

29127. Do you administer an estate which is given to you as Official Solicitor more economically in that way than a solicitor in private practice would, to whom it had come as a bit of business ? Do you keep down the expenses very strictly ?—I think so ; more particularly because I have such a large number of cases, and like anyone who has a good deal of the same sort of thing, I can do it more easily or economically. I do not mean that I do it better than other people do.

29128. Those matters are so little known to the public, that I am asking those questions so as to get them on our notes. Have you had any complaint made about charges you have made in administering estates ?—I think never. My costs are very frequently taxed by the other side. There is somebody representing the next of kin or heir-at-law who would make any representations to the taxing Master, and he would deal with them in the ordinary way. I never have any costs which are not taxed.

29129. You have the ordinary system of taxation which applies to you as well as to anybody else ; you have never heard of a formal complaint being made that the system of your managing these estates is unnecessarily expensive ?—I am sure it could not be, because as a rule it is less, on the ground I have mentioned.

29130. It is less than the most economical solicitor would do it for ?—Unless he were as familiar with the practice, and the way of doing it, as I am. A solicitor who does not know much of the practice would necessarily instruct counsel more than I do. I do not suppose I have instructed counsel before the Master the whole time I have been there.

29131. It is not customary in lunacy ?—Not in administrative work. If there were legal questions to be argued you would.

29132. Do you think the system of your doing the work and being paid by the fees, is more effectual than having it done by an official paid for the purpose—a salaried official of the State ?—I think so. I think the profession generally would prefer it. It would be an increase of officialism if it were done entirely by the State.

29133. The profession does not like that ?—I do not think they would like it. I do not find any objection in my own case, because I do not intervene unless there is something wrong ; in fact they frequently themselves bring me into operation by calling the attention of the court to the fact that the estate is not being looked after, and ask for my appointment.

29134. I am asking all these questions without any reference to you personally ; may I take it it is your opinion that the work as done by you or your office is as economical and more effectual ?—I am quite sure it is as economical and as effectual ; I will not say more effectual.

29135. I may take it also that when you are appointed as receiver because the receiver already appointed by the Master, or before the Master's appointment, is not satisfactory, you are also remunerated on the usual scale ?—Yes.

29136. That is by a percentage in the case of the receiver ?—No, I do not receive a percentage ; the Lunacy Office receives the percentage ; I am simply paid for the drawing of the account, the passing of it, the vouching and so on, the work I do—item charges.

29137. (*Mr. Greene.*)—Not scale charges ?—In many cases there is a small lump charge for preparing an account, but it is fixed upon the principle of the work done.

29138. Is it scale charges in the case of the purchase or sale of real estate ?—I do not think that would come in my work ; if it did, probably there would be a scale charge. I do not remember it.

29139. (*Mr. Chadwyck-Healey.*) You are paid just as other solicitors are paid ?—Yes, we have not very much conveyancing in lunacy, because as a rule you do not buy and sell lunatics' estates ; you keep the estates as they are, as far as possible. I think I should probably have the scale charges if they were the proper charges to make. I should have just what any other solicitor would have.

29140. (*Mr. Byrne.*) Do you think your functions are exercised with respect to exactly the right number of lunatics, or do you think they could be extended with advantage ? You have sixty-two cases out of 651 ?—That is a matter for the Masters. If there is no suitable person existing, or if the only suitable person is an accounting party and therefore cannot act, they appoint me, but I assume that I am appointed wherever it is necessary. If they had a suitable person I should not be appointed. In a recent case where I had to conduct the enquiry, a suitable member of the family was proposed, and of course he was appointed. In another case there was no suitable member of the family willing to act or who could act, and in that case I was appointed.

29141. You can be appointed, in other words, in a case in which it is desirable owing to incompetence, or because of quarrels ; are you ever appointed to compose a quarrel ?—Not infrequently parties are not agreed, and the Master says : "If you cannot agree on a suitable person I shall appoint the Official Solicitor."

29142. When you take administrative action and you apply to the Lunacy Commissioners for orders to transfer the lunatic from one place to another, do you deal in the matter as an official or as the solicitor for the estate ?—I should apply as any other receiver would.

29143. When you are appointed as a substituted petitioner under reception orders, again, as soon as you are appointed, you begin to act as any other solicitor ?—Yes. The cases in which I am appointed are those in which the Commissioners are not satisfied with the petitioner—for instance, I can recall a case where a mother was petitioner and she removed her lunatic daughters to her house and treated them very badly—they substituted me as petitioner because they trust I shall act in a more reasonable way.

29144. You can be substituted as a petitioner against the will of the actual petitioner ?—Yes, after notice.

29145. It begins with a dispute ?—Yes.

29146. Will you tell us roughly the cases in which substitution takes place, so far as you know of it ?—Yes. In a very recent case which is rather familiar to everyone —I need not mention names—the Lord Justice thought it was undesirable that the petitioner for a reception order should remain in charge of the case, and directed that I should apply to the Commissioners to be substituted. I did apply to the Commissioners to be substituted, but before I could do that the consent which had been given to my being substituted was withdrawn, and the petitioner discharged the patient. That is a case in point. If he had not taken such a very strong course as that I should have been appointed in fourteen days, and then I should have had charge so far that the certificates could not have been discharged without my knowing it or without my approval.

29147. That ended the matter ; there was no patient ?—There was no patient.

29148. In what other class of cases are you substituted for the petitioner ?—Where the petitioner is not acting satisfactorily ; I believe I am right in saying (the Commissioner will correct me if I am wrong) that I am substituted in every case where the Commissioners are not satisfied that the petitioner is really doing what he ought to in regard to cases. The petitioner has in ordinary cases absolute power to discharge the patient.

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29149. Do the Commissioners ever appoint you to be the substituted petitioner with the sole object of preventing a person from being improperly discharged?—I think I may say that in one or two cases they have.

29150. And your office is very useful in that respect?—Yes; I, being an officer of the court, obviously should not act in that matter without careful consideration nor probably without the full confidence of the Commissioners.

29151. In your statement (No. 1) where you are pointing out certain difficulties which arise in carrying out Lord Justice Cozens-Hardy's proposal, you rightly point out: "The Masters in Lunacy are in a sense Judges of First Instance, a very small fraction of the orders being made by the Lords Justices. The transfer would increase largely the Chamber work to be done by the Judges of the Chancery Division." We understood both from the Lord Justice's statement, and afterwards from the evidence he gave before us, that it was Lord Justice Cozens-Hardy's view that the holding of inquisitions and enquiries of various sorts, and arriving at a judicial decision with regard to the mental condition of a patient, was not to be done by the Judges of the Chancery Division in lieu of the Masters, but was to be done by a largely improved Lunacy Commission?—That is so. The number of cases in which an inquisition is held now is so small that it forms almost an insignificant part of the work of the Masters in Lunacy.

29152. But the number of cases in which an order is made depriving a person under Section 116 (d), and others, is very large?—Yes.

29153. That would not, I understand, under the Lord Justice's proposal, go to the Judges in Chancery in future, if his proposal were carried out, any more than it has done in the past?—I did not understand that. Speaking of inquisitions, there have only been about eighty cases between both the Masters during the last five years; that is only at the rate of about sixteen a year, that is eight apiece; and in those cases there have only been seven in which there has been any contest. They are ordinary common form cases in which there is no real question. I believe I am right in saying that there have only been seven cases involving judicial enquiries with a jury during the last five years.

29154. Supposing it was the intention of the Lord Justice to recommend that the making of such orders, as well as inquisitions, should be done administratively by a legal member of the Lunacy Commission or by the Lunacy Commissioners as a Board, or something like that, that criticism would not apply?—No, but I hardly think that could have been the Lord Justice's meaning because it is distinctly a judicial order. An application under Section 116, for the care and management of the estate of the lunatic I should have thought was a matter which would have come before a Judge. Of course it could be done by some other legal authority. The carrying out of all the necessary administration which would follow that order would obviously have to be done by the Judge.

29155. As a matter of practical business with regard to the making of these orders, what sort of authority do you think they call for; I do not mean the orders relating to the subsequent management of their property, vesting and so on; should you think that is a matter which might be advantageously done by an expert mixed body of doctors and lawyers like the Lunacy Commission?—I think it might possibly be done by a sufficiently expert doctor and lawyer together.

29156. They might combine and be able to carry out Master Fischer's work?—That portion of his work, yes.

29157. Supposing they had the Chancery Division to carry out the business side of it?—Yes.

29158. Where you remark, "the concentration of all the lunacy work in one department undoubtedly facilitates the dispatch of business," there is no doubt that that must be so; but that would be true of the concentration of any particular sort of work?—Yes; it was directed more particularly to the remark of the Lord Justice that it should be transferred to the Chancery Division. The Chancery Division consists of three sets of Judges of two each, each having their independent Chambers, each having four Masters with a staff so that there would be twelve Masters and six Judges. There would also be the Registrar's department which draws up orders, consisting of eleven or twelve Registrars. Then there would be the Taxing Masters consisting of eleven or twelve. So that I should have to go to thirty-six departments to get the work done which I now get done in the lunacy office. My 260 cases would be distributed between first of all twelve departments, and then I should have to get part of the work done by the twelve Registrars and twelve Taxing Masters.

29159. It is obvious that the concentration of any given class of work makes it easier for the persons who deal in that department?—Yes, and it is therefore more economical and less expensive.

29160. Less expensive?—I think so. I think the facility with which you do your work, and also the fact that you would have Masters who would only have a special class of case to deal with, would make it less expensive.

29161. But surely the greater the extent to which you carry out the specialisation of the functions of a department the larger staff you have on the whole to deal with it?—I do not think so.

29162. Of course it would be very much easier for one of the public who wanted to obtain directions or information, say, about an international affair with Russia, to go to the Russian department of the English Government instead of to the Foreign Office which included them all, but still it would be ridiculous to have an office for each foreign country?—Obviously.

29163. Does not the argument apply here, that you cannot carry specialisation very far? Although you make it convenient to the applicant you would make it more expensive to the country?—You have got it already. The question is whether you are going to change it.

29164. Nos. 3, 4, 5 and 6, your paragraphs immediately following upon that, are weighty criticisms, if I may say so, as to the inconvenience which would arise in connection with the application of Chancery practice to that of the Lunacy Department, but do you not think, on the whole, that summed up, it merely shows that the Chancery practice ought to be made more elastic and otherwise improved?—It means rather more than that. In many respects Lunacy practice is preferable to Chancery practice, and if you unite the two you must be very careful not to lose what is best in the Lunacy practice. I do not think it amounts to more than that.

29165. (*Mr. Greene.*) Do you have to report to any body or authority as to what the work done during the year has been?—No.

29166. Have you any official superior?—The Lord Chancellor.

29167. Is he your appointor?—Yes.

29168. Are you in communication with him in reference to the discharge of the duties of your office?—I am in frequent communication with him, but in respect of any estate which I am administering I am acting as any other solicitor would, and I am under the direction of the court. The Master would be the person to whom I should naturally go.

29169. Are any charges by you, or incurred by you, brought upon the Estimates every year or are you entirely paid out of the fees?—I am sorry to say I have never had the curiosity to see how my office is dealt with, but I can tell you shortly that I believe my salary and the expense of one assistant are borne upon the Estimates. On the other hand, by arrangement with the Treasury, payment is made to the Treasury out of the costs which I receive largely in excess of the amount borne by the Votes.

29170. I may take it there is an opportunity for anybody who wishes to raise the question of continuing the office of Official Solicitor, or the manner in which it is discharged, of raising it in Parliament on the Estimates?—Yes.

29171. I did not hear what your salary was?—It is £500 a year.

29172. Are you entitled to the costs to which a solicitor would ordinarily be entitled in carrying on business, litigious or non-litigious, which comes into your office?—Yes. When I was appointed it was distinctly understood that I should not put upon the Treasury any expense I incurred when I was instructed by the court to take action on behalf of different estates. Therefore the judges always see, if they employ me, that provision is made for paying me out of the estate with which I have to deal.

See Q. 33589.

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29173. So no burden falls on the public at large except the salary of £500 a year?—None whatever, and that is more than paid by what I pay in to the Treasury.

29174. It is a deduction?—Not exactly; I can explain if the Commission wish.

29175. I do not want you to go minutely into it, I only want to see what the nature of your position is. Mainly, you are remunerated by your costs, as an ordinary solicitor would be?—Yes.

29176. With respect to matters which come before you as a judicial trustee under the Judicial Trustee Act do you get the percentage allowed by the court for acting as judicial trustee?—It is sometimes done in that way, but very rarely. They generally ask you to show what work you have done and they give you a remuneration accordingly. That is what the Act provides.

29177. Either that or a percentage?—Yes.

29178. Such sum as the court or a judge may think fit?—Yes.

29179. In practice, you do not get it as a percentage on that?—Not as a rule; occasionally they deal with it in that way. They generally remunerate one according to the work done.

29180. I dare say you are aware that until quite recent times the War Office, the Admiralty, and the Treasury have all had their separate solicitors.

29181. (*Mr. Chadwyck Healey.*) Not the Admiralty, they have the Treasury solicitor.

29182. (*Mr. Greene.*) Not now; but I can remember when they had it.—Yes, I believe that is so; the Treasury generally swallow up everything. The Board of Trade and the Inland Revenue have their own solicitor.

29183. And those solicitors are under some direct control?—They act only for the Department. My position is peculiar in this, that I am acting as solicitor to parties who (say infants when they come of age) can call me to account if I have not looked after their interests properly. I am in the same position, in respect to that, as any other solicitor.

29184. You have no statutory position?—In some respects. There are certain statutes which relate to my office, and rules of court. Under the Statute I visit prisoners who are committed for contempt and report to the Lord Chancellor.

29185. With reference to the property of lunatics, can you tell me the value of the estates to which you refer in the early part of your statement, where you say: "I am committee of the person or estate of lunatics "so found by inquisition" in sixty-two cases out of a total of 651." Between what amounts would those vary?—I suppose one is £200,000; and I suppose they go down to almost nothing.

29186. Are there many of £500 or below?—A fair number.

29187. If Lord Justice Cozens-Hardy's suggestion were to be carried out, and if the mere estate management of the property of lunatics were to be done in the Chancery Division, I ask why, where the estate is small, £500 and less, should it not be administered by the county court? I daresay you are aware that under Section 67 of the County Courts Acts, 1888, administration by creditors, legatees, and others "in which the personal or real or personal and real estate against or for an account or administration of which the demand may be made shall not exceed in amount or value the sum of £500," can be conducted in the county court?—If it is not exceeding £500 it can be administered through the county court.

29188. You see no reason against that; the machinery would be just as good, would it not?—It depends. It must be in that part of the country, or it is not very convenient to get it done.

29189. It would be cheaper, would it not, in the small cases to which I am referring, which are within the pecuniary limit of the county court, for it to be done locally?—I do not think it would. I can give you instances in which a couple of guineas or three guineas a year is the only expense.

29190. That I take it is money invested, and you have merely to remit dividends?—Sometimes I receive half a dozen amounts and make half a dozen payments, and I make a short affidavit verifying that; that is the whole thing.

29191. The county court, by the same section, has similar jurisdiction, "relating to the maintenance or advancement of infants in which the property of the infant shall not exceed in amount or value the sum of £500;" so that if lunatics and infants are treated on the same footing, which would seem to be the principle of Lord Justice Cozens-Hardy's evidence, there would be no reason why that should not go to the county court?—Do you suggest that the county court judge should make the original order?

29192. No, I am only talking of the administration of it?—One person would make the order, then it would have to be referred down to the county court for administration.

29193. A penny for the post, and a small printed form to go down?—The evidence has to be brought before the tribunal in the first instance before the order is made, and all that would have to be passed on to another authority.

29194. I am only supposing a case where there is a small estate situate in the country which could be just as well administered, rents collected, and so on?—I do not see any reason why in a very small estate, under £500, it should not be administered so.

29195. Very well; then, if over £500, it could be administered in the Chancery Division of the High Court?—Yes.

29196. You cannot tell me how many of the sixty-two cases are below £500?—I do not suppose any of the sixty-two are. These are committee cases. I should doubt whether any are, possibly one. There is an American case where I had to apply.

29197. Can you tell me how many out of the 198?—I can tell you to-morrow.* There are very few under £500; a good many more under £1,000 or £2,000.

29198. How do you get information when the Commissioners in Lunacy, in the exercise of their duties in visiting, have reason to believe that the property is not being applied for the benefit of the lunatics?—They make a report to the Lords Justices under Section 100, then the Lords Justices endorse that report and send it on to me. They make their own endorsement; sometimes it is: "Apply for your own appointment"; sometimes it is: "Make further enquiries and report to us before you do anything further." It depends upon the circumstances of each case.

29199. Does any other county council besides the London County Council discover that their lunatics have property and then apply to you?—I think they are the only one who apply direct. I think they apply through their own solicitors, generally, to the Master, that I be appointed. They apply for my appointment. I think.

29200. Then I presume the income from the lunatic is paid over to the County Council?—Yes; then I see that they get paid their proper amount.

29201. That goes to the County Council for their maintenance?—Yes, I am frequently called in, in that way. If anybody at an asylum is not receiving his proper remuneration for the maintenance of a lunatic; if he has been accustomed in the past to receive it, and something goes wrong, he mentions it at the first opportunity to the Commissioners.

29202. I was wanting to see whether, through the operations of the Commissioners in Lunacy, we could make certain of finding out whether every person who is certified, or every person about whom there has been an inquisition, has money; and if so, how it could be got hold of and applied for his or her maintenance?—I do not know whether you can find it in every case; of course there are many ways in which it is discovered.

* The Witness subsequently wrote as follows:—"I find that none of the 62 Committee cases in my charge are estates of less than £500, but that 42 out of the 198 in which I am Receiver under the 116 Section are under this figure.

"I find that the total annual expenses of management in these 42 cases is £45 13s. 6d., which is a trifle more than One Guinea a year in each case. In most of these cases, under the direction of the Court, I sell a portion of the Stock constituting the estate each year and this with the income produces enough to pay maintenance at the lowest rate that I can arrange.

"Where a patient is only entitled to income and not to the capital, I have treated it as under £500 in value if the income is less than £20, and so in the case of life annuities.

"I do not myself see how it is possible to manage these estates at a smaller cost through the County Court."

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29203. Are there many people, do you suppose, now being maintained at public expense, not of course as Chancery patients, who have got property which might be applied for their maintenance ?—I think it is more than probable. I find relations are very apt not to disclose this, and they are very pleased if they can put the expense of their lunatics on the rates.

29204. (*Dr. Needham.*) The Commissioners in Lunacy in every case which comes before them in which it appears likely that there may be means, make special enquiries ; as far as they are capable of doing so they make enquiries, by the means which are within their reach, as to whether it is possible for the patients to pay for themselves instead of going on the rates.

29205. (*Mr. Greene.*) The drift of my idea was to ascertain whether you could not be exalted into a position where you could ascertain whether there are people maintained at public expense whose property you would be able to get hold of and apply to their maintenance properly ?—The Commissioners would be the people to know best. Other people sometimes inform me ; I get casual information from all kinds of quarters. If the Commissioners, or the Master, hear of it, they generally communicate with me.

29206. What was passing in my mind was whether you could not be more useful than your powers enable you at present to be, not being able to move in the matter, or to initiate enquiries ?—I do, if I hear anything in any quarter. If you told me to-day of a case, I should make some enquiries, should go to the Master and ask him if he would give me directions to apply, and he would at once instruct me to apply for my own appointment. I cannot move until I am directed, but I do ask sometimes to be directed.

29207. I was wondering whether you could be given initiative power, without going to the Master ?—Going to the Master is nothing ; it only means walking upstairs and informing him verbally and getting directions.

29208. Is he always accessible in the midst of the pressure of his business ?—Always ; that is one advantage of being in the same building.

29209. There is no way of enabling you to become, more frequently than you are now, the instrument of outside parties who would like you to become receiver ?—Some of them do not know of my existence, but as soon as they do, they put me in motion very frequently.

29210. Do you very often come across the Masters and Visitors ?—My business is chiefly with them, or very largely with them.

29211. Do you have to be with them daily ?—Not daily, but I suppose there are very few days on which there is not something going on in the department.

29212. Are any matters in arrear in that office ?—There was complaint of arrears in one department ; but I am told that complaint is less now than it was. Master Ambrose's department was undoubtedly more in arrear with their cases, but I believe that is not so now.

29213. What do you mean by being in arrear ?—I mean that it was difficult to get appointments in less than three or four weeks, or a month ; sometimes cases were adjourned day by day.

29214. Do you find inconvenience from the office being entirely shut during the Long Vacation ?—I think there is a great deal of inconvenience, altogether, from the Long Vacation.

29215. Apart from the general question, do you find inconvenience in your duties ?—Undoubtedly, a certain inconvenience, but one gets accustomed to that sort of thing. I can get at the Master in case of need, if there is any pressing need for it.

29216. (*Chairman.*) In the Vacation ?—I think so. The very first duty I had to perform was to know whether an operation might be performed on a patient. I did not feel capable of exercising a discretion on that, and I had to find two Visitors, and I found them ; it was only a question of taking trouble.

29217. (*Mr. Chadwyck-Healey.*) You found the Visitor, not the Master ?—I could find the Master equally, no doubt. I knew where the Master was in the Vacation. Although I would not trouble him except in cases of need. I should do it if it were wanted.

29218. (*Mr. Greene.*) You practise in the Chancery Division and the Lunacy Department ?—Yes.

29219. I dare say in Common Law too ?—Yes.

29220. About what amount of summonses do you find usually undertaken by the Masters, taking the King's Bench first. What would be an ordinary list, in Chamber work, for the Master in the Common Law Division ?—I have very little experience in the Common Law Division, but they take a vast number of summonses.

29221. I have the summons list, both in the King's Bench and the Chancery Division, for several days of last week. Would you be surprised to hear that, opening them anywhere haphazard, I should find that a Master would take time summonses at 10.30 ; at 11 he would have twenty-five summonses attended not by counsel ; at 12 he would have twelve summonses taken without counsel ; and at 1.30 he would have four summonses attended by counsel ; that is only one Master ?—I know a great deal more of the Chancery Division. I should say that is entirely exceptional.

29222. That is Common Law ?—At Common Law they take a great number of cases, but the applications are very often of the most trivial character.

29223. I find every Wednesday, from A to D there were sixteen or seventeen between 10.30 and 12 ?—Most of those would be time summonses taken before the junior clerk.

29224. No, these are before Master Binns Smith ?—I should not say that the Masters in Chancery did a heavy day's work. They used to do a great deal more.

29225. If the Chancery Masters do not do a heavy day's work should I be right in saying that the Lunacy Masters do a heavy day's work ?—If you ask me, I think there is more work done now by the Masters in Lunacy than there would be by the Masters in Chancery. The Masters in Chancery are undoubtedly doing less now than they were, and the Masters in Lunacy are doing more. I think a much better test would be this : I have a paper here which I believe is public property, showing the total number of cases pending in Chancery at the date of the return, and also the number of summonses dealt with in each year between 1901 and 1905. Take for instance the number of accounts passed.

29226. I would rather have the number of summonses? —The number of summonses to originate proceedings issued in 1904 was 2596.

29227. That is only one item out of a great number of different kinds of summonses. I am wanting to find this : whether it is at all overworking a Master for him to take five summonses in the morning and five in the afternoon ? —I should not think it was, but it all depends on the nature of the work.

29228. But supposing some of them were only for time? —I do not think the Masters in Lunacy would ever have that sort of summons.

29229. What are the summonses you attend in Lunacy? —Administration of estates.

29230. How long does each take ?—It entirely depends on circumstances.

29231. On an average ?—It is difficult to say, because shorter summonses are attended by my manager ; the more important I attend myself. I have been in his room for from half an hour to two hours.

29232. That raises the question of the celerity with which the work is discharged ?—That entirely depends on the gentleman whom you are before and on the competence of the solicitors who are conducting the proceedings.

29233. There are no counsel appear there ?—Yes ; I should have said—or of the counsel attending the proceedings.

29234. What is the kind of business you would find before the Master in summonses in Lunacy ?—For instance an application to increase the maintenance of a lunatic because of additional expense caused by various circumstances.

29235. Is there any opponent in that ?—There might be, or might not be some one attending the proceedings.

29236. There would be always ?—Always in committee cases, occasionally in cases under Section 116.

29237. In the summonses is there usually someone to represent some other interest ?—There is generally somebody to represent the next-of-kin or heir-at-law, or possibly both, in committee cases.

29238. That involves two sets of costs—the costs of each side ?—Yes ; that would be the same in Chancery.

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29239. Why should not a matter of that kind, especially such as you mentioned just now, be disposed of by a Master in Chancery?—There is no reason why a Master in Chancery should not do the ordinary administrative work which is done in the Lunacy Office, except the practical inconveniences which would have to be dealt with.

29240. The subject matter is the same?—The subject matter can be dealt with.

29241. Let us go through the practical difficulties, because Lord Justice Cozens-Hardy did not seem to see quite where the practical difficulty was. I understand you to say that there may not be always the same Master attending to the same matter, the same client's affair?—The same judge I think I said.

29242. The same judge. Take the Master in Chancery having to deal with the question of a vesting order; why is it necessary to always go before the same Master to do that?—Not in a matter of that kind, but I am speaking of the administration of an estate. As long as a lunatic lives, his estate has to be administered; it is one of those things which will go on for twenty or thirty years; it is exceedingly advisable to have continuity in the management of estates.

29243. I understood Lord Justice Cozens-Hardy to say that he would put it to each judge, allot the business to separate judges, and not have it under the linked judge system?—I am very glad to hear it.

29244. He used the words "the linked judge system," and I understood him to convey that he would allot to individual judges, and not have it on the linked judge system?—That would be a great improvement.

29245. If that were done your objection would fall to the ground, because there would be continuity?—As far as judges go, if it were attached to one Chancery Judge, he might do everything that the Lord Justice does now, and better.

29246. How do they do in the case of infants, because there is a striking resemblance between the case of an infant and the case of an adult whose mind has gone? Does one judge deal with all the affairs relating to that infant?—I am sorry to say he does not, and that linked system, for which I believe the Lord Justice was largely responsible, works exceedingly badly in those cases, because I go one term to a judge about the case of an infant on a discretionary question involving a knowledge of the affairs of the infant, and then the next term I have to go to another judge with regard to the same matter. Some of the judges feel that so much that they request their colleague to allow them to continue to act.

29247. It is hardly a matter on which to recommend an alteration of the statute law, but that could be pointed out to the rule-making authority and be adjusted?—I do not think there are any of the objections I have taken which cannot be met.

29248. I am obliged to you. A re-organisation of that branch of the High Court within the powers allowed by the rules would effect it all?—Yes; there might be some alteration with regard to jurisdiction, but I am under the impression that with regard to a good deal of the work now done by the Lunacy Department, its rules are better and more convenient than those of the Chancery Department, and if you are going to merge one in the other, you must take care not to lose the best part of the Lunacy system. I want to say that the business of the Lunacy Department is undoubtedly increasing, while the business of the Chancery Department is undoubtedly diminishing. I can quote one example; the number of accounts passed in Lunacy has nearly doubled during the last five years, while the number passed in Chancery has diminished by some 15 per cent.

29249. There are causes for that; would the accounts of mortgagees come in that?—No, I meant more receivership accounts and so on. The fact is that in Lunacy the number of cases under Section 116 is increasing rapidly. Those all involve accounts, and all those accounts are now taken in the Lunacy Department.

29250. If I have your answer quite clear, which I think I have, it seems to me to solve all the difficulties—that the organisation of the business in the Chancery Division could be effected by rules, and requires no statute?—I do not like to go as far as that, because I am not sufficiently familiar with it, but I say they are difficulties which could be overcome, if it is thought desirable to make a change.

29251. I understand you visit by proxy; have you any statutory authority for that?—I cannot say whether the Masters have that power. I think they must have, because they have the power to dispense with my visits, if necessary.

29252. Then they would have power?—It practically means, as I think I said, that I visit myself or by my manager, perhaps twice a year, and at other times by a medical man, or lady, as the case may be.

29253. You instruct a lady occasionally to visit the female patients?—Yes.

29254. Do you attach importance to having female patients visited by females?—I think it is highly important. I have two establishments which I have to look after where there is nobody but ladies in the house at all. There may be circumstances which they would desire to explain to ladies.

29255. In the equipment of any branch of lunacy inspection, I take it you would from your experience in the Lunacy Department certainly suggest there should be female inspectors or Commissioners?—I think it is often very desirable.

29256. You base your belief on experience, not merely theory?—My cases are not very numerous. I do not say that a doctor is not capable of doing it, whether the patient is a male or a female; but in my own case, when I am asked to advise with regard to servants and nurses, I not infrequently ask ladies to visit for me.

29257. You told Mr. Byrne that your costs are taxed and paid out of the estates; is there any hostile interest attending the taxation of your costs?—Yes, those who are going to take the estate after the lunatic's death naturally wish to reduce my charges as much as possible.

29258. Are they represented, almost always, by a solicitor?—In committee cases, but the Taxing Officer in the Lunacy Department is a very competent man who would tax my costs, I think, just as thoroughly if they were not there.

29259. I do not doubt his competency, but he is not a trained lawyer?—I do not know whether you want a trained lawyer to tax costs; it is a very disagreeable duty and he does it exceedingly well; the only persons who complain are sometimes the solicitors, but not often.

See Q. 33166, p. 314, col. 2.

29260. Do you hear complaints from solicitors as to want of promptness and the difficulty in getting appointments; complaints as to the management of the Lunacy Department?—There were a great many complaints a little time ago, but I fancy those complaints are not now what they were. There undoubtedly was very considerable delay in one of the departments.

29261. Did the complaints reach any official ear; is there somebody in control of the office to whom complaints should be made?—The matter was brought before the Council of the Law Society, and they, I think, wrote to the Lord Chancellor on the subject.

29262. There is no one in the office to whom a complaint can be made?—The Master is head of his department; you cannot complain of him except to the Lord Chancellor.

29263. The complaint is made in the outer office to the clerks?—It is no use doing that. You can grumble, but you cannot do anything effective unless you go to headquarters. I suppose the Lord Chancellor would be the only person to whom they would go.

29264. It has not reached the chief clerk. We had Mr. Keely here, who is a very able gentleman; he said he had not heard complaints.

29265. (*Mr. Chadwyck Healey.*) He said there were some, years ago.

29266. (*Mr. Greene.*) I think he said they did not reach him; they were made to the third-class clerk I think?—There were complaints two or three years ago in regard to one department. I do not think in the other department there were any complaints of delay.

29267. Or anything else besides delay?—I think not.

29268. Your point in paragraph 2 of your statement would be got over by the suggestion you have made;

without any fresh statute matters could be re-organised in the Chancery Division—the question of the distribution of the work between so many Judges and Masters ?—I think they might appropriate this work to one or two Masters.

29269. There are no affidavit stamps, the Lord Justice told us ?—No.

29270. Are there any other of their proceedings summonses or orders, without stamps ?—I am afraid I could not answer. I know the expenses of the department are practically paid by the percentage charged on the estates of lunatics, and I believe there is a profit over and above that, so that the whole of the expenses of the department are paid by the parties whose estates are being administered. I cannot tell you about stamps; I never put a stamp on a summons in my life. That is one of the details to which my clerks attend.

29271. Possibly that exception would arise from all the expenses being paid by the lunatic's estate ?—I am not sure that there are any stamps on anything.

29272. There are some in the other division ?—You pay by stamps in the Chancery Division, there is no percentage.

29273. In Common Law also they pay by stamps on summonses and orders ?—Yes.

29274. With reference to this percentage, do you know how many estates there are on which no percentage is levied at all—that would be estates under £100 a year ?—I am not sure. I should think that would be a considerable number.

29275. So that people whose estates are small and who have been found lunatic by inquisition get all the services paid for by those whose incomes are above the amount ?—I fancy that is the case with income-tax. I pay income-tax because I have a larger income than £160 a year, and other people live upon it.

29276. Then it is the mere incident of having been found lunatic by inquisition that puts a patient in a better position than those who have not been so found, because they get more visiting and so on, and they are living quietly in asylums ?—It surely applies equally to those who are under Section 116 ?

29277. Yes.—They are a large majority of cases.

29278. Counsel are hardly ever instructed before the Master in Lunacy, are they ?—Sometimes.

29279. Not often ?—No, not frequently. It is generally when solicitors do not know their work, but there are cases where you have legal questions to argue.

29280. There is hardly any legal question which arises in matters of administration before the Masters in Lunacy ?—The Masters in Lunacy deal with a great many matters which under any other system would come before the Judge in Chambers. The Masters are in fact judges of first instance; you go straight from them to the Lord Justice.

See Q. 32994, p. 300, col. 2.

29281. What sort of things would go before a Judge in Chancery if we gave them the administration which now has to be disposed of by the Master in Lunacy ?—Most of the work.

29282. Most of the work would go to the Judge and not to the Master ?—It is only a small proportion of the cases that go to the Lords Justices at all; the Master does the bulk of the work which would be done in Chancery by the Judge in Chambers.

29283. By the Judge in Chambers or by the Master in Chambers ?—By the Judge in Chambers.

29284. In paragraph No. 6 of your statement you say "All cases before the Masters in Lunacy are heard in strict privacy, no one but the parties concerned being admitted;" that equally applies in the case of infants, and in most litigation in the Chancery Chambers ?—It may be done but there is very considerable publicity. First of all there is a list of cases published, and unless it is a very exceptional case you do not leave the name out. When you go before the Masters, either in the King's Bench or in Chancery, you have the room full of people.

29285. I have seen them each admitted when no one else is in the room ?—I am afraid that is in counsel cases in the afternoon. I am sorry to say in the morning it is different.

29286. That could be got over ?—That could be got over, it is a detail. Undoubtedly you want privacy in these matters.

29287. (*Dr. Dunlop.*) I think you approve generally of the administrative part of these estates being handed over to the county court judges when the estates are worth not more than £15 a year ?—I think it is £500 capital.

29288. £500 capital means roughly about £15 a year ?—Yes.

29289. Would you not be inclined to raise that limit very considerably nowadays ?—I think not, if you can only keep down the cost of administration. The cost of administering these small estates is sometimes just as heavy in the county court as in the High Court, if they are conducted with care and due regard for costs. The fact is, these costs depend so much upon the mode of conducting them. I have got an Order before the Master in one of these cases under Section 116 for £15, and I have known cases costing £60 or £80, if there is a contest; if there are affidavits and counsel, and there is a contest, expense runs up very fast.

29290. In your opinion, transferring small cases to county courts away from the High Court would not give rise to much economy ?—It might in some cases, I am not quite sure; I have very little experience of county court work, I cannot tell you how far it is economically conducted.

29291. It is a question you would rather not answer ?—I know very little about it.

29292. We have had it suggested that Section 116 should be very widely extended to meet various classes of cases; can you give us some indication of the average cost, first of all of an inquisition, and secondly of an inquiry under Section 116 ?—An inquisition may cost anything from £15 to £10,000. I can give you instances of both if you wish it. There is a very famous case which is public property, Mrs. Cathcart's case. When Sir Charles Russell, as he then was, was her leading counsel and succeeded in persuading a jury that she was not of unsound mind, I am told that cost £10,000. If a contest goes on with leading counsel and expert witnesses and is fought out for a fortnight, you may incur enormous cost. Those are only, say, one of such cases in ten years.

29293. But the ordinary run of cases ?—There is no "ordinary run"; it depends entirely upon whether they are contested. If it is not contested, the inquiry costs very little.

29294. May I take it an uncontested inquiry never costs more than £25 ?—I would not go so low as that. The Master goes down to the country very often. I had a case at Brighton, and he had to go down there with one member of his staff and two or three doctors who had to give evidence; there were solicitors on each side. I suppose the expenses would hardly be covered by £25, but they would not be anything very serious.

29295. With regard to applications under Section 116, there is a large number of them; there must be some average amount ?—I should say from £15 to £80.

29296. Do these figures include all expenses ?—If you instruct counsel, you double your expenses at once. It may be very necessary to instruct counsel.

29297. I want to find out how much the unfortunate lunatic's estate is taxed by the application ?—It is taxed very slightly if there is no opposition. If there is a serious opposition the expenses may run up to almost anything.

29298. An unopposed application for a senile dement under Section 116 (d) may cost anything from £30 to £80 ?—It would not cost that, if it were not opposed. An application ought not to cost more than £15 to £20 unopposed.

29299. Can you give me any idea of the cost of management of the inquisition cases and Section 116 cases; we have already had evidence from Scotland that curatory cases are administered at a maximum cost of 7 per cent. including legal charges, court fees, and everything; it works out at 7 per cent. per annum ?—My experience of Scotland in regard to litigation is that it is very much more expensive than in this country. I have had some experience of Scotch litigation and I know the management of Scotch trust estates is very expensive. I should say they do their work exceedingly well, but they charge rather highly for it.

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29300. We have got this figure in evidence, that the estate of the lunatic is entirely managed, including all costs, for a maximum of 7 per cent., coming down to about 5 per cent. in the case of the bigger estates. There is no percentage in Scotland. Can you give us any comparable figure for England ?—I have not got materials to hand to-day, but I should be pleased to furnish them. I should say that, taking the average, I should be glad to have 5 per cent. of the income for my costs. Of course the percentage has to be added.

29301. Which would make it up to 9 per cent. ?—I forget what the percentage is ; it is only 4 per cent. on large estates. If you put the percentage at four, you can hardly do the other work for one.

29302. Could you definitely give us a statement of the entire cost ?—I will try to do so, taking half a dozen estates, the larger and intermediate ones.

29303. And spread over five years ?—In some cases they are remarkably small. If the work is small, the charges are small. I had a case where I had to manage a green-grocery business down in Wales. Obviously, that meant a vast amount of trouble.

29304. If our Secretary sends you the evidence we have got with regard to the procedure in Scotland, you might draw up the statement on the same lines ?—Yes.

29305. (*Chairman.*) It would be very useful ?—I will do that. I will take my own cases. *The following memorandum was subsequently sent in by the witness :—*

I have spent a considerable time in going through the cases of estates in Lunacy under my care with a view of furnishing information to the Commission on the question of the average cost, but I find it impossible to furnish definite statistics in the shape furnished from Scotland.

I do not wish to criticise those statistics, but it is impossible to say what their value is without knowing what expenses are included. The chief expenses are (*a*) in obtaining the Order by which the property is placed under the jurisdiction of the court ; and (*b*) in getting the estate into proper order.

In making the application to the court notice has to be served upon the patient and medical evidence has usually to be obtained as to the patient's state of mind. Particulars have also to be obtained and furnished to the court as to the property and relations of the patient. If there is no opposition an Order is thereupon made, but it has to be drawn up and a stamp of £2 paid upon it, and the receiver (except in my own case) has to give security. I find that the total costs of such an application are usually a little over £20. If there is a contest, or if the question of unsoundness of mind has to be determined by an inquisition, the costs are, of course, vastly larger.

Then follow the costs of getting the estate into proper order, and here again it is impossible to give an average. Some estates are in perfect order when they reach the receiver's hands and the securities have merely to be transferred into court. Others are in a hopeless mess and litigation has to be started, or the lunatic's business has to be wound up. The costs of this may be very considerable or may be next to nothing.

Assuming the Order made and the estate in the receiver's hands in good order the annual costs would usually be very small. I have some forty cases in which I have merely to receive dividends and pay maintenance and other outgoings, and—once in three years—prepare and pass a short account. The annual expenses in these cases vary from 10s. 6d. to £3 3s. and the amount of the costs would not be materially increased by the fact that the estate is a large one provided the annual administration of it is simple. I am receiver of an estate amounting to £22,000 with an annual income of about £450. The annual expenses amount to between £6 and £7.

Where the receiver's duties involve the management of real estate the expenses are naturally much heavier. I am receiver in one case of a lady who owns freehold property in Cardiff let to weekly tenants and producing gross about £400 a year, the total income being £800 a year. My costs as receiver do not average more than £10 a year, but I have to pay a commission of 7½ per cent. on the £400 to an agent for collecting the weekly rents and managing the property. In another case I am committee of a lunatic who owns an estate of 1,500 acres in the Midlands, which had been hopelessly mismanaged for many years, and questions of repairs, cutting timber and replanting, water supply to the various farms and so on involve a great deal of work and considerable expense. Cases of this kind also involve applications to the Master for directions from time to time, and these necessarily add to the expense.

I note that the statistics furnished from Scotland refer to some estates in which there is considerable real estate. It would be interesting to know whether the receiver himself collects the rents and manages these properties, and whether the cost of collecting those rents is included. If not, the statistics become of very little value. In the case above mentioned the commission of 7½ per cent. which I pay to the agent for collecting the weekly rents forms no part of my remuneration as receiver and, therefore, if I furnished statistics of the receiver's costs no mention would be made of them.

The figures I have given above do not include the percentage charged by the Lunacy Department. This is 4 per cent. on the nett income in Committee cases and 2 per cent. in receiver cases, but no percentage is charged where the income is less than £100 a year.

I observe that Master Fischer in his evidence before the Commission spoke of the very heavy costs incurred in the cases of enquiries held before a judge and jury, and referring to a recent case he is reported to have stated that the proceedings had reduced the patient to penury.

On the score of expense I do not think there is any difference between a trial before a judge in the King's Bench Division and a trial before the Master. No cases are so keenly fought as questions involving a man's sanity or his capacity to manage his estate, and if a jury of twenty-three is summoned and leading counsel are engaged for a number of days on both sides, and expert evidence is called, the expenses must necessarily be very heavy. Fortunately these cases are few.

In the case referred to by Master Fischer I think it only right to say that I was directed by him to take these proceedings, and I was ordered by the Lords Justices to take them in the form in which I did—that the case was twice adjourned and occupied ten days—that my bill of costs of £1,653 6s. 7d. includes £651 9s. for counsel's fees, £226 2s. for jury fees, and £342 5s. 11d. for payments to witnesses and others, leaving £433 9s. 8d. to cover my own and all other expenses. The result, so far from having ruined the subject of the enquiry, has saved the family estates covering over 20,000 acres, which would undoubtedly have been realised by the mortgagees had the result been anything but what it was. His pecuniary position was caused by reckless mismanagement in the past, and this the Order of the court has put an end to.

WM. WINTERBOTHAM.

Royal Courts of Justice.
December 13th, 1906.

29306. (*Dr. Dunlop.*) I see in your statement that there is a third species of medical inspection, official medical visitation to certain lunatics, visitation by the Lunacy Commissioners, by the Lunacy Visitors, and another official visitation taken by you as Official Solicitor ?—It is only where I am committee of the person. The committee of the person has to visit. Those visits are entirely independent of the official visits. I do not visit as an official, I visit as committee of the person, just like anybody else who is appointed committee of the person ; it is my duty to look after and to care for these people. It so happens that I am an official and therefore my visit has something of an official character, but it does not dispense with the visit of the medical Visitors.

29307. Do you think you could entrust these duties to the Lunacy Commissioners or the Chancery Visitors ?—I should be sorry to do so. I think it is one of the most important parts of my work. I go all over the country. I think it is an exceedingly important matter. I have cases in private care. I do not mind giving you an illustration of what I am thinking of in my own mind. A lady nearly eighty years of age lives in a private house where my visits are of the very utmost importance. The relatives have been removed from the care of this lady, and I have been appointed to look after her, for, I suppose, sufficient reasons. There is a considerable establishment there. I should not like to depute that duty to anybody.

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29308. You depute it to a medical man to visit ?—In that particular case I visited four times, in one case by a lady who goes once a year to see her.

29309. It is a very heavy tax. I do not know whether it is a case of ample means; it would be a very heavy tax in the case of small means ?—Yes, but I could visit a number together. My visit costs very little.

29310. You would not like to make your official visits part of the duty of the Lunacy Commissioners ?—I do not know. If you deputed it to anybody, I should depute it to the Chancery Visitors.

29311. Do you think that is a practical course ?—I do not think so if you are going to have a person responsible for the person; I think the committee of the person ought to know what is going on in the establishment. In the poorer cases they are in asylums, very likely three or four together. If I visit four cases I charge a very small proportion to the poor cases. The rich pay for the poor, again.

29312. (*Mr. Burden.*) Reverting to your reply to Dr. Donkin as to the London County Council, Mr. Simpson would put you in action, would he not ?—It is the solicitor to the County Council.

29313. Mr. Blaxland ?—Yes.

29314. (*Mr. Chadwyck Healey.*) Dr. Dunlop was asking about your visiting; I should like to follow that up. You visit as committee of the person ?—That is so.

29315. I apprehend you agree that it is the duty of every committee of the person to visit his charge ?—He is bound to do so, and I think he ought to.

29316. Whether he is an Official Solicitor, like yourself, or whether he is a relative ?—Yes.

29317. So that if we suggested that your visits should be handed over to a Commissioner or a Chancery Visitor, why should not, equally, the visits of every other committee be handed over ?—Quite so.

29318. (*Dr. Dunlop.*) It can be handed over to a lady.

29319. (*Mr. Chadwyck-Healey.*) The lady only visits as the agent of the committee ?—Yes.

29320. And the committee is personally responsible for her ?—Yes, and the cases in which I am appointed are generally cases in which there is something not quite right—not ordinary cases—cases where perhaps the patient has been neglected, or there has been some special reason requiring my intervention, so they are cases which want particularly looking into.

29321. In other words it is an *a fortiori* case where a committee ought to visit ?—I think so.

29322. I do not think I have many questions to ask you because I understand you to say that you think, with an alteration in the rules, the practice of the Chancery Division could be so arranged that it could take over the business of the Lunacy Department ?—Yes.

29323. You said something about the taxation of costs and enumerated the number of departments, so many for the Registrars, so many for the Taxing Masters—but all the offices are in the same building, are they not ?—Yes.

29324. Suppose you have to tax a Bill in one particular case, say it is a lunacy case, under present circumstances you would have to go to the officer under the Master in Lunacy who has the charge of the taxation of costs ?—Yes.

29325. Go to room number so and so; and if the business had been transferred to the Chancery Master and had gone to the Chancery Master having that particular business, you would have to go to room so and so ?—That is not the only difficulty. Our taxing officer is the employee of the Master, and if there is any question on the Bill I go straight to the Master.

29326. That is to say you review the taxation at once before the Master ?—Yes.

29327. Instead of what ?—Instead of drawing out formal exceptions and having them answered by the other side and having them reported on by the Master. It is a matter of detail.

29328. In drawing up the Order, of course you would go to a particular room where the Registrar was and get the Order ?—It is an entirely different department.

29329. But there is no reason why the Registrar should not draw up the Order. The Master does not draw up the Order in Lunacy ?—I should let every Order in Chambers be draw up by the Master in Chambers.

29330. In the Chancery Division ?—Yes.

29331. As it is, they draw the minutes ?—They endorse their summonses and they are passed on to another department to draw up the Orders.

29332. They are passed on to the Registrar ?—Yes.

29333. I thought they drew the minutes first ?—No.

29334. Not in simple cases ?—They endorse summonses but they do not prepare minutes.

29335. I need not pursue that line of examination. I think we are agreed about that. It is a mere question of detail which can be set right by rules. Can you tell me this; in the ordinary Chancery business of the court, the court frequently comes in contact with persons of unsound mind ?—Yes.

29336. Almost as frequently as in the case of infants ?—Yes.

29337. In the old times one frequently had proceedings, "A.B. a person of unsound mind not so found." That sort of thing goes on still, I suppose ?—If they are litigants.

29338. If they are not litigants. Take the case of an administration suit, and one of the beneficiaries who is not a litigant in the ordinary sense, not a party to the action, is found by the certificate, or something of that kind, as of unsound mind; that not infrequently happens ?—Yes.

29339. You may have his share of the property carried over to the separate account of the person "A B a person of unsound mind not so found" ?—Yes.

29340. From that time, frequently, the Chancery Division has to administer that estate ?—Yes, unless there is an administration in Lunacy, in which case it is carried over into the Lunacy Department.

29341. In a case of that kind the business is almost the same in the two branches ?—The administration of the estates, of course, is very much the same.

29342. There is a little point about the Master in Lunacy being able to make Orders which the Master in Chancery has no power to do; that can be a matter of adjustment, I take it ?—Yes. I am afraid the practice which I think is better in the Lunacy Department will be lost in the practice of the Chancery Department. I do not want that to occur.

29343. You would rather enlarge the jurisdiction of the Master in Chancery, I take it ?—Yes.

29344. Then as to the expense of the attendance of counsel; I do not know whether it is the practice for counsel to attend the Master in Chambers—to appear before the Master in the Chancery Division ?—Not very much.

29345. In any case it is a question of the taxation of costs ultimately; a certain amount of check can be put upon it ?—If it is best; but it is more the practice of the Judges in the Chancery Division to prefer counsel to come before them.

29346. When the case is adjourned to the Judge ?—Yes.

29347. But it is not adjourned to the Judge as a rule, unless there is a substantial point to be considered ?—I do not know; either party may have it adjourned. Some Masters have it adjourned rather freely.

29348. In order to get extension of time ?—No, the Masters refer matters to Judges which could be dealt with by the Masters in Lunacy.

29349. The Masters adjourn it on their own account ?—Yes.

29350. That is rather a personal matter of the Master's ?—The Masters in Chancery, who used to be called chief clerks, have a certain jurisdiction. The Masters in Lunacy claim, I do not know upon what authority, but at any rate they claim, that they are Judges of First Instance with full powers. They deal with matters with which Masters in Chancery never do deal.

29351. If any change were contemplated that could be adjusted ?—Undoubtedly.

Questions 29352 to 29369.

W. H. Winterbotham, Esq., M.A.

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29352. Now about a receiver passing his accounts ; you drew a comparison between the practice in the Lunacy Branch and the practice in the Chancery Division, that is to say, in one he was ordered to bring his accounts in pretty frequently and have them vouched and passed, in the other that was not so. That again is a mere question of the Judge's order. I suppose a receiver could be ordered to bring his accounts in the Chancery Division ? —I was speaking rather of the guardians ; I was comparing the guardians of infants. There is no such thing as making a guardian account. It is one of the most extraordinary things I have met with. A guardian never does account in Chancery. I have known cases, one particularly coming before my mind now—a most extraordinary case.

29353. That is the guardian of an infant ?—Yes.

29354. That would not arise in lunacy cases ?—No, but if they were going to assimilate the practice of the two, it would. At present you do not call the guardian to account, and you have no method of enforcing the bringing in of accounts.

29355. But you have in a case where the accounting party is appointed by the court ?—Not if you appoint a guardian.

29356. If you appoint a guardian, you can ?—They never do.

29357. Could you not do it on his undertaking ?—I do not know ; they never do account, they say you cannot compel a guardian to account.

29358. Could not the Order be drawn up "So and so upon his undertaking to account every six months" ?—I have never known an Order so drawn, but I suppose you could.

29359. Do you see any practical difficulty ?—I think it would be an excellent reform.

29360. You could enforce the undertaking ?—I am not sure.

29361. That again is a matter of precedure ?—Yes.

The witness subsequently sent in the following memorandum :—

"I am afraid that my answers to Mr. Chadwyck-Healey's questions, Nos. 29352–29361, convey a false impression.

A committee of the *person* does not usually account in Lunacy, nor does a guardian of the *person* in Chancery. A Committee of the *estate* in Lunacy and a guardian of the *estate* in Chancery does. There is, however, an important difference between the practice of the two divisions. In Lunacy there is a system by which every committee or receiver is called upon at regular intervals to bring in his account, and steps are taken to compel him to bring it in. In Chancery there is no corresponding practice.

Although the committee of the person does not account, the excellent system of visiting the patients in Lunacy gives the necessary opportunity of seeing that the money is being properly applied, while in Chancery there being no Visitors of Infants there is no check whatever upon the guardian. My own opinion is that a committee of the person of a lunatic, and the guardian of the person of an infant, should both account,

Royal Courts of Justice,
December 13th, 1906.

I have not ventured to alter the answers, but I should be glad if this note could be placed upon the evidence.

29362. (*Dr. Needham.*) There is one question I was going to ask which I think Mr. Chadwyck-Healey has asked, it is with regard to visitation. Your visitation is altogether non-official, it is a visit of an ordinary committee of the person ?—I am exactly in the same position as a person outside would be.

29363. I have had very considerable experience of your visitation in that capacity, and I think it right to say that I think it is of the most valuable description possible, and that no official visitation, either by the Commissioners or anybody else, could replace it with advantage.

29364. (*Chairman.*) Is there anything you wish to add ? —There is one point which has not been referred to, that is the visiting by the Lunacy Visitors. At present they only visit Committee cases, that is some 700 cases.

29365. The Lord Chancellor's Visitors ?—The Lord Chancellor's Visitors. I am inclined to think that some are rather diminishing the importance of visiting ; I should increase it. I do not profess to know, but I have heard, while I have been sitting in this room, a good deal as to the extent to which the Commissioners visit, but it has always seemed to me to be physically impossible for anybody to interview and make a note of and remember the individual cases. Where you are attending something like 600 a day, I cannot conceive how it is possible. Of course you can pass them in front of you, or pass in front of them, and select cases which appear to call for notice, or to which attention is called. Something was said in this room about 600 cases a day. If two people are only going to visit even 300 cases a day and are given eight hours to do it, they have only one and a half minutes for each case. Without criticising (which I would not think of doing) the work of the Commissioners in that respect, which I think is very thorough, they have 120,000 persons to visit. The Visitors in Lunacy have only 600 or 700. I think they ought to visit other cases. The Court has all these cases under care, many of them are in private care, many are not seen by the Commissioners at all. I had a case in Liverpool only last week where the husband removed a patient who was under certificate, the certificate lapsed, and that lady has been in private care ever since. The Order appointing me receiver of her estate did not lapse, and I remained receiver of her estate and in that capacity I had control of her money. It was almost a shocking thing. I was obliged to at once see that she was placed under certificate and she has been removed to an asylum. She was under the care of a lady who was dying.

29366. How did the certificates lapse ?—They lapsed by the petitioner taking her away and discharging her. The petitioner has full power to discharge her. He was the husband of the lady. He removed her to his own care, and I am not sure that he did not do a wise and a right thing, but he died, and the lady remained in charge of the mother, and the mother wrote to me to say she was dying and she was in a bad state, and there was no one to look after this unfortunate person. I visited her in Liverpool and she is now placed in an asylum. That case was not visited by anybody.

29367. (*Mr. Needham.*) In a Bill which has been before Parliament there is a provision which practically makes it incumbent on the Visitors to visit all Section 116 patients ? —I am desirous of impressing that on the Commission, that rather than decrease their duties, they should be increased. There are cases where it is most essential that they should be visited, so many of them are in private care. Those are the very cases which want visiting. I know very well how large asylums are managed, and they are safe in their hands, but when they are in private care no one knows how they are managed.

29368. (*Chairman.*) In those cases how often do you think they should be visited ?—As often as the others. I see no distinction between that case and any other case.

29369. (*Dr. Needham.*) You are aware that the certified cases are visited ?—Certified cases are visited, of course, by the Commissioners ; but there are a great many who are not.

FIFTY-EIGHTH DAY.

Thursday, 6th December, 1906.

PRESENT.

The Right Hon. The EARL of RADNOR (*in the Chair*).

W. P. BYRNE, Esq., C.B.
F. NEEDHAM, Esq., M.D.
H. D. GREENE, Esq., K.C.
C. E. H. CHADWYCK-HEALEY, Esq., C.B., K.C.
The Rev. H. N. BURDEN.
Mrs. PINSENT.
H. B. DONKIN, Esq., M.D.
J. C. DUNLOP, Esq., M.D.

HARTLEY B. N. MOTHERSOLE, Esq., M.A., LL.M. (*Secretary*).
E. A. H. JAY, Esq., M.A., LL.B. (*Assistant Secretary*).

WILLIAM AMBROSE, Esq., K.C., called; and Examined.

William Ambrose, Esq., K.C.
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29370. (*Chairman.*) Will you kindly tell us how long you have been a Master in Lunacy?—Eight years on the 15th of next March.

29371. And before that you were in practice as a solicitor?—No, at the Bar. I was Attorney-General to the Duchy of Lancaster.

29372. And I think a Member of Parliament for some years?—Yes.

29373. You have been so kind as to give us a statement of your evidence; may we put that on our notes?—There is some misconception about that; I have not seen it. I believe Mr. Keely, in whose hands the matter was, supplied a draft statement for my approval, but I have not seen it yet. If you can read it for me I will see whether I approve it.

29374. You might look at it afterwards and say whether you approve it. It is merely a statement of the actual facts as concerning the Master's office; no doubt you will agree with it when you see it. It is as to the jurisdiction and practice of the Court?—That I accept as Mr. Keely has put it.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN ON BEHALF OF WILLIAM AMBROSE, ESQ., K.C., MASTER IN LUNACY.

1 CONSTITUTION.

There are two Masters in Lunacy, who hold office during good behaviour. They are appointed by the Lord Chancellor, and must be barristers of not less than ten years' standing. The salary of a Master is £2,000 per annum.

The Masters are also Visitors *ex officio*.

The Masters were first appointed in 1842, under 5 & 6 Vic. c. 84, under the style of "Commissioners in Lunacy," which was changed to "Masters in Lunacy," by Section 2 of 8 & 9 Vic. c. 100, under which Act the present Commissioners in Lunacy were established.

The Staff of the office consists of a chief clerk at £800 per annum; seven first class clerks, at salaries, except in one instance, of £500, rising to £600 per annum; four second class clerks at £250, rising to £400 per annum; and seven third class clerks at £100, rising to £200 per annum.

In addition, there is a messenger who also serves the office of the Lord Chancellor's Visitors, at an inclusive salary of £100 per annum.

The Masters appoint the clerks in their office, their number and salaries being determined by the Lord Chancellor, with the concurrence of the Treasury. The appointment of the chief clerk must be made with the approbation of the Lord Chancellor. Since the Supreme Court (Officers) Act, 1879, the clerks must obtain the certificate of the Civil Service Commissioners.

The chief clerk has the general superintendence of the office work and staff; deals with the correspondence, attends in Court on the hearing of Lunacy applications; draws up the orders of the Judge in Lunacy, including Vesting Orders; authenticates all schedules to orders and certificates for lodgment in, and payment or transfer out of, Court of Funds; gives notice to committees and receivers to pay lunacy percentage; refers for taxation costs not provided for by Orders; assists generally in difficulties in matters of practice, etc.; and interviews many solicitors and others seeking advice.

All work connected with drawing up the Masters' Orders and certificates, settling deeds, passing committees' and receivers' accounts, collecting lunacy percentage, completing security of committees and receivers, and keeping the index and statistics, is carried out in six divisions; three for each Master. A first class clerk is assigned to each division, and the four second class clerks, and two of the third class clerks, assist them. One or other of the first or second class clerks attends the Master on holding inquisitions.

The clerks also give solicitors much assistance in matters of practice.

It should also be mentioned that it is my practice to be attended on the hearing of all applications by one of the first class clerks.

Attached to each Master is another third class clerk, whose duty it is to rota matters to each Master, issue summonses and give appointments, take in papers, enter the Master's notes, examine documents, and assist generally.

Another third class clerk takes in petitions to the Judge, registers orders and certificates, attends to their printing and stamping, gives out office copies, and keeps the statistics connected therewith.

Another third class clerk checks the accounts when passed, and assists in examining documents and in correspondence, including demands for stationery, books, furniture and repairs, etc.

Costs in lunacy are at present taxed by and under the direction of the Masters; but the actual taxation is performed by the remaining first class clerk, who has a salary of £700 per annum, assisted by a third class clerk.

By rules dated 13th December, 1901, provision was made for the amalgamation with the Central Office of the taxing department of this office, and the transfer to the central office of these clerks, but no date has yet been fixed for such amalgamation and transfer.

2. JURISDICTION AND WORKING.

The Sovereign, as *parens patriae*, has, by virtue of his prerogative, the care and custody of the persons and estates of idiots and lunatics.

The Crown entrusts its authority, by warrant under the Sign Manual, to the Lord Chancellor, and the Lords Justices.

Previously to the passing of the Lunacy Act 1891, the duties of the Masters were partly judicial, but mainly administrative and ministerial. Pursuant to Orders of the Lord Chancellor or the Lords Justices—and, previously to the Lunacy Regulation Acts 1853, to a Special Com-

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mission in each case, but after that Act a general Commission under the Great Seal—they held, and still hold, inquisitions with or without a jury.

The Master, while executing an inquisition, now has all the powers of a Judge of the High Court.

The Masters also performed the duties formerly performed by the Masters in ordinary of the Court of Chancery relating to all enquiries and matters connected with the persons and estates of lunatics, and such other duties as the Lord Chancellor directed by General Orders—*e.g.*, they enquired. and reported, or certified, to the Judge in Lunacy, as to the most fit persons to be appointed committees, the lunatic's kin, fortune, income, maintenance, and debts, and any matter affecting his person or estate; and submitted consequential directions, or Minutes of Order, for the confirmation or approval of the Judge. They further, *inter alia*, approved of the security to be given by committees and receivers, and took their accounts, and collected the lunacy percentage, and still do so.

Now, by Section 27 (1) of the Lunacy Act, 1891, it is enacted that, subject to Rules in Lunacy, the jurisdiction of the Judge in Lunacy as regards administration and management may be exercised by the Masters, and that every Order of a Master in that behalf shall take effect, unless annulled or varied by the Judge in Lunacy; and Rule 10 of the Rules in Lunacy in 1892 authorised the Masters to make Orders as regards administration and management and costs.

Orders for inquisition, with or without a jury, or for the trial of an issue in the High Court in lieu of inquisition, for a traverse, and for a supersedeas, are made by the Judge, without previous consideration of the applications (which are by petition) by the Masters.

Vesting Orders, and Orders requiring Chancery Jurisdiction, and Orders under the Lands Clauses Consolidation Acts, the Settled Estates Act, 1877, the Settled Land Land Acts, 1882 to 1890, or any other Act in which the Judge has jurdisdiction, are made by the Judge; the applications being made by summons at Chambers before the Masters, who prepare the minutes of the Order, and submit the same with the evidence to the Judge.

There is no power in the case of a lunatic not so found by inquisition, to make Orders under certain Acts, *e.g.*, the Lands Clauses Consolidation Acts, the Settled Land Acts, or the Incumbents Resignation Act.

Appeals from the Master go to the Judge.

All matters which require to be brought before the Judge are brought before him out of Court, but may be adjourned by him into Court.

The classes of persons to whom the powers of the Judge as regards administration and management, now exercised by the Masters, are applicable, are set out in Section 116 (1) of the Lunacy Act, 1890.

Such powers are mainly to be found in that part of the Act intituled "Management and Administration" (Sections 116 to 130); but the jurisdiction of the Masters extends also to the appointment of committees of person and estate, small properties in Ireland and Scotland, the transfer of stock, the reconveyance of mortgaged property and *money orders*.

The jurisdiction, however, is not confined to the cases enumerated in the Lunacy Acts; and their specific provisions are enabling and not restrictive clauses.

It may here be mentioned that proceedings in the case of persons referred to in Section 116 (1) (*d*) are not intituled "In Lunacy."

It is to be noted that Section 116 (2) confines the powers which may be conferred upon the person appointed thereunder to those of the Act made exercisable by the Committee of the Estate, and that this section gives the Judge or Master no control over the person, as in the case of a lunatic so found by inquisition.

Cases under Sub-section (*a*) of 116 (1) are visited periodically by the Lord Chancellor's Visitors; cases under Sub-section (*c*) and many of those under (*b*) and (*e*) are visited by the Commissioners in Lunacy. But there is no provision for the official visitation of those under Sub-section (*d*); unless in any particular case the Lord Chancellor's Visitors visit at the special request of the Masters, under Rule 5 of the Rules of 1903; and the Masters do not supply either the Visitors or Commissioners with particulars of such cases.

The Receiver is, however, required to furnish to the Masters a periodical medical Report.

The number of existing cases under inquisition is 653; and of those under the other Sub-sections of 116 (1) is 3,129, of whom 347 are dealt with under Sub-section (*d*).

In 1905 the number of inquisitions held was eighteen, viz., one with a jury, and seventeen without juries.

In the same year the Judge made eighty-two Orders, and the Masters made 1,368, of which 484 were first Orders under Section 116, in cases other than those under inquisition.

The sums of cash and stock dealt with by these Orders amounted to £4,114,789 18s. 2d.

In addition, the Masters by certificates dealt with the lodgment and investment of cash and stock amounting to £244,819 6s. 8d; while the receipts shown by the accounts of committees and receivers taken during the year were £1,937,045 6s. 6d. and the disbursements £1,645,210 19s. 11d.

Lunacy percentage is payable at the rate of 4 per cent. per annum on the clear annual income, amounting to £100 per annum and upwards, of lunatics so found by inquisition, with a limit of £400 in any one year; and at the rate of 2 per cent. on the income amounting to £100 per annum and upwards, of lunatics not so found, and of persons mentioned in Section 116 (1) (*d*), with a limit of £200.

The percentage for the current year amounts to £26,943.

The fees taken in stamps last year amounted to £5,033 10s.

The cost of the Masters' and Visitors' offices for the year ending 31st March, 1906, was as under:—

Masters—Salaries	-	-	£11,530	13	4			
Travelling	-	-	136	2	8			
Pensions	-	-	913	6	8			
						£12,580	2	8
Visitors—Salaries	-	-	£5,491	9	2			
Travelling	-	-	1,420	13	11			
Pension	-	-	213	0	0	£7,125	3	1
Messenger						100	0	0
					Total	£19,805	5	9

A full comparative statement of the statistics relating to the proceedings of the Department will be found on pages 48 and 49 of Part II. of the Civil Judicial Statistics for 1904.

29375. (*Mr. Byrne.*) I would like to ask, with reference to certain evidence which was given to us the other day by Lord Justice Cozens-Hardy, what are your views. It was suggested during that evidence that the work of the Masters in Lunacy might, so far as it related to property, be handed over to the Chancery Masters. What would you say to that?—I doubt that.

29376. Will you give us what reasons, chiefly, are influencing you?—It is rather a broad question. Have you got the figures showing the amount of business done?

29377. Yes, we have those before us?—It is too big a thing to hand over, and it would be a new Court.

29378. The proposal under discussion was whether it was possible that the office of the Masters should be abolished, in the interests of economy, and other arrangements made for carrying out their work; and the special proposal then under consideration was whether the duties and the functions of the Masters in respect of property might not be handed over to the Masters in Chancery, and whether the duties with reference to inquiries and orders under Section 116 (*d*), and so forth, might be given to a body like the Lunacy Commission, or certain members of the Lunacy Commission, so that the office, as a special office, would cease to exist. I want to know what arguments you see in favour of that or against it, from your practical experience?—I do not think it is possible in any way to establish a system of that kind which is not more or less an encroachment on the present one.

29379. (*Mr. Greene.*) Is the office of Master one which requires that the exclusive time of the occupant of the office must be given to it?—Yes, I should think so.

29380. Is there anything in any statute which requires him to give up all his time?—There is not any express provision to that effect.

29381. Is it a fact that one of your predecessors occupied his office, at the same time holding at least two director-

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ships in public companies ?—I have heard that. May I add, as qualifying to some extent what I said a moment ago, that I am not aware of anything in the statute expressly prohibiting the Master from accepting other office. I have no hesitation in saying that it would be utterly impracticable to do the duty, almost as much so as if you put upon one man the duty of doing 100 men's work. When I accepted the office I held the office of Attorney General to the Duchy of Lancaster.

29382. I am not suggesting that you have done it, but I wanted to see what the terms of the appointment are under which the office is held; that is, under the Act. There is nothing in the Act of Parliament, is there, to prescribe that the officer shall give all his time to it; and in point of fact one of your predecessors occupied with it the position of director of companies ?—I think there is nothing in the Act expressly prohibiting it.

29383. Is there anything which would prevent one of the Masters from holding arbitrations, or anything of that sort, after four o'clock in the day, or if he chose to work it in with his existing work ?—There is plenty to prevent it; that is the work which has to be done.

29384. But there is no statutory claim on the whole of his time ?—I have never found any statutory claim.

29385. I think County Court Judges, Masters in Chancery, and Official Referees, are all bound by statute to give up their whole time to their office ?—I really have not looked at that, so I had better say I do not know.

29386. Who appoints the clerks in your office ?—My colleague and myself.

29387. Is there any prescribed qualification for any of the clerks or officers in your office, either legal experience or any other ?—There is a prescribed qualification. Mr. Keely could tell you better than I, what it is. It is in conjunction with a society or body which examines the applicant.

29388. But there is no professional qualification, is there, such as being a solicitor of a certain number of years' standing, or anything of that sort ?—No.

29389. So that a person may be employed in the legal administration of your office without having seen a law book before ?—On the assumption that the Masters who appoint him would appoint such a man.

29390. I am not imputing any blame; I am only wanting to see what the statute has provided with reference to it ?—It is provided by statute somewhere that they shall pass the Civil Service examination.

29391. But as regards professional qualification, none ?—That is so.

29392. Do you receive any complaints from solicitors or others, of delays ?—No, I answer your question straight, but I do not mean to say that that is absolutely correct. To what period are you alluding ?

29393. At the present time ?—At the present time my answer would be no, as I gave it. But let me explain; I do not want any misapprehension about this. When I first went to the office we were a long time in getting arrears into their proper position and clearing the ground, and there were some complaints, not very many, perhaps not as many as there might have been. There have been no complaints for years. If there were complaints I should have no hesitation in saying, so far as the Court in which I sit is concerend, that they were unfounded; that we were quite abreast with the business.

29394. Are there any arrears now in the Lunacy Department ?—No, not in my department; there were not until the time of my illness, about a fortnight ago, I think it was. At that time we were perfectly easy.

29395. How soon after an application could an appointment be given ? Are you booked up for three weeks ahead ?—We are booked up.

29396. For how long are you booked up now ?—I have not got particulars of that. In any case it would take an examination of the cases.

29397. But approximately how long would it take, if an application for an appointment were to come before the Masters in Lunacy, for an appointment to be given—how soon would it be before it could be given at the present time ?—About a fortnight. You will understand that is not the result of arrears; certain notice has to be given.

29398. But so far as the office is concerned, if all the notices could be given, about what is the average time within which you could give an appointment ?—A fortnight.

29399. You mention in the statement with which you were good enough to supply us that by rules dated the 13th December, 1901, provision was made for the amalgamation with the central office of the taxing department of the Lunacy Office ?—Yes.

29400. And the transfer to the Central Office of these clerks, but that no date has yet been fixed for such amalgamation and transfer. Were those rules made in consequence of the Departmental Committee, consisting of the Lord Chief Justice, Lord Justice Mathew, Sir Kenneth Mackenzie, Master Baker, and various other gentlemen, making a Report ? The date of the rules was the 13th December, 1901, and the Departmental Committee, I suggest to you, was held just before that ?—I have no recollection of being any party to the arrangement, or to the rule of which you are speaking.

29401. In what year were you appointed ?—1899.

29402. Do you remember a Departmental Committee sitting ?—I do not. There was no Departmental Committee sitting. I do not know what may have been done as regards orders and so on; I think there was none when I was appointed.

29403. I suggest that a Departmental Committee sat, over which the Lord Chief Justice presided, and that it led to this recommendation, that the taxing department of your office should be removed to the Central Taxing Office ?—I recollect something of that kind.

29404. Is it not a fact that this Committee recommended that taxing should cease in your office, and that on the formation of the Central Taxing Board, which is called the Supreme Court of Judicature Taxing Office, lunacy taxation should take place there ?—I was no party to it. I do not think such an order was made.

29405. You refer to it yourself in your statement ?—I only know it from the order, in the same way as you do yourself. I cannot contradict it or anything of the kind. The Taxing Office is going on.

29406. Can you tell us why it is that a rule was made in 1901 and yet has never been acted upon by making your taxing office part of the Central Taxing Office of the High Court ?—You say it has never been acted on. I doubt that. From the proximity I have with the taxing office it appears to me that they are going on in pursuance of some order, but it is not a matter to which I have given attention.

29407. I am afraid I have not made myself clear. In your statement of evidence you say "No date has yet been fixed for such amalgamation and transfer," that is the amalgamation and transfer of your taxing clerks with those of the Central Office ?—For the accuracy of that statement I must refer to Mr. Keely. I do not know of any date having been fixed, or anything having been done beyond some sort of alteration of the position. There was a regular turn out amongst the taxing masters to find accommodation for them.

29408. But your taxing has gone on under the same gentleman ever since you have been there, has it not ?—I think so. I recollect there was some order made: not one to which the Masters were parties.

29409. I do not suggest that the Masters were parties to it at all. I suggest that the rules were made by the High Court Rule Committee in December, 1901, and that one of those rules is that the existing clerks in the taxing department of the office of the Masters in Lunacy should be transferred to the Central Office ?—The rule speaks for itself.

29410. And it has not been carried out ?—I am not aware of it.

29411. I am going to ask why it has not been carried out ?—It is very difficult to say why it has not been carried out.

29412. You have got a taxing clerk in your office ?—He is not a taxing officer in the ordinary sense, but he is one of my clerks who carries out part of my jurisdiction in that way. It was done some years ago.

29413. Before you went there ?—Before I went there.

29414. Are you aware, or is it the fact, that this Rule of Court has never been acted upon in consequence of

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the fact that your taxing clerk is not qualified by the statute, not having been twelve years a solicitor, to be made a Taxing Master of the High Court ?—I do not think there has been any such point raised; I am not aware of it.

29415. Not raised on his behalf ?—Or raised at all; I am not aware of it, and I doubt it.

29416. I daresay you are aware that by 6 and 6 Vict., cap. 103, the Taxing Masters of the High Court of Chancery were created, and it requires that they shall be solicitors of twelve years' standing ?—I was not aware of it, and I am not aware of it now.

29417. If it is the fact, if the statute is still unrepealed, it would be so, that twelve years' standing is required for the Taxing Master; then your taxing clerk could not accept that appointment, could he, because he has not twelve years' standing as a solicitor ?—I never heard that.

29418. Mr. Corley is the person to whom I am referring; he is not a solicitor of twelve years' standing ?—No, he is not a solicitor, but he is a very good taxing officer.

29419. I am not saying that he is not a very good taxing officer, that is quite another matter, but he is not qualified to be one of the Taxing Masters of the High Court, because he is not of twelve years' standing as a solicitor ?—I understand that point.

29420. If that is so is that the reason why this order has not been acted upon ?—No, I think not. This negotiation about the change took place for some time, and a new Chief Justice came in, and that may have had something to do with the delay. I rather thought that the whole point was settled. It is nothing to do with me.

29421. I am not suggesting that it is. In your department you have about nineteen clerks, have you not ?—No, I think seventeen between us. Our business is in two departments; it is a joint and several department.

29422. There is a chief clerk and there are seven first-class clerks, four second-class clerks, and seven third class clerks, are there not ?—I dare say you are right. I negative the nineteen.

29423. May I enumerate them ? I put it down one chief clerk, seven first-class clerks ?—Yes, that is right.

29424. Four second-class clerks ?—I think so.

29425. And seven third-class clerks ?—I cannot speak for those. If you turn to the Law List you can see.

29426. I am reading from something which is more reliable than the Law List; I am reading from Master Ambrose's statement of evidence ?—As regards my statement of evidence, in matters of detail of that kind, I can only refer to Mr. Keely.

29427. I am reading from that; that makes nineteen ?—I follow you till you come to the third-class clerks; I really do not know the exact number of those.

29428. Who is there in your office who can see whether the work of your clerks is efficiently done ? Who overlooks them ?—I have the responsibility of all my clerks. I never have said, and have no intention of saying, if anything goes wrong, that I did not do it, it was my clerk. I am happy to say we have had nothing go wrong of any character worth recording.

29429. I was going to suggest that with a large number of clerks—as I make out, nineteen—someone should overlook them; is there anyone who overlooks them ?—Yes, I look after them, so far as it is necessary.

29430. But you have a good deal else to occupy you ?—Yes, I have. The chief clerk here, Mr. Keely, has authority in the office and wields that authority with great skill and judgment. I am happy to say there is very little required.

29431. Rumours have reached me that your office is overstaffed; that you have more clerks than are necessary ?—It is very untrue and unfounded; I am understaffed, largely.

29432. Have you applied for any addition to the staff. ?—I did two or three years ago.

29433. And got all you wanted ?—No, not all I wanted.

29434. Will you tell us about the work in your office ? How long is a Master expected to be on duty in the office ?—I cannot say any period that he is expected. A Master in Lunacy is Master, and I am expected to be on duty to do the work.

29435. Are there any office hours ?—No, there are not; not for the Master. The Master takes the appointment on the footing that he will do the work by himself and by his clerks.

29436. Is the office itself open till 5 ?—No, till 4.

29437. From 10 till 4 ?—Yes.

29438. So that any important matters which arise after that would have to be deferred to the next day ?—Not necessarily; they come up to my house, even on Sunday.

29439. Following up your statement, you point out that the Lord Chancellor grants a general commission under the Great Seal to the Lords Justices to act ?—Yes.

29440. That means that there has to be a fresh commission whenever there is a new Lord Justice ?—Yes.

29441. Someone pointed out to us that there had been something like three or four in a very short period owing to changes amongst the Lords Justices ?—You mean the Sign Manual. There have been two or three of those.

29442. Is there any reason why that should not be done by a statute empowering the Lords Justices for the time being, and the Master of the Rolls, to be always Judges in Lunacy, so as to save issuing a fresh commission ?—I do not see that it costs anything; it is hardly worth troubling about. No doubt you can get an Act of Parliament to make it accurate. I rather think the Lord Chancellor, or the Crown itself, may rather like the retention of the ancient character of the Sign Manual, and there is no objection to it that I can see.

29443. Is there any suggestion you can make by which the work of the Masters in Lunacy or the Chancery Visitors could be in any way improved ?—I am not prepared offhand to make a suggestion, because that really means a scheme for altering the Court. That ought not to be undertaken by anybody lightly. Things which look right enough at first, when you come to look into them, present difficulties of all kinds.

29444. Is there any way which occurs to you by which the work which is now allotted to the Lunacy Department could be abbreviated or accelerated ?—No, I think not.

29445. Have you heard of Lord Justice Cozens-Hardy's suggestion that if the Lunacy Department were relieved of the administration of estates it could be done very well through the High Court of Chancery ?—I have no doubt the work could be done very well with proper provision, but it would involve an entirely new system, and it would be very doubtful whether it would have arrived at any satisfactory conclusion. The statutes are in a small compass; they are consolidated with previous statutes, and in that way you get the work readily provided for. You can do no more than that. You can make no better provision than that.

29446. As far as the practice itself is concerned, you see no reason, do you, why the administration of estates should not be conducted through the Masters and Judges of the High Court of Chancery perfectly well ?—There is an objection to transferring.

29447. The work could be just as well done, I suppose ?—The work could be done, no doubt, whether with nineteen or fifty-six. You must bear in mind that you have men in the Lunacy Department who are experienced in the work. It is work into which you could not possibly put men from outside who have had no experience.

29448. I am talking of the property administration, not the personal administration of the lunatic ?—In my office it is almost limited to property administration. It was brought about on purpose for that.

29449. I want to test Lord Justice Cozens-Hardy's proposition. What is there in the property administration of your office which could not be equally well done by a Chancery Master ?—Take the ordinary civil business, administration under equity, and so on; at present you have men who understand the system, and they are capable of grasping it and understanding it. You could not do that by taking it away from the Equity Court.

29450. Is the administration of property differently conducted, in principle, in Chancery from the way in which it is in Lunacy ? Would you give us an illustration ? We

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have had such a very eminent witness that I do not like to pass by his kind advice to us without a little sifting by a gentleman of your experience. To start with—the very first thing—how many orders have you got to do in your ordinary civil business? I want to see the quantity of work which has to be got through?—It can only be got through by a man of experience.

29451. Would you give me an illustration from some particular kind of business, of the difficulty you see in the Chancery Master dealing with it? May I take a vesting order?—Take a vesting order. I observe that the Lord Justice dealt with that point. It is one of the most intricate things that are put upon this tribunal. I think most people would be only too glad to get rid of vesting orders especially, because it is highly technical work, and very difficult to follow, and very difficult to grasp the points.

29452. Do not they do that in Chancery; do not they have administration orders day by day in the Chancery Division now?—Administration orders are very different things from vesting orders.

29453. Do not they have vesting orders in the Chancery Division now constantly?—Yes.

29454. Is there any difference in principle between a vesting order vesting property in one person in the Chancery Division, and one in the Court of Lunacy?—You are just comparing the things for the purpose of comparison. You are taking it that a vesting order is very similar to the pure equity, and they are all the same. The way I should put it for the purpose of your point would be to compare a vesting order, as you did, with an order under one or other of the sub-sections of Section 116, raising the question whether the man was sane or not. But take the pure dry vesting order and compare that; a man goes straight from his desk to a case of that kind and has to come upon a case in which the question is whether the vesting order is rightly made, a quasi criminal case. The case you put is a very fair illustration of the difference. There are not many who are acquainted with these particular vesting orders, they are so very complicated; the point is you are taking a man trying cases at the Sessions or the Assizes, trying cases in that way, and he goes straight away to a class of business entirely different. If I had time I could illustrate it better.

29455. Are there not a great many matters in your department which closely resemble the work which is done by the Chancery Masters?—Certainly.

29456. Do you see any difficulty in relieving your department of those matters which are quite akin to what Chancery Masters do?—I should say considerable difficulty, because of the vast number. If you will refer to the number of cases turned over, the number of patients who are under our control (I do not like to deal with figures unless I have them before me) they are enormous, and they have been growing for the last ten years.

29457. (*Mr. Chadwyck-Healey.*) Which department do you mean, the Chancery Department, or the Lunacy Department?—I have been speaking of both; there are all sorts of questions on the Chancery side with which the Lunacy Court would have to deal, questions of construction and settlements, whether property passed by will or not.

29458. (*Mr. Greene.*) Is not that what they do every day of their lives in Chancery?—I know they do, so also do the Lunacy Department. The difference is that the Lunacy Department has an utterly different class of jurisdiction, and if that were to be done by strangers, by persons who are not thoroughly acquainted with it, it would involve a considerable delay. I do not think any man is fit to undertake to manage these estates, or to deal with the points, even taking the accounts, under at least three years' experience in the practical work.

29459. Is there any difference in principle between the accounts which are taken in Chancery, receivers' accounts, and those taken in Lunacy? Are they not the same?—There probably is some difference, but no material difference. I admit that when Lunacy has work connected with an Equity Department it works on Equity lines.

29460. And the great bulk of the business is what I may call Equity business?—It is very large. The cases which come to it incidentally are very large indeed. I have had in one day lunacy questions, simple questions as to whether a man's character is good or bad; all those questions have arisen in a way in which I never saw them arise in the Chancery Division.

29461. Lunacy business may be quite separable, may it not, from the administration business of property?—It is very difficult to draw the line. I will give you an instance of that. There is a class of question in which the foundation of the jurisdiction is what you have described, namely, administration and management. I have never yet been able to find a case, in which the question of going up for appeal to the Lords Justices could not be said to arise in some form or another in the management of that administration.

29462. As regards the list of work which you have been good enough to mention in your statement which has to be done by the Masters, the list of their duties, you have put, "orders for inquisition, with or without a jury, or for the trial of an issue in the High Court in lieu of inquisition, for a traverse, and for a supersedeas, are made by the Judge;" have you anything to do with those orders?—Yes, they are made by a Judge, but all those orders which are made where the estate has to be dealt with are made by the Judge but first of all by the Master.

29463. I was wanting to get explained this paragraph; "Orders for inquisition, with or without a jury, or for the trial of an issue in the High Court in lieu of an inquisition, for a traverse, and for a supersedeas, are made by the Judge, without previous consideration of the applications (which are by petition) by the Masters"?—That, I think, is a part of the jurisdiction which is exercised by the Judge and which the Statute has vested in him.

29464. You have nothing to do with them?—I have nothing to do with them.

29465. Then your next paragraph says: "Vesting orders and orders requiring Chancery jurisdiction and orders under the Lands Clauses Consolidation Acts, the Settled Estates Act, 1877, the Settled Land Acts, 1882 to 1890, or any other Act in which the Judge has jurisdiction are made by the Judge." Do those matters come before you? What you say about it is: "The applications being made by summons at Chambers before the Masters, who prepare the minutes of the order and submit the same with the evidence to the Judge"; that is all you have to do with them, is it?—Practically all; practically it means the whole.

29466. You prepare it for the Judge?—Yes.

29467. What is the means of communication between the particular Judge? Is there somebody called a Secretary in Lunacy?—Yes.

29468. What is his function?—To assist the Court of Appeal.

29469. Do you know whether he is provided for? Is he on the Estimates or paid out of the Lunacy funds, or what?—He is provided for out of the Estimates, as far as I know.

29470. We wanted to see how far the staff was necessary, or, if there were any readjustment of duties, what duties should be allotted to different people; in what way and for what purpose does he come into communication with the Masters in Lunacy?—He does not come in communication much with us; it is with the Judge that he comes into communication.

29471. Do you not have to communicate with him at all?—I could not say that; we do have communication.

29472. Are the papers sent to him?—I know that the Judge deals with them; they do practically go to the Judge.

29473. But the Secretary does not come into communication with you, so far as you know?—No; you will see why; it is a natural thing that a man in the position of a Judge cannot afford to answer letters and do many little things of that kind, which someone else can do.

29474. I am not complaining of his expenses; I only wanted to know whether he came in communication with you as part of your duty?—No. I might, of course, if there were a question of difficulty, see him, but I have not had that.

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29475. With reference to the proceedings in your office, you have no stamps, we are told, on your affidavits. Have you any stamps on the orders and on the summonses ?—Yes, I think so. I do not see them very often. They pass my hands.

29476. A summons would come to your hands, would it not ? Is there a stamp on that ?—There is no stamp on the summons, I think.

29477. And no stamp on most of your orders ?—No, that is so.

29478. Would you tell me why revenue should not be raisable by means of stamps on your affidavits, summonses, and orders, just as it is raised in the other divisions of the High Court ?—It might be, but they do not do it.

29479. I am wanting to see the sources of income to the State, in any readjustmment of the duties. I want to see whether there is not an omission which has not been detected in allowing matters in Lunacy to pass without paying their proper toll to the State ?—The A B C of it is, as I understand the matter—but here I get off my own ground and have to rely on what Mr. Keely and perusal of the papers tell me—but as far as I understand it there are funds which belong to the Lunacy Court, which are in the possession or control of the Government, and though the estimates are taken, the Government recoups itself in some form which I do not understand by levying this money upon the fees. There are fees payable more largely on the first class of the applicants, in cases over £100. but in cases under £100 the fees are not payable by the patients. The fees collected amount to a considerable sum. The way they are applied is, they are handed over in some way, as I understand, to the Government, and they pay the expenses. It is not the Government who support this, it is the funds. I do not mean to say they are not paid. I do not know whether I have made myself clear.

29480. As I understand you, it is this, that there is a percentage collected upon the estates, an *ad valorem* percentage, and that, in consideration of that, all lunacy proceedings pass through the courts without any stamp charge ?—I think you are right substantially. (*Mr. Keely.*) Rule 129 shows there are stamps on all orders.

29481. Then I was in error. I understood there were not any. It is now pointed out to me that there are stamps on all orders, unless they are excused by being under £100 a year. Unless in the exempted cases, there are stamps on all orders ?—(*Master Ambrose.*) Yes.

29482. Is it the fact that people whose property is over £100 a year, have in addition to the percentage for administering their estates, also to pay stamps on orders ? —Yes.

29483. Whereas the people whose property is below £100 a year do not have to pay any stamps whatever, and no percentage ?—That is so. That appears on the orders. I only know those things from the documents themselves.

29484. Is there any return made, or any return I could see, of the fees or percentages charged upon the different estates which you have, such as those which pay up to £400, those which pay upon £100 a year, £200 a year, £300 a year, and so on ?—I know of no returns.

29485. Could you tell me at all from memory, or is it possible to ascertain through your office, how many estates contribute to make this fund which brings in a profit of £9,000 a year ?—I have not said anything about any profit.

29486. I know you have not, but we have had it from somebody else. Kindly assume it is a profit of £9,000 a year. I wanted to see how many different estates produced it, and what proportion of the estates were small estates, and what were the larger estates ?—I do not know that anything would show that exactly.

29487. Is there any means of ascertaining it ? I will tell you my reason ; I wanted to see whether it were possible to make any re-arrangement of the business so that the small estates could be administered elsewhere, through the County Court, for instance ?—They could no doubt be administered, but I should not say that it would be very satisfactory. The County Court Judge is subject to all the difficulties of going into special work with which he is not acquainted. I do not see any possibility of relieving anybody by any alteration of that sort.

29488. It strikes me as being very inequitable that the whole Lunacy Department should be run at the expense of people whose estates produce over £100 a year, while those whose estates are less than £100 a year are let off without any charge ?—I agree.

29489. I was wanting to see whether there should not be some readjustment so that the percentage system might be got rid of, and the financial aspect of the matter dealt with as it would be in Chancery, in furtherance of Lord Justice Cozens-Hardy's project ?—The Legislature, when they established these proceedings, thought they were doing a good thing in making handsome provision for them.

29490. Was it legislation, or was it orders of court ?—Legislation, and I think it was discussed a good deal at the time.

29491. To return again to the duties ; do you have much work in Chambers to prepare for the Judge in Lunacy ?—Yes.

29492. How many summonses per day do you get through ?—Are you speaking of vesting orders now ?

29493. No, of general summonses of all sorts ?—Ten to twelve.

29494. Is that ten to twelve opposed ones, or unopposed ?—It includes the unopposed.

29495. Are there many of them opposed ?—Yes, a good many of them, and the unopposed are just as difficult to settle, because a lunatic can admit nothing, and you have to prove the case against him.

29496. And there being a fund which is being worked, you have to be watchful to see that it is not being wasted, because there are very few people to protect it, is not that so ?—Yes.

29497. It has been pointed out to me that one of the great difficulties in lunacy matters is that as a lunatic has an estate which has to be worked upon, it is to the interest of solicitors to see that everything is done which should be done ?—That is right.

29498. And that cost is rather the secondary than the primary consideration ?—Certainly, that is so.

29499. You have pointed out that there is no power, in the case of a lunatic not so found by inquisition, to make orders under certain Acts, the Settled Land Acts and others ?—Yes.

29500. Do you think it would be desirable to give that power to the Court of Lunacy ?—Yes.

29501. That would be a matter of legislation which you would suggest. I asked you just now whether it could be improved at all. That is one thing which you would suggest ?—That is one. It is a very slight point ; it was evidently a blunder.

29502. That you would rectify ?—Yes. I think there is a Bill on the point already ; not by anybody connected with lunacy.

29503. It has been pointed out in your statement that the management of administrations under Sections 116 to 130 extends to the appointment of committees of the person and estate of small properties in Ireland and in Scotland ; is there any limitation to that ? What is a small property within that jurisdiction ?—It is the 131st section.

29504. How often do you come into communication with the Visitors and direct them to make special visits to patients ?—The system under the Visitors is a very agreeable and very pleasant one. The Visitors make a point of calling when they think it necessary.

29505. But how often do you require your Visitors to make special journeys or visitations to particular cases ?—No particular number of times.

29506. Could you give me any idea of the amount of work which you cast upon them, over and above the usual visitation, for special visits ? Mr. Keely was going to give us a return. (*Return handed in vide Appendix ; papers, p. 425 post*). We only want the dates of the special visits ; so as to get it on the notes, I will take this : A Report of the number of special visits paid to non-inquisition cases between the 1st October, 1905, and the 30th September, 1906, on the

request of the Masters pursuant to Rule 5 of the Rules in Lunacy. The Rules of 1893. The Visitors paid eighty-four visits in the cases of sixty-three patients. In two instances they failed to see the patient. There is no available record of the time taken on each visit. So that that would be eighty-four visits beyond their normal number ?—Yes. There was a resolution passed authorising, on the request of the Master, further visits to be paid.

29507. The Return I have had includes everything which has been done on the Master's orders ?—Yes.

29508. Do you meet, in fact, with the Visitors, and hold a Board meeting with them ?—Yes.

29509. How often ?—Once a month.

29510. Is there any record of the attendances ?—Yes, I think so, kept by the Secretary.

29511. Does one of your clerks act as secretary ?—No; the secretary to the Visitors.

29512. Do both you and the other Master attend the Board ?—Yes.

29513. Do you get all the three Visitors also to attend ? Do you generally have a full meeting ?—Three Visitors.

29514. Do the three Visitors and the two Masters all meet ?—They all attend. I do not mean to say they never miss.

29515. But the attendance seems to be very good. Sir James Crichton Browne says he has only missed twice in thirty years, or something of that sort ?—Yes.

29516. Who goes through the receiver's accounts in your office—the accounts of the receivers appointed under Section 116, or in inquisition cases ?—There is a record kept, a big book in which all the proceedings are recorded.

29517. Are the accounts investigated in your office ?—Yes.

29518. And checked ?—Yes.

29519. Who does that in your office ?—It is divided amongst the clerks; each clerk takes his own cases. My principal clerk, a first class clerk, receives the accounts, makes requisitions upon them with great skill, then I see what property there is by a study of the documents and the papers which are put in on the first hearing. We are obliged to take what we can get by way of information at the first start.

29520. Do accounts ever come before the Masters, or is it all left to the first and second class clerks ?—They come before me on appeal from the decision of the clerk who has charge. Every estate which comes in is put in the hands of one or other of the clerks. A clerk may have twenty estates on his hands. He takes them, draws the requisitions in the same way as I do, raises the objections and surcharges, and the parties either yield to it or appeal from him to me, and it is put down in my list for that day and dealt with according to the merits. The work in the accountant's office in my opinion is most skilfully done.

29521. I am not suggesting that it is not; it is only a question of following out the procedure ?—I want to make you understand that these are matters which are dealt with, and which have to be dealt with, by first class men. I could not have got into the business when I was appointed if it had not been for the class of men who were there, all doing the work so well.

29522. I hope you will understand that I am not imputing disability or incapacity, or anything else, to any of the clerks. I am only trying to learn what the system is, if there is a system. I will assume that they are wingless angels, if you like ?—I only want to show that it is not the class of work which you could take up without any previous training.

29523. As to the inquisitions, they have dropped down very much of late years, have they not ?—Yes, and they are likely to.

29524. Why is that ?—Because of the easy way of getting before the Master, or party in power, as provided by Section 116; and it comes free of charge.

29525. How does it come free of charge ?—Because they are mostly cases under £100; I mean free of charge to that extent.

29526. So most of those cases are those which escape free altogether. They do not have to pay stamps, and do not have to pay a percentage ?—A very great many of them do not.

29527. The establishment is kept up for their benefit by those who unfortunately have got more than £100 a year—fortunately or unfortunately as the case may be. Those people have to pay these thousands for those who have not got more than £100 a year. Do you consider the inquisition satisfactory, or is there any proposal or remark you would be disposed to make on that ?—It is satisfactory to some people perhaps; it would not be so me.

29528. Might it be done cheaper ?—Cheapness I do not think much of, but it might be done more satisfactorily.

29529. Could you give us any suggestion by which it could be carried out ?—I do not know about that; whatever suggestions I might make there would be difficulties about.

29530. Are there any defects which strike your mind ?—It has been in existence for hundreds of years; whom are you to have to appoint the inquisition ? Lord Justice Cozens-Hardy dealt with it, and he evidently saw the difficulties of it.

29531. I think he was of opinion that most of the unopposed cases could be dealt with by the legal Commissioner in Lunacy, for instance ?—The Master is the officer at present whom it would involve.

29532. Supposing any vacancy occurred and they did not fill up the appointment of Master, would it not be possible to transfer the duties of inquisition to a legal member of the Lunacy Commission ?—Yes.

29533. And there is no such professional difficulty that a legal member of the Commission could not quite adequately dispose of unopposed cases ?—The only thing is that there is no particular object in it; it would be doing something which is not necessary because there is no difficulty whatever; the Lord Chancellor can appoint anyone he likes. I do not know that it is worth while making any alteration.

29534. As Master, do you have to undertake any travelling ?—A little bit.

29535. Only to inquisitions, I suppose ?—Not absolutely; I have had one or two cases in which I thought it right to incur some expenses for travelling, but very little.

29536. Do you think that it would be convenient if you had power to appoint a deputy, if you were ill or unable to attend to work ?—The Lord Chancellor has the power.

29537. By statute ?—Mr. Keely says not, but I am under the impression that it is. I do not want to speak if there is any doubt about it. There are two Masters, and the office is joint and several.

29538. I referred just now to the statute appointing Taxing Masters, and I have since referred, and I see that 5 & 6 Vict. was repealed by 42 & 43 Vict. c. 78, that is to say, the Supreme Court of Judicature Officers Act, 1879. Do you know whether it is under the 1879 Act that the qualification exists that a Taxing Master of the Supreme Court must be of twelve years' standing as a solicitor ?—I do not remember.

29539. (*Mr. Chadwyck-Healey.*) The difficulty, I understand you to suggest in reference to the suggested amalgamation, is that the administrative officers of the Chancery Division have not experience in lunacy matters ?—I do not think they have. I do not mean absolutely none, but it is inconsiderable.

29540. May I put to you just a few possible cases and compare them with the business in the lunacy department; supposing somebody applies under Section 116, an application is made on behalf of a person of unsound mind, and it ends by his property being administered for his benefit ?—Yes.

29541. Now look at the other side of the building to the Chancery Division, and you find in an administration suit a person of unsound mind, not so found, having property. You are aware, are you not, that constantly orders are made for the administration of that person's property for his own benefit; you know that, do not you ?—No.

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29542. Will you take it from me that that is so? Then I will ask you whether you see any difference between the two cases in the mere matter of administration?—I never saw such a case as you speak of; I rather doubt that.

29543. Let me give a concrete case. There is an administration action, a number of beneficiaries are found by the Master's certificate as entitled to the property of the deceased person, say. One of those persons turns out to be a person of weak mind. The court very frequently makes an order for the payment of the income of that person's share for his benefit to a person who undertakes to apply it. I have known many such orders made?—I do not think so. The court would hand over the funds it comes across in the way you mention, to the Lunacy Department, to the committee of the lunatic.

29544. Exactly, if there were a committee of the lunatic; but suppose there is no proceeding in the Lunacy Department affecting that man, what then?—As long as the man was not a lunatic it would be administered in the ordinary way.

29545. But you must take it, admittedly, that he is a person of unsound mind not so found?—Until he is so found he is treated for the purpose of administration as not found.

29546. You mean that he is sane?—No. If he is insane it will be ordered to be paid to the committee of the estate.

29547. But there is no committee, because it is not in Lunacy?—If there is no committee it will be dealt with by——

29548. His guardian, would it not?—No.

29549. Let me put this case to you. You are very familiar, are you not, with the form of order constantly made in Chancery appointing a guardian *ad litem* to a person of unsound mind not so found?—Yes.

29550. That is a certain amount of lunacy experience, is it not?—No, it is hardly worth mentioning; it is rather a growth of a something or other which has got there like a weed.

29551. In the Chancery Division, you mean?—Yes. As soon as it becomes clear that the estate is solvent it is dealt with, and the share of the lunatic is transferred to and worked out in the Lunacy Court. I have known cases during the last month or two in which that has been done.

29552. You have cases of persons of unsound mind who have property vested in them. Are not vesting orders frequently made in such cases? Take a trustee of unsound mind, are not vesting orders made in the Chancery Division?—Vesting orders on the appointment of new trustees.

29553. Vesting property which a person of unsound mind cannot convey?—Yes.

29554. And that has to be gone into?—That has to be gone into.

29555. In your department you appoint a committee of the estate of a person of unsound mind?—Yes.

29556. The Chancery Division appoints a receiver of the estate very often, does it not?—Yes.

29557. What is the difference between the two, practically?—One is a process of the Chancery Division and the other is a process of the Lunacy Department.

29558. But there is no practical difference in the result, is there?—I can hardly say that; it depends upon each case.

29559. They both have to keep accounts?—Yes.

29560. Both have to bring their accounts in to be vouched, though in different departments?—That is when there has been an order made that they keep accounts. It is only where there has been an order made, that somebody will be in possession of the fund.

29561. But a committee of the estate is in possession of a fund, generally, is he not?—Not always.

29562. Sometimes he has got nothing. You do not suggest that the committee of the estate does not bring in his accounts at some time to be examined?—No.

29563. Of course he does. The receiver of the estate brings his accounts in and they are passed. In one case you pass them in your department, in the other case a Chancery Master has the approval of them?—The Master is a Judge. These abstract propositions as to what may be done are generally misleading.

29564. I demur to the word "abstract"; I thought it was a very concrete proposition. I was asking you to imagine A.B., committee of a person of unsound mind whom you have appointed, having to bring in his account of how he has disposed of the property. Is not that a concrete case?—I cannot say; I should want to know a lot of circumstances before I could deal with it.

29565. Exactly, but could not you tell me, on the assumption which I have asked you to draw, whether that committee has not at some time or another to pass his accounts? I do not want to press you if you would rather not answer?—If he is a committee and has received money there comes a time when he will have to account for it. That may be concrete, if you like.

29566. Before one of your officers?—Yes.

29567. And the same thing happens, I submit to you, in the Chancery Division in the case of a receiver?—Yes.

29568. Then the Taxing Masters, of course, are constantly exercising a somewhat similar jurisdiction over infants. Can you suggest to the Commission that there is any difference in practice, so far as administration is concerned, between the case of an infant and the case of a person of unsound mind?—I cannot say, I must see the the case before I can say. I do not think it matters in these exceptional cases which you have mentioned. Nobody proposes—I do not at all events—that the Lunacy Department should invade the Chancery Division. There is no foundation for that.

29569. I do not understand you to suggest that the Lunacy side should invade the Chancery Division. You can make your mind quite easy, as far as I am concerned, about that. I was rather asking you to differentiate, if it were possible between the administrative work of the two branches of the Court, but I will not press it. I will go to one other question. I understood you to say that in your opinion the Chancery Masters had a great deal of business to get through?—Yes.

29570. And that therefore they would not be very well fitted to take over any addition?—They might be very well fitted for what they are doing now and what they have been used to do, but I would not consider them good successors to manage the Lunacy Department as it is now.

29571. I am only now speaking of the amount of work?—The amount of work would be overwhelming to them; they have not got the staff to do it, and they have not got the men with experience, if they had the staff.

29572. May I remind you of one thing which has possibly escaped your recollection, that in recent years the Chancery Masters have got rid of the whole winding up business under the Companies Acts which was formerly conducted by them; therefore they have a great deal less to do now than they had a few years ago.?—I was aware that the business in Chancery had fallen off to a large extent, and I was aware that they have not now got the Company business. They could very well deal with the Chancery business, but they are utterly unfitted for trying actions for libel, which come before me in various ways. They come in a most extraordinary way. Anyone who has to do with the Lunacy Department must be prepared to deal with things all round.

29573. Do I understand you to say that you try an action for libel, in Lunacy?—It comes in this way; certain facts are put on the record, then issue is taken, and in trying the issue it becomes a question whether A or B has been guilty of so and so. An ordinary appointment of a receiver gives rise to that sometimes; a dispute is made, as to the propriety of a person which comes before me or before the Judge who has to deal with it, and the point is, aye or no, has this man been convicted of some offence.

29574. The proposed receiver or committee?—Yes. Then we may be trying the question and a day or two may be occupied in going into the question whether or not this did occur. I suggest that here we are trying an action for slander, or an action for something else.

29575. Is it not the fact that precisely the same points come up in the Chancery Division on the objection to the personality of somebody who is suggested as a receiver?—I do not think they do.

29576. Why should not they?—We go more amongst the people; they are stricter and can afford to be stricter in regard to the matters.

29577. You are aware, surely, that upon every application for the appointment of so and so to be receiver, there must be affidavits of fitness?—Yes.

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29578. You are also aware that those affidavits are very often challenged, and affidavits of non-fitness are filed, too?—That may be so.

29579. (*Chairman.*) Is there anything you would like to add to your evidence?—No.

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29580. (*Chairman.*) We are very much obliged to you for coming again to assist us. May we put your statement as regards this part of our Inquiry on the notes?—Yes. I ought to apologise for it, because it is very crude and discursive, but it was written in the country, and I did not know exactly at that time the scope of the Reference to the Commission. Therefore perhaps it refers to matters which do not exactly fall within your purview.

29581. We have somewhat restricted the scope of the Inquiry. With regard to the statement as regards statistics I do not know whether you would wish that to be put in as part of the evidence. It is perhaps a little outside the scope of the Inquiry, though we are very glad to have it. For convenience' sake it might be better to put it in the Appendix?*—I sent it to the Secretary to dispose of as he thought fit. I have discarded a great deal of what I had prepared, because I thought your Reference was larger than it is.

Statement of the Evidence proposed to be given by Sir James Crichton-Browne, M.D., LL.D., F.R.S.

Since the year 1875 I have held the office of Lord Chancellor's Visitor in Lunacy. To accept that office I resigned my appointment, which I had held for ten years, as medical director of the West Riding Asylum, at that time the largest provincial public asylum in England, containing upwards of 1,500 patients. I had previously held office for two years as medical superintendent of the Newcastle City Asylum, and had been assistant medical officer in three county asylums, those of Derby, Devon, and Warwick.

I have seen the memorandum which has been submitted to the Commission by my colleague, Mr. Palmer. Tha correctly sets forth the constitution, jurisdiction, and working of the Board of Visitors, but the figures do not convey an adequate idea of the actual work done by the Visitors.

Unlike the Commissioners in Lunacy, the Visitors are required to see and have a personal interview with each and every patient whom they visit. They make their visits without notice, and it is a frequent occurrence that their patients are out or away from home when they call, so that their visits have to be repeated. A large number of their patients take walking or driving exercise, attend public amusements, and enjoy a change from time to time to health resorts or the seaside, and the Visitors have by their recommendations been responsible for a large extension of these exercises and recreations, with the result that their visitations have become increasingly difficult and laborious. They have to wait for the return of their patient or repeat their visit, and much time is thus absorbed and extra travelling rendered necessary. The committees of the person of Chancery patients are required to give notice of any change of residence, but no penalty is attached to their failure to do so; or if a penalty does attach under Section 320, it has never in any single case been enforced; and, as a matter of fact, the necessary notice is often omitted to the inconvenience of the Visitors, who can only expostulate. I remember calculating some years ago that of my visits 20 per cent. were ineffectual in the first instance and had to be repeated. In a small number of cases three visits were necessary to enable me to see my patient. There is no record in the office of unsuccessful visits, no report being sent in until the patient has been personally interviewed; but if these unsuccessful visits were counted, it would mean that each individual Visitor paid last year not 500 but upwards of 600 visits.

All Chancery patients, whether in asylums or under private care, are visited twice a year, and all new cases receive quarterly visits for two years at least after the holding of the inquisition. But in addition to this there is a certain number of cases which, for special reasons, are visited quarterly, long after the two years have expired. We have at present under our supervision a lady who, by order of the Lord Chancellor, has been visited quarterly for twenty years.

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All Chancery patients have to be visited at intervals, not greater than eight months, and, as they are frequently changing their residence, it is not possible for the Visitors to arrange their visitations in regular methodical circuits. Besides having to return to town once a month for Board meetings (and I have only missed two Board meetings in thirty-one years) they are frequently recalled or sent out of their districts to report on special cases.

Special reports are required from time to time:—

(1) By the Lord Chancellor when any points raised in the ordinary reports of the Visitors, or by letters from lunatics, their friends, or others, may seem to him to require further elucidation.

(2) By the Judge in Lunacy:—

(*a*) In the case of any person alleged to be a lunatic;

(*b*) In the case of an alleged lunatic demanding that the inquiry shall be held before a jury to report whether he is able to exercise a judgment in the matter;

(*c*) In the case of any lunatic, so found by inquisition, demanding a traverse or new trial;

(*d*) In the case of any lunatic, so found by inquisition, applying for a supersedeas, conditional or unconditional.

(3) By the Master in Lunacy:—

(*a*) In the case of any lunatic, so found by inquisition, in respect of whose bodily or mental health, or supervision, or maintenance, he may desire further information;

(*b*) In the case of any lunatic or person suffering from mental infirmity by reason of disease, dealt with under Section 116 of the Lunacy Act, 1890, in respect of whose mental or bodily condition or supervision or maintenance he desires further information, or who may be applying for the discharge of the receiver.

A considerable majority of the special reports have to be undertaken by the medical Visitors, as in most cases the Judge in Lunacy, or Master, specifically requires a medical report; but in cases in which the question at issue relates merely to property, the legal Visitor reports. The legal Visitor also presides at Board meetings and undertakes the special supervision of correspondence and records at the office.

The cases in which special reports are required are of course scattered all over the country, and their visitation involves a large amount of travelling. At the time when there were 1,200 lunatics so found by inquisition, which meant upwards of 1,000 visits annually by each Visitor, the Visitors were almost constantly away from home, and the mileage of an individual Visitor sometimes reached 22,000 or 23,000 miles in the year. At present the Visitors travel some 16,000 or 17,000 miles every year, and of course, the mileage has not diminished in proportion to the diminution of Chancery lunatics.

Proposed Amalgamation of Offices.

As regard the proposal that the Board of Visitors should be amalgmated with the Board of Commissioners in Lunacy I gave evidence on the subject before a Department Committee, presided over by the then Master of the Rolls, Sir George Jessel, in 1884, and to that

* Vide Appendix Papers, p. 449 post.

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evidence, with twenty-two years' additional experience, I adhere to-day.

The Departmental Committee reported against any such amalgamation. I know that at that time the matter was fully considered by my own Board, including the Masters in Lunacy, and by the Board of Commissioners in Lunacy, and that both Boards were unanimously of opinion that any such amalgamation was undesirable and would be inequitable and disadvantageous to the public service. The views of the Board of Commissioners in Lunacy, as at present constituted, on the point, are no doubt already before you. My own Board has reconsidered the matter and is still of opinion that any fusion of the Boards or offices is undesirable.

The Visitors are an adjunct of the Courts of Law, and their assistance is necessary to the administration of justice. They have to be always at the call of the Lord Chancellor, Lords Justices, and Masters in Lunacy, and with the latter they are in constant communication. It is therefore necessary, as Lord Brougham said, "that they should be in some situation near to the Chancery offices, convenient for the different parties connected with the care and management of the lunatics and their estates." The Visitors have always been in such a situation, first in Lincoln's Inn Fields, where they occupied a house with the Masters, and now in the Law Courts, where their offices are on the floor immediately beneath the offices of the Masters. I shall be correct in saying that there are daily communications between the Visitors' and Masters' offices.

I presume it is not suggested that the Masters and their large staff should be removed from the Royal Courts of Justice, of which they form an integral part, and where they are in touch with the Lords Justices, to Victoria Street or elsewhere, and if the Masters remain in the Royal Courts of Justice, the separation of the Visitors from them would simply result in the crippling of the whole administration. It is to be borne in mind that the whole of the information upon which the Visitors act —the schemes of maintenance, affidavits, orders, abstracts of certificates, etc.—are derived from the Masters' office; that the Masters, who are Visitors by statute, and the Visitors form a Board for their mutual guidance and direction on matters connected with the visiting of lunatics; that the Visitors' reports form the ground of investigations by the Masters, and that intercommunication between them is essential if the interests and welfare of Chancery lunatics are to be safeguarded. It is further to be borne in mind that under the general rules the Visitors are to be at all times fully acquainted with the amount of property and income of every lunatic to be visited by them, and the scheme approved and allowance made for his maintenance, and that they are empowered to summon before them the committee of the person of the lunatic, to attend before them and to give such information relating to the lunatic as they may require. The committee of the person of lunatics, their medical advisers, and dissatisfied relatives and friends, are frequently in attendance at the offices of the Visitors, while they are at the same time conferring with the Masters. It would be to them highly inconvenient and confusing to have to attend on the same business at two offices distinct from and at some distance from each other, and the prompt despatch of business, which under existing circumstances is practicable, would be interfered with. The separation of the Masters and Visitors' Departments would be equally inconvenient to solicitors concerned in lunacy cases, and would probably increase the costs.

The Visitors are in frequent communication with the Official Solicitor, and are consulted by him on various points in the cases in which he is engaged; and his communications with the Visitors are facilitated by the proximity of their offices in the same building, and would be materially interfered with by the removal of the Visitors elsewhere.

The addition of the Chancery Visitors to the Board of Commissioners in Lunacy would not, I believe, afford to the members of that Board that assistance and relief of which they are known to be urgently in need. The Visitors would carry with them to the Board a large amount of work of a kind different from that in which the Commissioners have been hitherto engaged. The obligation upon them to visit their patients within fixed intervals and to undertake special cases when required to do so with the utmost promptitude (for the Judge or Master in Lunacy cannot be kept waiting when important issues are pending) would make it impossible to synchronize their work with that of the Commissioners. If an attempt were made to distribute their duties, the Commissioners, then nine or ten in number, could not possibly have that intimate personal knowledge of the Chancery cases which the Visitors possess, and which is, I believe, highly beneficial to the lunatics. The relations of Chancery patients would in some instances be distressed to have their family affairs discussed by a large Board, twelve or fifteen in number, for privacy and secrecy have always been characteristic of the Visitors' Department and have been secured by certain special provisions in the Act.

My conviction is that, were amalgamation to take place, the result would be that two medical Commissioners would have to be detailed to devote themselves exclusively to the Chancery Departments, so that practically the existing system would be re-established, under less favourable conditions and with many unnecessary impediments.

The saving in the clerical staff effected by an amalgamation would, I believe, be little, if anything. Just before the passing of the Act of 1890, when there was a maximum number of lunatics so found by inquisition, the Visitors' staff, of the same strength as at present, was found unequal to the work, and writers had to be employed from time to time; but that Act effected a reduction in the work. I believe at the present time the staff is pretty fully occupied in keeping the registers and records, in preparing the Visitors' instructions, in keeping the Visitors informed of the movements of Chancery lunatics, and of changes in their schemes of maintenance; in copying the Visitors' reports and statements of travelling expenses; in arranging and comparing with orders of maintenance the statements of expenditure sent in annually by the committees of all Chancery patients, and noting the same for the Visitors; in revising and arranging for the Visitors the half-yearly reports of committees, and of medical attendants, in correspondence, etc. If the whole of the existing clerical staff of the Visitors were transferred to teh Commissioners, it could not, while continuing to perform its present duties, afford them any material aid.

The whole of the salaries and expenses of the Visitors and their office, and of the Masters and their office, are practically defrayed out of the lunacy percentage, and fees on proceedings, and a very large surplus—amounting, I suppose, to some £9,000 or £10,000 a year—accrues to the Treasury. It would seem unjust that officials who are paid entirely by Chancery lunatics, should be employed at their expense in work in which they are in no way concerned.

With my length of service and conditions of appointment, I speak without any personal bias—indeed, for me individually, the merging of my office in that of the Commissioners would be the best thing that could happen—but in the public interest I feel bound to deprecate a change which would mean, I believe, a sacrifice of practical efficiency to mere doctrinaire speculation. I have read in newspapers and reviews articles advocating an amalgamation, but they were evidently written by ill-informed persons with only a very superficial knowledge of the subject of which they treated, and were generally accompanied by some obviously preposterous suggestions. The control and treatment of the insane is a matter of much difficulty and delicacy, which can only be properly dealt with by those who have special skill and knowledge, and mischief is often done and uneasiness caused, by amateur meddling with it. It is necessarily to a large extent secluded from the public view —we no longer exhibit our fools at Bedlam—and misrepresentations regarding it thus readily obtain currency.

Cases Under Section 116.

In cases dealt with under Sub-section (*d*) Section 116 of the Lunacy Act, 1890—now 347 in number—no visitation either by the Visitors or Commissioners is necessary or desirable. These are cases of mental infirmity arising from disease or age, accompanied by incapacity for the management of affairs necessitating the appointment of a receiver, with the powers of a committee of the estate. The special object of the sub-section was, I believe, the avoidance of the stigma of lunacy, and exemption from the distress which official visitation might cause in such cases.

As to the number of cases dealt with under the other sub-sections of Section 116 severally I have no knowledge; but under Sub-section (c) referring to every person lawfully detained as a lunatic, there must be a large number of cases which would formerly have been dealt with by inquisition. These cases are now seen by the Commissioners in Lunacy on their ordinary rounds, and in a great number in which the property is very small that would seem to be all that is required. But there is also a number of cases in which the property is large, and in which there is the same need for protection that exists in inquisition cases. In the case of an unopposed petition, the cost of an inquisition, I have reason to believe, little, if at all, exceeds that of the appointment of a receiver, and it is open to the Judge in Lunacy to order an inquisition if he sees fit. But in cases where no inquisition has been held, but a receiver appointed, changes in the law would be needful if they are to be brought under the supervision of the Visitors. As things stand at present, it would be impossible for the Visitors to visit them, or to secure the proper observances of their schemes of maintenance. These schemes might be supplied by the Masters, but if any default in carrying them out was discovered by the Visitors, or any modification of them appeared advisable for the welfare of the lunatic, there is no one with whom the Visitors could communicate or whom they could set in motion. The receiver has only the power of the committee of the estate, and has no duty in respect of the person of the lunatic. There is no one whose duty it would be to supply the Visitors with the address of the lunatic, or to keep them informed of changes of abode, or to intimate his or her death. At present when directed by the Masters to visit such cases, they are supplied with all the documents relating to the case, but they have invariably to apply to the solicitors in the case for trustworthy information as to the place of residence. When discharged from the asylum or certificates, these patients are free to go where they like without intimating their whereabouts to anyone.

If the Visitors are to be of any use in such cases:—

(1). They must have accurate information as to the address of the lunatic, and the usual three days' notice of any change of address.

(2) They must be furnished by the Masters with abstracts of their certificates as to the property, income, and maintenance of the lunatic, and of the orders made on such certificates, and from time to time with information as to any increase in the property or alteration in the allowance, so that they may be always fully acquainted with the circumstances of the lunatic.

(3) They must be empowered to report to the Board of Visitors as to the mental and bodily condition of the lunatic, and whether he or she is maintained in a suitable manner, having regard to the allowance; and the Board must be authorised, when they think fit, to refer such reports to the Master, or to take such steps thereon as seem to be expedient.

(4) There must be someone who is responsible for keeping the Visitors informed as to the residence, change of residence, and other material facts respecting the lunatic, and for carrying out such recommendations of the Visitors as do not require the intervention of the Masters.

All this is very much tantamount to an inquisition, but without some such provisions the visitation of Section 116 cases would be impracticable and ineffectual. Perhaps some simple way might be devised of making the receiver assume such functions of the committee of the person as have been indicated. The Masters might then supply the Visitors with lists of such cases, dealt with under this section, as, with their knowledge of the circumstances, they think should be subject to visitation. The Commissioners in Lunacy might be empowered, when any case under this section comes to their notice in which they have reason to believe that the income is not duly applied, to report to the Master, so that arrangements could be made for visitation.

The Commissioners in Lunacy.

It may seem intrusive that I should say anything as to the jurisdiction and work of the Commissioners in Lunacy, but having served under their jurisdiction for fourteen years, and having for a subsequent thirty years had special opportunities of acquainting myself with their policy and practice, and being now the *doyen* of the public lunacy officials in this country, I may perhaps be permitted to bear testimony to what they have accomplished.

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By vigilant supervision and steady pressure they succeeded in abolishing the flagrant abuses which existed in asylums, and the gross cruelties to which the insane were subjected at the time when the Commission was created under Lord Shaftesbury in 1845; and since then they have been mainly instrumental in transforming our English asylums from mere houses of detention and safe custody into hospitals and sanatoria for the treatment of mental disease, and in raising them to the position they now occupy at the head of all institutions for the insane in the civilised world. Having broad and humane views as to the requirements and management of the mentally afflicted, they have persistently impressed these on the officials of the asylums they have visited, where again they have been quick to appreciate structural improvements, administrative reforms, or new departures in treatment, introduced by the medical officers, and to secure the general adoption of these whenever they have stood the test of a fair trial. Two Commissioners spent four long days annually in the inspection of the West Riding Asylum when I was its medical director, and I invariably welcomed these visits as helpful and inspiriting. They gave confidence to my patients and encouragement to me in a laborious and anxious task, very much hidden from view, and meeting with but scanty outside recognition, and I always derived from them some useful suggestions. The change wrought in asylums by the Commissioners directly and indirectly, in co-operation with their medical officers, has been in some degree analogous to that wrought in hospitals by antiseptic surgery. Old horrors have disappeared, suffering has been enormously diminished, a sense of security has been diffused, and the prejudice against them has abated.

The Commissioners have undoubtedly contributed to raise the standard of domestic comfort, of nursing, and of discipline, in asylums of all classes throughout the country. They have given valuable assistance to local authorities in connection with the building and enlargement of asylums, and have endeavoured to exercise a check upon extravagant expenditure. They have insisted on modern sanitation, on modifications of dietary and clothing, on precautions against fire, and on many other measures calculated to enhance the health and safety of asylum inmates. They have promoted the scientific investigation of insanity and the clinical teaching of medical psychology.

The efficiency of the Commissioners in protecting the liberty of the subject is attested by the fact that the Select Committee of the House of Commons in 1878, after a searching inquiry, and hearing the evidence of all discharged lunatics who considered themselves aggrieved, failed to find a single well-authenticated case of wrongful detention in an asylum. It is indeed remarkable that complaints of any miscarriage of justice in this direction are so few in number, seeing that upwards of 98,000 lunatics are now interned in our asylums, and that upwards of 21,000 pass through them annually.

The Commissioners have always commanded the deference and esteem of the large body of highly trained medical men who preside over our asylums, and they command these still, notwithstanding that their *status* in relation to these medical men, in as far as that depends upon pecuniary considerations, has been greatly reduced. The salaries of the Commissioners as fixed in 1845 largely exceeded the salaries of asylum medical superintendents, which were about £400 or £500 a year at that time, but now several asylum superintendents receive from £2,000 to £3,000 a year, while the salaries of the Commissioners remain at £1,500, just what they were at a time when the duties of the Commissioners were not one half as onerous as they now are.

I should regard it as a public calamity and a grievous wrong to the insane were the jurisdiction of the Commissioners withdrawn or interfered with. No local substitutes, even were their independence fully assured, could ever efficiently take their place, possess the special technical knowledge and experience which the nature of their duties confers on them, or exercise the authority which they have acquired. In these days of large and well organised public asylums, each with a highly qualified medical staff, and under the control of public authorities, and of a medico-psychological department of medicine deeply imbued with benevolent sentiment and scientific spirit, it is not possible that we shall ever under any circumstances relapse into the dark ages of lunacy, or that the atrocities

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of bygone days will be revived. But still I feel convinced that were the Commissioners to cease to exist, grave abuses, especially in connection with the illicit treatment of the insane, would speedily crop up, the tone of asylums of certain kinds would deteriorate, and progress would be retarded.

Of course no catastrophe of that kind need be contemplated, but there does seem to be some risk that the supervision of the Commissioners may become less efficient than it has been in the past, and their control be relaxed, owing to their sheer inability to perform the duty assigned to them. Taking all things into consideration, I suppose one might say that the work has been quadrupled, while the number of Commissioners has remained the same. No one behind the scenes can for a moment doubt that the Commissioners are grievously—I had almost said cruelly—overburdened with work, and that very soon, even at the complete sacrifice of all family and social life, it will be physically impossible for them to get through their statutory duties. That this has been recognised by the Government is proved by the introduction into Parliament of two Bills for increasing their number, Bills which unfortunately did not become Acts.

That the work of the Commissioners must go on increasing is inevitable. The number of certified lunatics increased last year by 2,150; and although this increase was less than that of the previous year and than th average increase for the previous ten years, it is large enough to cause disquietude, and to involve a considerabl augmentation of the work of the Commissioners. Ther have been frequent fluctuations in the amount of the annual increase of lunatics, and no one conversant with such matters would be surprised should the increase this year mount to a higher figure than ever. Notwithstanding the close attention bestowed on it for many years, it is still a moot question whether insanity is increasing out of proportion to population. I incline to the opinion that it is, but think that the solution of the problem must be approached by new methods. Insanity is not one disease well defined, but a group of diseases with very nebulous margins, and it may be that the mass is expanding in one direction and contracting in another. The explanations given for the portentous increase in the number of lunatics—they have more than trebled in fifty years (accumulation, improved registration, etc.)—are not, I think, conclusive. Suicide, a fact about which there can be no question of accumulation or improved registration, and which in every country is in proportion to the amount of insanity, has increased with us out of all proportion to the population. Twenty years ago, in 1885, suicides in England and Wales numbered 2,007 and were at the rate of seventy-four per 1,000,000 living; in 1904 they numbered 3,345, and were at the rate of ninety-nine per 1,000,000 living. Certain nervous diseases which lead up to insanity are more in evidence than they ever were before. But even if it could be shown that the increase in insanity is just in proportion to the increase of population, that would not be to me satisfactory, for our civilisation cannot be of the right sort if at every advance in it we are carrying our diseases and infirmities along with us. True civilisation should mean emancipation from these. We should leave them behind us. Consumption is not increasing in proportion to population, but is diminishing in an inverse ratio. Hydrophobia is not increasing with the population, but has disappeared from amongst us. Insanity is largely a preventible and curable disease, and in view of its disastrous prevalence and of the heavy claims it makes upon the public purse, it seems of paramount importance that there should be a strong, well-organised department of the central Government, not merely to protect those who suffer from it and to protect the public against them, but to collect information about it, to elucidate its causes, and to conduct or direct such scientific investigations as may promise to lead to the discovery of prophylactic or remedial measures.

The notion may be regarded as Utopian or telescopic, but for my own part I look forward to the time when the Board of Commissioners in Lunacy will no longer be an outlying department of the Home Office, but an integral part of a Board of Health presided over by a Minister who shall be a member of the Cabinet. As the nation grows and differentiates, there is need of Governmental as well as industrial division of labour. *Divide et impera* in a modern sense. The day will perhaps come when we shall have a Principal Secretary of Public Health, with a Department under him including the medical department of the Local Government Board, reconstituted, controlling the sanitary, housing, and hospital administration of the country, and in touch with all medical officers of health; a Board of Commissioners in Lunacy; a Board of Commissioners for the care and education of the feeble-minded; a Board for the supervision of inebriate establishments; and so on.

But that day is still remote, and in the meantime the Board of Commissioners in Lunacy is in urgent need of strengthening and reinforcement. The Commissioners are themselves best able to suggest how that strengthening and reinforcement should be carried out, but it has occurred to me that the following additions to the Board are the least that would enable it to meet its present responsibilities:

(1) A paid chairman; a man of distinguished position, and who, like the late Lord Shaftesbury, would command public confidence and give weight to the proceedings of the Board.

(2) Two additional medical Commissioners—one an experienced superintendent of a public asylum, the other highly qualified in public health, who, besides undertaking inspectorial duty, would advise on sanitary matters, and investigate those outbreaks of typhoid fever and dysentery which still occur in asylums from time to time.

(3) A special statistical clerk, experienced in the newest statistical methods.

(4) A permanently retained architect who should not only advise on asylum plans, but visit asylum buildings and see that the approved plans have been adhered to.

(5) Such additional clerical aid as may be deemed necessary.

It further occurs to me that the Commissioners should have the power and the means, like the Local Government Board, when they think fit, to employ outside experts to carry out special investigations bearing on the pathology or treatment of insanity. Many asylums are doing excellent work in these directions, but the Commissioners, from their knowledge of the whole field of lunacy in the country, would be best able to institute systematic inquiry into matters of pressing moment and of public utility, and to secure the services of the most competent inquirers.

While strongly opposed to the appointment of deputy Commissioners or subordinate local inspectors, I think the Commissioners might be to some extent relieved of the duty of routine visitation of single cases if it were delegated to the medical Visitor of licensed houses, appointed by the justices in every county or quarter sessions borough. The Commissioners would retain the power of visiting such cases, would do so at intervals, and would invariably on their rounds visit all new cases; but many of these single cases are of chronic character, have gone on for years, and are in all respects well cared for, and in respect of them the medical Visitor would supply all the supervision that is necessary, reporting on his visits to the Commissioners.

29582. (*Dr. Dunlop.*) I gather from your statement that your opinion is rather against amalgamating the two lunacy authorities?—Yes.

29583. Are you very emphatic in that opinion?—I am still of that opinion. I gave evidence before a Commission over which Sir George Jessel presided some twenty years ago, and I set forth the reasons then, and I still adhere to that opinion. I think it would not relieve the Commissioners, and would be detrimental to the Chancery patients.

29584. That Committee reported against it?—Yes, by a majority.

29585. What was the majority?—There were two in favour of amalgamation—Lord Lingen and Mr. Muir Mackenzie; three against, Sir George Jessel, Mr. Bagot, and Mr. Pemberton.

29586. That Committee reported that it was a subject which ought to be reconsidered very shortly?—I believe they did. I have not seen the report since that time.

29587. The finding of that Committee is not very decidedly against amalgamation?—No.

29588. In fact they went as near advising amalgamation as they could, without advising it ?—They did not advise it

29589. There was a previous Committee of 1878 ?—Yes.

29590. Are you aware of their finding as regards amalgamation ?—No. Do you mean the Select Committee of the House of Commons?

29591. The Report of the Select Committee on Lunacy Law ?—That was a House of Commons Committee, Mr. Dillwyn's Committee; I gave evidence before that Committee.

29592. They reported in favour of amalgamation ?—Yes, but their recommendation was not embodied in the subsequent legislation. Legislation took place after that Committee had reported, and amalgamation was not adopted.

29593. I would like to know whether your personal opinion is in agreement with the finding of that Committee. "The possession of property requiring protection should not make any difference in the personal treatment of lunatics or in the supervision exercised over them." Do you agree with that ?—Certainly not. I think the Chancery lunatics having property and means are entitled to an entirely different form of treatment.

29594. Is not every hopeless lunatic in the country, entitled to supervision ?—Property makes a great difference. If a man in the East End of London is struck down by pneumonia he is obliged to be content with the Poor Law officer. If he is a rich man in the West End he has Sir Thomas Barlow or Sir William Broadbent or some other eminent consultant. Chancery patients have means of paying for their comforts and for special supervision, and they are entitled to have them. I have understood that the theory in appointing medical Visitors was that they were physicians of eminence. Before 1862 there were two Visitors, the most eminent men in London, Dr. Southey and Dr. Bright. After the Act of 1862 there was Sir Charles Hood, head of Bethlem Hospital and Sir John Bucknill, head of the Devonshire Asylum, two of the most eminent men in England, and they were selected in order that the Chancery lunatics might have the benefit of the best advice. They were all men who resigned appointments of great public importance when they took that office.

29595. Were they appointed with the object of being consulting physicians, then ?—Yes. We are constantly exercising the function of consulting physician. Our duties are medical to a large extent.

29596. The Chancery lunatics get as much technical advice as they require, and can have it ?—Like all other lunatics they require protection, and they get it from the Visitors, who go and see that they are still of unsound mind and are in all respects well cared for.

29597. Regarding the protection, do you not agree that every lunatic requires protection ?—Certainly, as regards protection of liberty, that is universal; every lunatic is entitled to that.

29598. Every lunatic should be sufficiently and efficiently inspected ?—Undoubtedly.

29599. Why should the Chancery lunatic get double inspection, and the pauper, in some cases, none at all ?—In the case of the pauper there is not the same motive for detention or pecuniary misappropriation. If a man is maintained out of the rates nobody has an object in keeping him shut up. In the case of the Chancery patients there are a great many people who have an interest in having them remain lunatics, so that they require a very special kind of supervision.

29600. Is not the Lunacy Commission competent to decide that ?—Undoubtedly, but they have a great deal of other work; they cannot go into detail in these matters. They see about 500 or 600 patients a day; I see perhaps four or five.

29601. Granted an increase in the strength of the Lunacy Commission, would not an increased Lunacy Commission be able to undertake that duty ?—If the Lunacy Commission is to do it, it would involve an entire reconstruction of the law. If the visitation of Chancery lunatics were thrown on to the Lunacy Commission they would have to nominate two medical Commissioners to devote themselves exclusively to that work; the work will not fit in with the other duties of the Commissioners. We Chancery Visitors have to go off on special visits. Last week I had two special cases. I was called upon suddenly to give assistance. At one case I was travelling for ten hours. I had to go to Daventry and I had to write a report when I came back. Such are frequently occurring, and the Lunacy Commissioners could not undertake these cases without the interruption of their regular duties. We have to see all our patients at no greater interval than eight months. That would upset all the arrangements.

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29602. That is assuming that the Lunacy Commissioners' duties are continued as at present, but if we assume that their duties are differently arranged, are they in any way incompetent to do the duties ?—Certainly not. No one has greater respect for the Lunacy Commissioners than I have. It is not their competency but their physical capacity I doubt. They would require two additional men to do it, and I think there would then be great inconvenience in the Chancery work. If the administration of the Chancery Court is to remain, the Visitor has to be near the Court, and ought to have constant opportunities of communicating with the Masters and the Lords Justices. In former times I used often to consult with the Lords Justices—Lord Justice Bowen, Lord Justice Fry, and Lord Justice Smith used frequently to send for the Visitors. That has fallen into desuetude of late, but our communications with the Masters' office are of daily occurrence.

29603. Were you at the office in London last week ?—I had two special cases last week, besides ordinary visitation.

29604. You saw the Masters twice ?—No, these were reference cases. I saw the Master at the last Board meeting; I have always access to the Masters and we have our secretary with whom I am in correspondence always at the office. These orders came through the Masters. The Masters' office is just above ours, and we are in constant communication with them through our secretary. We meet them once a month at the Board meeting. In thirty-one years I have only missed two Board meetings, and I think my colleagues have been equally punctual. The attendance is regular. A complete list can be given, as minutes are kept.

29605. There is constant communication going on between the Visitors personally and the Masters ?—Daily.

29606. I would like to know how often, say, within the last month, you have interviewed either of the Masters ?—Once. I have seen the two Masters. But my secretary, from whom I have had many letters, has been in communication with them daily, almost. The secretary is at the office; we are travelling.

29607. The secretary would be able to walk half a mile to the office ?—Yes, but to do that as often as might be necessary would be a waste of time; the Visitors are doing business regularly in the Masters' office. I quoted a paragraph from a Report of Lord Brougham in which he said the Visitors ought to be in the Courts of Justice in close contact with the Masters. We were originally close to them at 45, Lincolns' Inn Fields. Then we were moved to the Courts of Justice and placed next them.

29608. How many solicitors have you interviewed this week ?—I cannot tell you that.

29609. Have you seen any ?—Yes, a number.

29610. This week ?—None at all this week. I have not been at my office for a week; I have been travelling.

29611. Last week did you see any solicitors ?—At the Board meeting, do you mean ?

29612. No, either at or outside the Board meeting ?—Our secretary constantly communicates with solicitors; he is constantly at the office. We are constantly travelling. He sees the solicitors, and if any matter arises he writes to the Visitors. The last communication we had with a solicitor was with Mr. Winterbotham.

29613. (*Chairman.*) Did you say that Lord Brougham said you ought to be in the same house ?—That we ought to be close to the Courts of Justice.

29614. That was before the days of the telephone; that makes a difference ?—That is so, undoubtedly, but documents cannot go by telephone.

29615. (*Dr. Dunlop.*) Is it the fact, or is it not the fact, that the Visitors frequently meet the Masters and frequently meet solicitors ?—It is a fact that the Visitors

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are in constant communication with the Masters; I should say that on an average we see the Masters in the intervals between the Board meetings, once or twice a month.

29616. How often do you have an interview with a solicitor?—I cannot tell you how often the secretary sees them.

29617. Never mind the secretary, but you personally?—Two or three times a year. All the communications are through the secretary; we are so much away. I think you will find that a list of the number of days on which we are employed has been submitted.* Last year I was out 186 days, the year before that 202, and I found at one time, in the year 1893, I was 262 days out. I think, if the Commissioners care to enquire, they will find that of all Government officials carrying on inspectoral or visitation duties we have the largest amount of travelling. I find, for instance, the Scotch Lunacy Commissioners last year (there are two Scotch Commissioners and two deputies) did eighty-two days—each of the Commissioners. We did 186 each. The Railway Commissioners sat for thirty-two days last year. So our number of days employed is very large, and the duty is exceedingly fatiguing. I do not want to emphasise the intellectual work. A great deal of it is comparatively simple work, but cases of difficulty are constantly occurring, and the incessant travelling and the fragmentary nature of our work make it fatiguing. We cannot take long circuits; we are constantly liable to calls, and our work is broken up, and in fact several of the Visitors have succumbed to the work from exposure. We do a great deal of posting; travelling in dog carts in winter weather is very trying.

29618. You were quoting the work done by the Scottish Commissioners; visitation is only one part of their duty, and visitation is entirely your duty—Not so; we have also office work. The only other part of the Commissioners' duty in Scotland is their office work.

29619. And one Commissioner must always be in the office?—Yes.

29620. So one Commissioner is only out for six months?—They have their secretary too, always at the office. They did about eighty-two days' visitation last year.

29621. It is a different thing from the Chancery Visitors. Your duty is outside the office?—I was only referring to visitation. We have office duties too. I have to go to the office and consult with the secretary as to the correspondence which has arisen.

29622. You say that as one of the reasons against amalgamation: "The Visitors are adjunct to the Courts of Law and their assistance is necessary to the administration of justice." Will you explain that? I think you have told us that the Lunacy Commissioners, assuming they had sufficient numerical strength, should undertake the visiting part of it?—Yes.

29623. What duty have the Chancery Visitors which can be done by Chancery Visitors and by nobody else?—I never said there was any part of the duty which could not be done by anybody else.

29624. You say the assistance of the Visitors is necessary to the administration of justice?—The Commissioners are capable of performing every duty of the Visitors, but it would be incompatible with their existing work.

29625. And with their existing practice?—Yes. We aid in the administration of justice in a variety of ways. For instance, if a man demands a jury we are sent to advise.

29626. You have duties independent of the ordinary inspectors?—Yes.

29627. Are there any duties which you discharge which could not be done by the Lunacy Commissioners?—Certainly not. There are no duties which cannot be done by a physician, or by a Commissioner in Lunacy, or by any other person thoroughly qualified for it.

29628. The sixty-three special patients you were called upon to see last year could have been reported on by an outside medical man?—An outside medical man would probably not be an expert or have the knowledge and experience of a Visitor. All the emergency cases are done entirely by medical visitors; the legal visitor does not take them.

29629. A good many could be done by a report of an ordinary physician?—There are emergency cases which will not appear there. Those are cases which are not inquisition cases. In the inquisition cases questions constantly arise where, in addition to the ordinary visit, we have to pay a special visit. There was a case last week of a lady who had been under inquisition a long time and the statutory visits had been made, and her friends applied for permission for her to go to the Riviera. The Master was not satisfied with the medical evidence, and I was sent to see her. That is not recorded in the list submitted.

29630. The sixty-three visits represent the entire number which the Master instructed the Visitors to make last year?—Not at all. Those are special cases; non-inquisition cases.

29631. Referring to the terms of your statement, medical assistance is necessary in the Master's court. We can assume that that is so?—I believe so.

29632. There is no absolute necessity for it being done by the existing Board of Visitors?—Not at all. I say it is absolutely essential that the work of the Chancery Division should be done by a medical psychologist, a man who has had experience in lunacy practice and affairs.

29633. The same applies to lunacy administration of all forms, whether a poor lunatic in the workhouse, or a Chancery patient in a private dwelling?—I think there is a difference. As I said before, the Chancery patients are entitled to a superior kind of treatment, and they appreciate it very much; they value the visits.

29634. You have told us about the close connection, the geographical position of your office being a great advantage and a reason against amalgamation. Is there any other objection to amalgamation?—I think I have set them all forth in my statement, and the reasons which occur to me.

29635. What are your views as regards Section 116 sub-section (*d*) cases?—I think I have set them forth also. There are a number of cases under Section 116, sub section (*d*) which are, I think very properly and wisely dealt with under that section, cases of mental infirmity, not strictly speaking insanity. They are dealt with under sub-section (*d*); but I believe undue advantage is sometimes taken of that. I have always understood that sub-section (*d*) originated in the particular case of a man of great eminence who had tumour of the brain and whose affairs in the then state of the law made it imperative that he should be declared lunatic by inquisition.

29636. I think we have had that in evidence?—There are many cases of that kind, physical disease, not necessarily insanity, and it is wrong to put the stigma of insanity upon them. The man who is delirious from pneumonia or typhoid fever is for the time mentally incapacitated but he is not a lunatic.

29637. Has such a case as pneumonia or typhoid ever been treated under sub-section (*d*)?—No, that is too short. It is done in cases of senile decay and mental infirmity from brain disease.

29638. What is your opinion as to the medical visitation of these cases under Section 116, sub-section (*d*)?—They should not be visited if they are properly dealt with under that section. There are a good many real lunatics who have got in under that section, and lunatics who are undoubted and permanent lunatics ought to be visited.

29639. Taking the cases as they exist at the moment, some of which we will take as genuine lunatics, others as half and half lunatics, senile dements, is it desirable to subject them to medical inspection?—I understood it was the object of the sub-section that cases of mere mental infirmity might avoid visitation.

29640. But taking the cases as we find them now, is it your opinion that they should get the benefit of medical inspection or not?—Cases properly found under sub-section (*d*) I think should not be subject to visitation; I would not put the stigma on them of having Lunacy Visitors sent to them.

29641. You do not advise that the Section 116 cases be put either on the Visitors or under the Commissioners?—No, but there are a good many patients in asylums who are genuine lunatics and have been with dealt with under

* See Appendix Papers, p. 428 post.

that section and they are as much in need of protection as cases "so found by inquisition."

29642. What are your views as regards single visitation by the medical Visitors or by the legal Commissioners? Is a barrister an effective inspector of a lunatic? —Originally, in my office there were two medical Visitors, and a legal Visitor who received £500 a year, and the medical Visitors received £1,500, but the legal Visitor was ultimately made on a parity with the medical Visitors. Our legal Visitor has become exceedingly expert; he has been engaged in visitation for many years; but if my candid opinion were asked I should say visitation is a medical function, and ought to be performed by a medical man.

29643. The barrister's qualification is of very little assistance in the matter—It is of value in dealing with legal questions and property. I am speaking now only of my own department; that is undoubtedly medical work. As regards the Commissioners, from my experience of their inspections, I think the presence of the barrister very advantageous—the double visit. It gives confidence to the patient to know that there is a barrister or a lawyer as well as a medical Commissioner. I could not conceive a better form of inspection of asylums than that carried out by the Lunacy Commission when I was under their jurisdiction; I thought it was thorough, searching, and complete.

29644. We have had a recommendation that one Commissioner should make a visit which at present requires two?—I think that is very proper in certain cases.

29645. Assuming that to be right, would it be right to put the duty of single visitation upon the legal Commissioner?—Yes; I should give it to the single medical Commissioner, in routine cases at any rate.

29646. But what about the single legal Commissioner? —I should be doubtful. Taking it on general principles, no; but practically, no doubt he would do it very well, after a time when the legal Commissioners had gained experience.

29647. Is it not the case that a large number of the 600 odd patients whom your Board visit are for one year out of three only subjected to legal inspection, and not to medical?—Yes, but the legal Visitor, when he sees any medical question, is in the habit of asking a colleague to visit. That makes an extra visit. I have been again and again asked by the legal Visitor to help him when he felt any difficulty, but in the ordinary routine Chancery patients see the legal Visitor once in three years, but twice or four times in that third year according as they are old or recent cases

29648. Would you call that efficient inspection?—I ask you to consider the reports sent in on the state of the Chancery patient, and I believe you will consider them to be efficiently inspected.

29649. But for the one year when they do not of necessity see the medical Visitor, are you satisfied with the inspection?—I am now. Our Visitor has become expert. Just as legal Commissioners acquire some medical insight in course of time (I find they even diagnose cases), so our Visitor becomes so far expert as to be able to see whether anyone requires medical attention.

29650. Supposing there were a legal Commissioner appointed this year, would the patients seen by him this year and not seen by a medical Visitor be efficiently supervised?—No, perhaps not new cases. The legal Visitor was appointed by the Act of 1862. The Legislature, no doubt, had some good and wise reason for doing that.

29651. Can you give us that reason?—I think so; combined medical and legal inspection was desired, as questions of property as well as of health arise. At that time there were exactly the same number of lunatics as there are now, when they appointed three Visitors. It may be thought that our work has diminished, but there were exactly 667 Chancery lunatics when the Legislature created these three appointments. Since that the number has risen so as to be at one time over 1,200. At that time our work was exceedingly laborious. about 1892 and 1893.

29652. Are you aware what is being done in Scotland? —I know what the curator or judicial factor does.

29653. Who does the Chancery visiting?—The Commissioners. There are, I believe, a very small number of cases.

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29654. Do you know how many cases they visit?—No.

29655. There are upwards of 1,000 patients.—Under the curator?

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29656. Yes.—You amaze me; I should have thought there were twenty or thirty. They must be dealing with poor cases; it is impossible that there can be in Scotland 1,000 lunatics of the *status* of the Chancery lunatics in England.

29657. I cannot answer for their *status*?—I can state as a positive fact that, even as it is, it has been impossible to carry out effectively the visitation of the single lunatics in Scotland. I believe there are or were at one time cases in the outlying islands of Scotland who have not been visited for two or three years; it has been found practically impossible to carry out the visitation of these remote single cases.

29658. Are you aware of what is being done in Scotland?—Yes, my father was the first Commissioner in Scotland.

29659. Are you aware of the fact that the curatory cases, which are practically our Chancery cases, are visited by the deputy Commissioners?—The Commissioners in Scotland do no visitation of single cases as far as I am aware. In Scotland the Commissioners only visit asylums, workhouses, and public institutions; patients in private dwellings are visited by the deputy Commissioners.

29660. At all events you are aware that the deputy Commissioners do that Chancery visiting?—That I did not know. I thought the Commissioners did the curatorial cases.

29661. At all events you never heard complaints or suspicions of incapacity on the part of the deputy Commissioners, for doing that particular work?—No; they are competent and experienced medical men. They are both medical men, of course.

29662. (*Dr. Needham.*) I see in the third paragraph of your statement you say: "Unlike the Commissioners in Lunacy the Visitors are required to see and have a personal interview with each and every patient whom they visit"?—I understood that if the Commissioners in Lunacy visited the places where single cases reside, it was sufficient, even if they did not on each occasion see the lunatic. I know as a fact that in an asylum they sometimes miss a certain number of cases. They are away, or out, and they are not seen. A personal interview is not absolutely necessary. I understood that if the Commissioners visited the place and a single patient was out, they made such inquiries as they pleased, but they were not bound to go back again and again if necessary and see the single patient as we are.

29663. As respects private patients, the Commissioners are bound to see every private patient?—Yes, in their report you will see, in visiting private asylums, they did not see so and so, because they happened to be out at the time. We are obliged to go back and have a personal interview in every case. That I think would hamper the Commissioners very much on their rounds.

29664. You say "No one behind the scenes can for a moment doubt that the Commissioners are grievously —I had almost said cruelly—overburdened with work, and that very soon even at the complete sacrifice of all family and social life, it will be physically impossible for them to get through their statutory duties." You may possibly be aware that this year the Commissioners have had to visit several county asylums and hospitals singly in consequence of the sudden illness of the other Commissioner, and the impossibility of having his place supplied?—Yes.

29665. Do you think it would be satisfactory that the routine visitation of single patients should be entrusted to the Visitors of the county—I am talking now about the medical Visitor of licensed houses—do you think it would be satisfactory that he should see the single patients?—I was, perhaps, a little presumptuous in making this suggestion. It occurred to me that there is an existing officer who has been appointed already, by

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quarter sessions or borough councils; and being there, and being accustomed to inspect private asylums, it occurred to me that if Assistant Commissioners were not to be appointed, he might be the best man to undertake local visitation.

29666. If Assistant Commissioners were appointed, that would be the best mode of visitation?—That suggestion of mine would depend on the kind of additional work which was thrown on the Commissioners. If they were to take over the feeble-minded, of course I understand that deputies might become essential. I made a strong statement before, of my objection to deputies. It is this: at the present moment the salaries of the Commissioners are not sufficient to induce the best asylum medical officers to accept the office. I know several asylum superintendents who are getting £2,000 or £3,000 a year. Considering the laborious drudgery the Commissioners have to go through, you will not get the best men in England to accept the office when there is a vacancy. If you appointed Assistant Commissioners at £500 or £600 a year (that would be the Local Government Board standard for inspectors) you might get as regards special experience an inferior sort of men. You would get men of comparatively little practical experience, though they might turn out very well. But these less experienced men, as I will call them, who accepted a deputy Commissionership, would very soon create a claim to the higher office by their services, so ultimately they would have to be appointed Commissioners. I think in that case the *status* and authority of the Board would be reduced. But I quite see that if a mass of additional work is to be thrown on the Commissioners with regard to the feeble-minded, then an increase will be essential.

29667. You think it would be somewhat undesirable that asylums and institutions should be visited by deputy Commissioners?—In the large public asylums they would not have sufficient weight or authority. The Commissioners have; but little consideration would be paid to a deputy.

29668. To revert to the question of single patients being visited by the medical Visitor of the licensed houses, you have mentioned why Chancery patients are entitled to have the visitation of Chancery Visitors, because they pay for it; is there any other reason why the single patients in Chancery should not be visited by the Visitor of the licensed houses?—A Chancery patient should be seen by a Chancery Visitor. When I go to an asylum or private house to see a Chancery patient, I have a great deal of information about that patient which you as a Commissioner cannot have. I have the scheme, and the papers, and the whole case before me.

29669. I am talking entirely of single patients?—Then, in the case of single patients I know all the details, I have the scheme of maintenance. It is part of my duty to see that that scheme is being carried out; and that the patients are getting value for their money.

29670. Will you tell me whether you do not think the same principle is applicable to the visitation of the single patients visited now by the Commissioners, in favour of their continued visitation by the Commissioners and not by the medical Visitor of the licensed houses?—I do not think the same scheme would be possible for the Commissioners.

29671. The single patients scattered about the country are now visited by the Commissioners themselves?—Yes.

29672. You suggest that instead of being visited by the Commissioners they might be visited by the medical Visitor of the licensed houses?—Yes.

29673. Do you not think the same principle would apply to them, with reference to the Commissioners, as applies to Chancery single patients with reference to you?—The licensed Visitor could not have the information which is necessary to deal with those Chancery cases.

29674. You are misunderstanding me. You are suggesting that the single patients who are now visited by the Commissioners might be visited by the medical Visitor of the licensed houses?—Yes; I put that carefully subordinate to the jurisdiction of the Commissioners, to whom he would have to report.

29675. But does not the same principle apply to these single patients that applies to Chancery single patients? You say that it is desirable that the Chancery single patients should be visited by Chancery Visitors on account of certain advantages they possess. Does not the same principle apply to the single patients as respects the Commissioners?—It may be, but there is a greater multiplicity of circumstances in connection with Chancery cases.

29676. (*Mr. Byrne.*) May we take it, as summing up your evidence about the Chancery Visitors, that practically you consider the existing system almost perfect?—The present system is satisfactory, I believe. I believe it gives great protection and comfort. I visited a lady in a private asylum yesterday who is under delusions, and she used these words: "It is an inexpressible comfort and relief to know I have you gentlemen to refer to in all my little difficulties."

29677. I gather you consider that although the Lunacy Commissioners are over-worked, nevertheless the system is almost perfect in its working and in its results?—Yes.

29678. The English asylums which they supervise are at the head of all institutions for the insane in the civilised world?—Yes.

29679. That is your assured conviction?—Yes.

29680. And that is based on the study of foreign systems as well as English?—Yes; there may be other methods, but I think the present method is very satisfactory.

29681. And this notwithstanding the overwork which has existed for a great many years?—I do not say that the Visitors are now over-worked. I say they were at one time, and their duties are very fatiguing and trying.

29682. I am speaking of the Commissioners. Notwithstanding their over-work, they have brought it about that the lunacy system in England is the envy of the civilised world?—Most undoubtedly they have done infinite service in improving the conditions of the insane in this country. No one conversant with the subject can doubt that.

29683. You say in your statement that a great many most important changes have taken place for the better in lunacy administration during the last half century. I presume that some of those improvements are attributable to the increased enlightenment and energy of the local authorities who establish and maintain them, and their officers,—the local authorities, borough councils and county councils, who maintain the asylums, who inspect them and make regulations. Is some amount of the credit due to them, or do you think it has been the perpetual up-hill labour of the Commissioners, dragging unwilling and incompetent authorities up to this high level; or is the praise, which is evidently greatly deserved, to be divided between them?—I think the Commissioners have gradually educated the local authorities and improved the conditions of all asylums throughout the country.

29684. Then the Commissioners have carried out, to a very high degree, the important work of studying the treatment of insanity; of studying it in all its modifications, in its experimental condition, selecting the good and rejecting the bad, and imposing it on the local authorities?—Yes, but in connection with that I think the time has come for some further development in that direction. It seems to me to be the important question for the country: beyond all administrative machinery is this enormous growth of lunatics which is going on, and the great duty is the investigation of the causes, and the scientific treatment, and the improved scientific treatment of lunacy so that this increase may be checked and reduced. There are, I believe, various methods by which that may be done, and I think that in order to get these a more scientific element ought to be introduced.

29685. Into the Lunacy Commission itself?—Yes. I would give them the same power that the Local Government Board has now, to call experts to their assistance. The Local Government Board has its own large medical staff, but they constantly refer to men like Dr. Klein and Dr. Houston and form committees to consider special points. I would give the Commissioners the same power to call experts to their aid when they think it necessary.

29686. You say the Lunacy Commissioners "have promoted the scientific investigation of insanity and clinical teaching of medical psychology;" if they have done that, what more is wanted?—They have done that

up to a point, but they have never initiated investigation. Their work has become enormous, and if it goes on there must be a relaxation of the supervision. As for taking up the scientific question, in their present state they could not do it.

29687. Would you mind telling us in what way the Lunacy Commission have promoted the scientific investigation of insanity and the clinical teaching of medical psychology?—They have gone round and insisted on post-mortem examinations, they have encouraged medical officers to carry out enquiries, encouraged the teaching and admission of students to asylums, so that the profession may be instructed in the nature of mental disease—in all those ways. They encouraged me—without their assistance I could not have done it—to establish a laboratory, and in that laboratory at Wakefield Professor Ferrier's first experiments were conducted, experiments which have done so much to elucidate the structure and functions of the brain. But for the Commissioners in Lunacy, my committee at that time, county magistrates, not very scientifically inclined, would scarcely have allowed me to carry out that work. In various ways the Commissioners in Lunacy have helped.

29688. In what way would the Commission be benefited by having another entirely new Government Department to include their control and other objects? What is the matter with the existing system, if it is perfect?—Another Government Department, what for?

29689. To have the Lunacy Commissioners under the principal Secretary for Public Health?—That is a pious opinion. I am looking forward to the time when public health, which is so important a matter in this country, will require separate attention. I would take away from the Local Government Board the sanitary administration. The time will come when all sanitary work and food supply will have to be inspected by the Government. The lunacy question is a health question, after all. I look upon the feeble-minded question as partly an educational but also a health question. I think that would require a separate board. There are other great Departments connected with Public Health which would be much better attended to than at present if they were under a Minister.

29690. If that matter is not considered now, perhaps it never will be for a very long time. In what way would the work of the Lunacy Commissioners be practically benefited by being put under such a Minister?—In the first place they would be better represented in the House of Commons than they are at present, and in various other ways.

29691. If the Secretary of State is to be at the head of a new Medical Department, and to be a Cabinet Minister of political weight, it might be, or might not, that he would be a more important representative than the present Home Secretary; but if he were merely a professional man you would admit that he would have no weight at all in the House of Commons?—I am not suggesting professional men. If he were in the Cabinet, there would be plenty of representation in either House. This is not a new idea. Lord Playfair strongly advocated the appointment of a Minister of Health. If the Minister were in the Cabinet I should have no fear. I think the Commissioners have suffered severely from the loss of Lord Shaftesbury. He was so prominent, and so philanthropic, and had the public ear in the matter. It was a great deprivation when they lost him. I do not think they have got the credit to which they are entitled for all the work they have done.

29692. You cannot suggest any other practical instance in which the powers of the Commissioners for good would be increased by having such a change?—Yes, I think in every way. For instance there are frequent outbreaks now of an infectious disease, colitis, and disastrous epidemics of typhoid fever. It would be convenient for them to be in communication with a sanitary department. I think they are isolated now in that matter. They are not under the Home Office. They are a separate department. It would be very much better for them to be associated with all other health departments.

29693. There is another point in your statement, where you say "The efficiency of the Commissioners in protecting the liberty of the subject is attested by the fact that the Select Committee of the House of Commons in 1878, after a searching inquiry and hearing the evidence of all discharged lunatics who considered themselves aggrieved, failed to find a single well-authenticated case of wrongful detention in an asylum." It is the case, is it not, that the Commissioners have no duties whatever with regard to the propriety of the detention of persons in asylums, and no powers for terminating that detention? They have told us so themselves, so the absence of cases of improper detention must be due to persons other than the Commissioners?—As to the protection of the liberty of the lunatic, I do not attribute that entirely to the Commissioners. The local authorities, magistrates and others, have assisted. There are many cases in which the Commissioners have to decide, and they have to examine and decide on the sufficiency of all certificates.

29694. Take the asylums, which include 98,000 out of 120,000. That paragraph is a little too widely expressed, is it not? It is imputing to the Commissioners a good work which someone else has done?—The Commissioners have the power to discharge.

29695. Not from asylums?—From licensed houses and in all asylums their recommendations will be attended to.

29696. I am talking about places which hold 98,000 people?—They have also power to protect the public by preventing discharge, and complaints by aggrieved lunatics are being constantly addressed to them.

29697. (*Mr. Greene.*) How many have you in your Visitors' staff in the office?—Four; a secretary, two establishment clerks, and one outside writer.

29698. What work is there for such a number of officials?—In the first place they have the preparation of all our instructions. We are supplied with instruction books, and these are varied from time to time. The income changes, and they have to keep us informed of all alterations; they conduct all the correspondence with the committees.

29699. Can you tell me, at all, to what extent there is correspondence for them to engage in?—It must be heavy. At every Board meeting there are special reports presented, averaging perhaps fifteen.

29700. What is the length of the report?—They raise all sorts of questions and vary in length.

29701. Are they copying clerks?—No. On this report being presented by the Visitor in his Report Book, the Board deals with it.

29702. Surely a lot of these letters which are issued by them are mere printed forms?—It is something individual in each case.

29703. Directed to an individual? A great deal of their work is common form, is it not?—We have no forms, it is all done by the Secretary who writes a private letter. He writes to the committee and says the Board has had this report before it, and wishes the committee to carry out the specific suggestion.

29704. In the great bulk of the cases there is no suggestion to be carried out, I take it; therefore a great deal of it is formal?—Where there are no special reports the matter is formal.

29705. Whose duty is it to superintend the clerks?—The Secretary's.

29706. What are the office hours?—Ten to four.

29707. Are they under the Treasury rule of seven hours a day?—I think not, they are under the Courts of Justice rules.

29708. What arrangement is there for them in the Vacation; do they close in the Long Vacation?—Are you speaking of the clerks?

29709. Yes?—Yes, but there are always two in attendance; that gives them about six weeks.

29710. Do they remain there from ten to four in the vacations, or ten to one?—Eleven to one.

29711. And they close during all the legal vacations, the Long Vacation, Christmas, Easter, Whitsuntide?—Undoubtedly, but there are always two clerks in attendance every day.

29712. Always two?—Yes.

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29713. What class of clerk is in attendance?—They take it in turns.

29714. Who appoints them?—The Lord Chancellor appoints them. We have no patronage at all.

29715. When was it fixed that you should have as many as three clerks for what you have to do?—At the time when we had a large number of cases, about 1,000; then they used to have to get in assistance.

29716. Surely the work has not increased so much that you require as many clerks as that?—They tell me their time is fully occupied.

29717. We all say that?—We are very much away; we depend on the Secretary for that. They tell us the office is not overstaffed.

29718. Unkind people have suggested to me that it is overstaffed, but of course they are wrong?—I am not competent to form an opinion on that.

29719. Do not say that, because nobody could be more competent; but you would rather not say?—Whenever I go in I see they are busy.

29720. The men in my garden are always busy?—I know, of course, that I am in daily communication with them, but on that point the Secretary would be able to give you full details.

29721. I understand, looking at the return you have been kind enough to give that you were engaged 186 days away in the year 1903?—Yes.

29722. I will not go through them all; it is about the same in the succeeding years. You said you were engaged; does it include the Board days?—I believe it does not.

29723. Would you kindly be quite accurate?—It might and it might not. If I attended a Board meeting and got away at 3 o'clock and went down to Manchester, that would be a day out; but the Board meeting in itself is not counted if I do nothing else.

29724. I wanted to see whether "days engaged" included Board days?—No, it does not.

29725. If there is a Board meeting once a month I ought to add twelve—or perhaps not twelve, because you do not attend Board meetings in the Vacation? We try to have always eleven and we have special Boards from time to time.

29726. You have eleven Board meetings—that is once a month; I suppose you do not violate the Long Vacation?—That is so, and sometimes we have extra Boards.

29727. You cannot say whether the 186 has included the days which you have devoted to meeting your colleagues?—It would not include it if I did nothing else that day. The Board meeting is at 12 o'clock; we never get away till three, sometimes four or five.

29728. Twelve to three—would that count as a day?—No.

29729. Ten to four counts as a full day, apparently, but not twelve to three?—That is the Board meeting, that is when we meet the Masters.

29730. Is it twelve to three without an adjournment for lunch?—We never adjourn for lunch.

29731. The year consists of 365 days; taking off Sundays, that leaves 313, and you were engaged 186 days, which leaves 127 days during the year. Does that represent the amount of work which you have had to do?—I should think so, fairly.

29732. The 127 days are the proper and natural days of recreation and refreshment required for the Visitors in Lunacy?—No. For instance, once a month I visit the office to go over the correspondence with the clerk. We are constantly in correspondence with the Secretary, and I have reports to write and a good deal of our work is done at home; our reports are written at home.

29733. Of course there would be a vacation; you take them in their entirety, I suppose?—No. The instructions given to me when I took office were these, that at the begining of every quarter I should receive my instructions. The instructions must be carried out during the three months, and I can do them as I think proper, so long as the reports are all ready for the Lord Chancellor at the end of the quarter. In addition to that I must hold myself in readiness for any special cases which may arise.

29734. At the end of each quarter do you make a report to the Lord Chancellor?—Yes; we report every month.

29735. At what length do you report?—They vary; it is not a formal thing. The last I sent in had four or five pages of foolscap.

29736. If it is not a rude question, have you any suspicion as to what becomes of those reports when they go in?—That is for the Lord Chancellor.

29737. I put the question whether you have any suspicion?—I know what becomes of them; they are sent in to Sir Kenneth Muir Mackenzie every month; they come back before the next Board meeting, annotated, with any inquiries the Lord Chancellor may desire to make, and they are returned to us.

29738. How often do they come back with annotations?—I should think every month there is a question asked; a letter comes from Sir Kenneth Muir Mackenzie acknowledging the reports, and saying the Lord Chancellor would be glad to be informed on the following points.

29739. Then the report is pigeon-holed?—They are in our office.

29740. With reference to the Visitors, may we take it that they are, or that they are not, fully worked; is their time fully occupied?—I think the Visitors, when there were a large number of patients, were overworked. I was out 262 days one year.

29741. No doubt in the past they were overworked. My point is whether now they are overworked?—The number has been greatly reduced, and the Visitors are not overworked, but their mileage is still very heavy.

29742. Are they fully worked?—Yes, I should say so. I am a physician, and if on my mileage I were paid the ordinary physician's fee, I should be earning £10,000 a year.

29743. Physicians lose their practice and lose their mileage; my question is whether the Visitors are fully worked. Taking the figures I have before me it appears that there are 127 days in which there is no work?—That is not so. There is various work on those days in the way of correspondence, reports, calls at office, and so on. I am bound to say, if you ask me candidly, that I think two Visitors could do the work.

29744. Then two Visitors would be enough?—At present; but of course the Lords Justices may change their views, and the number of inquisition cases may run up.

29745. In a fresh state of affairs, fresh considerations would arise; but at present I may take it from you—I do not want you to throw any colleagues overboard—that two would be sufficient to do the work?—Yes; but permit me to say that the work is of a very trying and fatiguing character. I have been out as many as 262 days; I sometimes work as many as twelve or thirteen hours a day. The work is fatiguing and laborious, and intervals of rest are very necessary.

29746. I am only wanting to find out what the facts are. You have been kind enough candidly to say that two Visitors would be sufficient?—I believe they would be at present. It is very trying work at the present time, you are so much away from home, you lose your domestic and social life.

29747. It is supposed that the salary somewhat compensates people for the loss of domestic pleasures?—The salary is not excessive.

29748. I understand you to say, referring to your brothers, or perhaps I should say your step-brothers, the Commissioners in Lunacy, that the salary for them is not sufficient?—I think not. If they were sufficient in 1845 there is a great change now——

29749. I think that is a fallacy which has been constantly before us, that if the number of the Commission was only just sufficient for the work in 1845, now that the work is doubled the number of the Commissioners should be doubled; but my theory is that for many years there were more Commissioners than work to justify

their existence ?—I do not agree, so far as I am able to judge. I put it on a different ground. When the Commissioners were first appointed the men at the head of our asylums were receiving £400 or £500 a year; their salaries have steadily increased, many of them receiving now £2,000 or £3,000 a year. The Commissioners' salaries in proportion to those are very much smaller than they were.

29750. You are dealing with the question of salaries, from which I had passed; I was thinking of the amount of work. My theory is that for many years after the establishment of the Commission there was not sufficient work really for the number of Commissioners, and that therefore the present state of affairs, showing a large increase in the number of patients to be looked after shows just sufficient work to be properly dealt with by the number of Commissioners in existence ?—The Commissioners themselves will be best able to tell you

29751. I can hardly think they would be the best; they hold a strong opinion ?—When I was under their jurisdiction they spent four days at my asylum, from ten in the morning till five in the afternoon, long weary days; that was only one asylum out of seventy or eighty in the country at that time.

29752. The Commissioners have been too modest to suggest, in fact one of them repudiated the idea, that their salaries were not adequate, but you are good enough to say that they are deserving of a higher salary; might I ask you what salary you would give them ?—I have not suggested anything of that kind. I say that they have less in proportion to the position they hold than the asylum medical officers.

29753. If the proportion was too big at first ?—I do not think it was too big.

29754. If it was, there is no reason for altering it ?—Except that if you are to get the very best men you must pay a high salary. You did get the best men in England at one time; now the best men would not look at a Commissionership. Those who are getting £2,000 or £3,000 a year would not look at it.

29755. Have we only got a second class or inferior lot now ?—There have been no recent appointments. I am limiting my observations to the medical Commissioners, but I do say that at this time the best asylum men in England would not touch the Commissionership

29756. With reference to your mileage, I am looking at one here, and they seem to be not very considerable; they are given by the quarter; the total now before me is 16,000 miles. Might I ask why it is that you keep the mileage ?—Because we used to get 9d. a mile, when I was first appointed.

29757. You do not get it now ?—No; when I was appointed that was one of the inducements to me to take the office, because I made a pecuniary sacrifice in resigning the office I held. I did the work for Sir John Bucknill for three months. I knew the allowance was 9d. a mile besides maintenance, and 2s. a mile for the Masters. I took the appointment on that understanding.

29758. It did not matter to you what the Masters got, did it ?—No, but it mattered to me what the Visitors got, and that additional emolument to the Visitors, according to the mileage at that time, amounted to £300 a year. They made a clear profit of £300 a year. I had been in communication with Sir John Bucknill and the other Visitors, and I took it on that understanding. Lord Hatherley had handed over the Suitors' Fee Fund, and all these questions were reviewed, and we were cut down to expenses out of pocket. That is why the mileage was originally kept, and we have gone on keeping it since.

29759. My question was why it is now kept ?—Because we are directed to do so.

29760. By the rules ?—Yes.

29761. That you return to the Lord Chancellor ?—Yes, regularly.

29762. How is the mileage calculated ?—From the A.B.C. guide to a considerable extent. If I am sent to Manchester I know the distance, and I know the distance from my own house to Euston, and I make a note every day. At the end of every quarter I send mine in. Some Visitors send it in monthly. At the time of the ninepenny allowance it had to be done very strictly indeed. We did it every day then.

29763. You make the best computation you can. At all times it is difficult because cabmen have a different opinion on the matter. It is not always easy to calculate how many miles you travel ?—You know what they charge per mile for posting, and for the railway journeys the A.B.C. and Bradshaw give you the facts.

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29764. It is no convenience to put that down ?—No, none whatever; it is merely a task; it is under the rules; we are obliged to do it.

29765. It is not a useful rule ?—No, I should like to give it up very much. It is a useless rule.

29766. Disputes with cabmen here, and postmasters there, must take you some little time ?—That is part of our work. When the day is over we write our reports, and we have to make out our travelling expenses.

29767. That is a bit of absolutely useless work, and if it were abolished you would have less time occupied ?—I should greatly rejoice if you relieved us.

29768. It has been suggested that you travel a very large number of miles. I should like to know whether you travel as much as a good many other people who have duties to discharge in the way of inspection and travelling. The distance for one year is 16,000 miles ?—It used to be 22,000.

29769. Would it surprise you to hear that some people engaged in inspection have to travel four or five times that amount ?—It would.

29770. Three times that amount ?—King's messengers perhaps might do more mileage. I should be surprised if any inspector did more.

29771. It is 3,800 miles per quarter ?—Yes, more than that.

29772. You consider that a very large amount of travelling ?—I consider it a good amount of travelling and very fatiguing. A considerable portion of our work is posting. Many of our patients are in the country, and we do a great deal of posting.

29773. Can you give us any idea as to the amount of travelling expenses of the Chancery Visitors ?—I should think that now they would come to £1,200 or £1,300 per annum.

29774. For all three—that is £400 a year for each Visitor ?—Yes, that is including the maintenance allowance.

29775. Then the actual travelling is not such a large amount ?—It depends on the number of days out. We get our hotel expenses.

29776. And the distance you go ?—And the distance we go.

29777. Is there any arrangement amongst the three of you as to the circuits or districts in which each undertake to visit ?—We have three districts in England, and we take them in rotation. There is the Home District, the Western, and the Northern.

29778. You have been good enough to say a good deal about the Lunacy Commissioners, your appreciation of them is almost enough to make them blush, it is so handsome; is there any necessity for a double inspection of any people, for you to inspect as well as these gentlemen, who seem to do their work so well ?—I believe there is. I believe it is a great advantage for the Chancery patients to have the individual supervision and investigation which we give them.

29779. In the many cases where a patient is in an asylum ?—In inquisition cases outside, the Commissioners do not visit at all.

29780. Take the inquisition cases which are in asylums; why should they have double inspection ?—Because we have a much more minute knowledge of them. The Commissioners in Lunacy do not know their incomes, do not know their schemes prepared by the Masters; they cannot tell whether full justice is being done.

29781. I am not speaking of private houses but public institutions which are also inspected by the Commissioners. I quite understand, and fully appreciate, the value of your investigation of the Chancery patients in private houses; I want to deal with asylums and public institutions where the Commissioners also inspect ?—I think we know much more about the cases

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than the Commissioners can. The Commissioners see 500 a day. Ours is an individual visit; we chat with the patients and ascertain their wishes, and in every case I go over the scheme of maintenance with the medical officer of the asylum and see that justice is done, besides discussing with him the medical aspects of the case.

29782. If the law were slightly altered and your visits to inquisition patients and public places were to be allotted to the Commissioners, why should not they be told off to make individual enquiry and inspection?—They would have to be supplied with the material by the Chancery Division. Of course if they were to become Visitors they could do the work.

29783. There is nothing in the nature of things to make it an insuperable difficulty?—I can find no insuperable difficulty; the matter can be done. They will have to be in communication with the Masters constantly.

29784. If the Masters continue in existence, they can get the private information about them if they wish?—They would have to be in constant communication with the Masters, getting information from them, reporting to them, and setting the committees in motion, and our work would not synchronise with their rounds. We have to see every patient every eight months.

29785. It only wants a trifling alteration?—It is a serious and radical alteration. If they took over the work they would have to set two Commissioners apart for it; it would be interrupting their rounds, and they could not do it.

29786. In the paper which has been furnished by your department (*vide Appendix Papers, p. 419 post*), I see there are inquisition cases living out of the jurisdiction, thirteen in Scotland, two in Ireland, one in Portugal, one in Germany, and one in New York; they are not visited?—Not regularly, but I have been on two occasions to Scotland, once when there was a criminal question. This last year I went to see five or six cases in Scotland about which the Master was anxious for information.

29787. Those outside the jurisdiction of our courts get no visits?—No, except that the Lord Chancellor has power to send us. I have been sent to Bonn in Germany, and three or four times to Brussels, to investigate the cases of patients shut up in foreign asylums. That has been after communication with the Foreign Office. This last year the Master desired information on three or four cases in Scotland which I saw. I told the medical superintendents of the asylums that I had no right to demand admission as far as I knew, it is out of the jurisdiction of the court, though I believe the Lord Chancellor is Lord Chancellor of Scotland also. I went by the Master's directions. But the medical superintendents were only too glad to allow me to see these patients, and I reported upon them to the Master and some changes have consequently taken place.

29788. In the statement of evidence you have given us you say you have at present under your supervision—you notice this as a special question—a lady who by order of the Lord Chancellor has been visited quarterly for twenty years. When was the order made?—More than twenty years ago.

29789. Has she ever been asked to revise that order?—No, it is a case in which the Lord Chancellor was specially interested. We have no power to put a stop to it; we go on visiting.

29790. That Lord Chancellor is dead and gone, and perhaps the reason is also dead and gone, and you continue to visit?—It is not for the Visitors to dictate to the Lord Chancellor.

29791. You do not ask for special instructions?—Certainly not. The orders always go before the Lord Chancellor; if he wishes to discontinue them he can tell us.

29792. This Lord Chancellor would not know about twenty years ago?—No, but the case is still a difficult one.

29793. This paper is subject to criticism of all sorts by people outside. I want to sift it in justice to yourself and to the Lord Chancellor. One does not know why the Lord Chancellor's order of twenty years ago, which very likely was important at that time, should still continue to operate?—No.

29794. Can you tell at all what the reason was why this lady should be visited quarterly?—Yes, it was a pathetic case, and the lady herself made a special visit to the Lord Chancellor and made a certain accusation against her family, and the Lord Chancellor directed that she should be visited quarterly, and that has gone on ever since.

29795. Twenty years have elapsed, the family is twenty years older, and probably the cause is twenty years stale, and yet you go on visiting without suggesting a change?—Such are my instructions, and I should say that the case is still one of difficulty.

29796. Do you not think it advisable that the Lord Chancellor's order should occasionally be invited to be renewed? If he gives a special order, you see, one Visitor has to accommodate his arrangements to make four visits a year?—Yes, and it is some distance from London.

29797. Has this lady got an estate which pays a percentage: is it over £100 a year?—She has a very large income.

29798. I ask whether it is over £100 a year; I should think £100 a year a good big sum?—I think it is over £10,000. Last year I was sent to the Isle of Man, where a lady was demanding a supersedeas; that took four days, no one could do it in less; there is only one boat a day in winter. The lady was superseded and regained her liberty.

29799. Does it often happen that an alleged lunatic demands an inquiry to be held before a jury, so that you have to make a report as to whether he is able to exercise his judgment?—No.

29800. How often?—I could not say.

29801. Once a year?—More than that.

29802. Two?—I cannot tell you; three or four perhaps; they vary very much.

29803. We cannot call it the most arduous part of your work; you do not know the number?—The Secretary would tell you.

29804. You say in your statement: "In the case of any lunatic, so found by inquisition, demanding a traverse or new trial—" That is a very rare event, is it not?—Very, but I had one about a fortnight ago.

29805. That I think was a case in Shropshire tried by Master Fischer?—The inquiry was held by Master Fischer.

29806. It is one which is reported in the newspapers?—Yes.

29807. How often have you had cases during the last year of a lunatic applying for a supersedeas?—I should think twenty, perhaps.

29808. Last year?—Yes. I include in a *supersedeas* a discharge of the receiver. I was sent down to Torquay the other day. Those are not cases so found by inquisition.

29809. The language you use in this statement may be criticised by outside people. If you say that the answer applies to supersedeas and something else, you ought to limit the language in your statement. Next, you say, "In the case of any lunatic so found by inquisition applying for a supersedeas"?—But in addition to that we are also sent by the Masters to cases where the lunatic applies to have the receiver discharged. That is a mere draft of evidence, and the expressions are perhaps not as accurate as they ought to be.

29810. I only want to protect your statement from criticism which might be applied to it by people who had not the opportunity of asking for a real expression of your thoughts. It was pointed out to you by one of the members of the Commission that a Departmental Committee was held under the Master of the Rolls, Sir George Jessel. I think you said that the Departmental Committee reported against any such amalgamation?—So I understood.

29811. Are you not aware that in the year 1890, in the Lunacy Act, power was given to the Lord Chancellor, by Section 337 I think, to amalgamate the offices of Lunacy Commissioners and Visitors?—I am aware of that. He has not exercised that power. The Act says there shall continue to be Chancery Visitors and there shall continue to be Commissioners in Lunacy.

29812. The Lord Chancellor has not exercised the power, but the effect of the report of the committee in 1882 was to produce the alteration in the statute of 1890 ?—Yes.

29813. The report, if I recollect aright, only said that they could not recommend anything to be done without fresh legislation ?—I have never seen the report since that time.

29814. Your Board, you told us, considered that such an amalgamation was undesirable ?—Yes, that is the Board of Masters and Visitors together; we discussed it.

29815. Would they hold the same opinion if no alteration in the present occupants of the office were concerned ? Do they feel as acutely that it is undesirable in the interests of their successors ?—I think they were thinking of the interests of the lunatics, not of the interests of the Visitors for the time being.

29816. They would hold this view, that it is undesirable, even if all the existing officers had retired, or ceased to act ?—I should hold that view, most emphatically.

29817. How often have you, as a Visitor, to go to the Chancery Master to see him ?—I cannot tell you. Sometimes we go to see him and sometimes he comes down to see us.

29818. Let us take your visits to him, would they be once a week ?—No.

29819. Once a month ?—Twice a month, perhaps.

29820. The reason you gave for accessibility to them was citing the reason given by Lord Brougham as far back as 1833, when the streets of London were wholly different. If it is only twice in a month, there is not much difficulty there ?—But there are daily communications between the Master and our Secretary, and he communicates to us anything the Master may wish to know. The Visitors are very rarely at the office, they are travelling; it is the Secretary who does that work.

29821. Is the office denuded of Visitors at any time, or is there always one on duty ?—Entirely denuded for weeks, sometimes. The Visitors are all out on circuit. There is the Secretary there who is able to forward their letters and communicate with them, if there is any necessity to do so.

29822. With reference to the Official Solicitor, where do you see him ?—At our office or at his; he is in the Royal Courts of Justice.

29823. Are you often in communication with him ?—No, occasionally; we saw him last week.

29824. About what sort of subjects do you have to see him ?—He is committee for a large number of cases; it is in his capacity as committee that we see him. We have to communicate with him whenever we want a change in any of the cases for which he is responsible, and he constantly consults us. If an operation or special kind of treatment were recommended, he would ask the Visitors to go and see the case and see whether it was really necessary, and report to him.

29825. In the paragraph in which you refer to the Official Solicitor, it is not *qua* Official Solicitor, but *qua* committee ?—Yes, it is *qua* committee, but he is the committee in those cases because he is Official Solicitor.

29826. I apprehend that, but I was rather thinking of what necessity there is, in the nature of things, to keep on the Official Solicitor in his present form, and I was wanting to see whether it was as Official Solicitor that you wanted to see him or as committee ?—It is as committee, but of course he is committee in a number of cases.

29827. With regard to the Commissioners in Lunacy, you have made certain recommendations, which are to add to their number and so on, but I may take it, apart from what you have told us this morning, that you have no recommendation, or can see nothing, which can improve them or their position or their utility ?—I think they do their duty admirably and are of great service to the country, but as far as I can measure, I think their work is excessive and that they require relief; that is my impression.

29828. They should be enlarged in numbers and have an increase in salary ?—Yes.

29829. Do you expand your generosity to the Masters in Lunacy; should they have higher salaries ?—No, I am not a judge of judicial salaries.

29830. Should the Official Solicitor have more ?—I do not know what he has; I have not the least idea.

29831. The Visitors in Lunacy you do not think should have more ?—I think the country has made a very good bargain in getting our services for what it has.

29832. Ought the country to get a good bargain; ought they not to pay properly ?—The Visitors have not made any application.

29833. Now is the chance; do you not think they ought to have more ?—I have not said so.

29834. No, but ought the country to be making a bargain out of its exceedingly diligent servants ?—The same observation which I made with regard to the Commissioners applies to the Visitors, that I do not believe, if a vacancy occurred, the very best men in England would apply; it would not be worth their while.

29835. It is a mere trifle of £1,500 a year with expenses ?—£1,500 a year is the salary.

29836. (*Mr. Byrne.*) Is it not £1,800 a year ?—That was when there was mileage.

29837. Is not there maintenance ?—That is when we are out; that is included in the £400 I mentioned.

29838. (*Mr. Greene.*) What £400 ?—Hotel expenses and travelling expenses.

29839. You get £400 a year for expenses ?—No, we get 30s. a day if we are out, like all other officials of our rank.

29840. (*Mr. Byrne.*) Like no other officials; no other official gets more than 21s. ?—The Commissioners get the same; the Masters get £2 2s. We have always done so for the last thirty-one years.

29841. (*Mr. Greene.*) When was that fixed, that they should get 30s. ?—When I joined the office. I have always had it.

29842. It was so when you joined the office, or was it made so when you joined the office ?—It was before that. I believe it has existed ever since 1862. I know that when I went in I got it, and have had it ever since.

29843. And you got your mileage of 9d. a mile ?—For two or three months; then it was cut down; since then I have had expenses out of pocket.

29844. You vouch those expenses, but get your maintenance and travelling ?—Yes, the expenses are really cabs and posting; in addition we get 30s. a day for hotel expenses.

29845. The salary is £1,500 a year with this maintenance money ?—That is so, when we are out.

29846. Is that inadequate ?—It all depends what class of work you want. You could get men to do it for much less, but I find men at the head of asylums with £2,000 a year; I know it would not tempt them.

29847. Practically, is 30s. a night enough ?—Undoubtedly; we have never made any complaint.

29848. Do you have any subsistence money when you are in London ?—Yes.

29849. What is that ?—£1 a day.

29850. Do you get subsistence money of £1 a day throughout the year ?—Only on days employed in visiting. When the 9d. a mile was abolished which brought in about £300 or £400 a year, the Lord Chancellor, with the consent of the Treasury, said that for the then existing Visitors he would continue the £1 a day which they had had in London when so employed, and that was continued to the existing Visitors, but it has not been given to the Visitor appointed since; he is put on the ordinary Civil Service allowance.

29851. Looking forward to the future, he will not have this £1 a day; but is there any reason to suppose that the future Visitors will not get 30s. a night for sleeping out ?—I suppose they will.

29852. Suppose that you sat at the Board in London from twelve to three, and you then went down to Manchester, would you get a day for being in London, and 30s. as well ?—Certainly not; if I were to sleep out I should get my 30s. I have my hotel expenses in Manchester.

29853. I am putting a case of attending a Board in London ?—But for a Board day we are not paid.

29854. But you have a day in London; you have to subsist—Visitors have to subsist ?—It is only a visiting

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allowance. I only get the subsistence allowance in London when engaged in visiting.

29855. If you visited a person in London between eleven and twelve, and attended your Board between twelve and three, and then went to Manchester, would you take £1 for the work in London and 30s. for the night in Manchester?— Certainly not; I should have 30s. only.

29856. Although you had visited your patient before your Board?—I have never seen or heard of a duplicate charge; no duplicate charge has ever been made. I get 30s. for my night out in Manchester, for my rooms and subsistence there. The Commissioners have the same.

29857. As the financial considerations for this department have been submitted to us, I want to see whether I ought to concur in recommending to His Majesty that the salaries and allowances of the Visitors should remain as they are, or whether they should be increased a little?——I do not suggest that at all.

29858. Do you think that we could get for nearly £2,000 a year— ?—It is not nearly £2,000 a year—about £1,600 a year. The expenses out of pocket come to nothing for us.

29859. The expenses out of pocket recoup you; then comes the 30s. or £1 ?—If you take a private room that swallows up your expenses.

29860. I am asking whether the allowance should be raised a little?—No; I think, on the whole, that hotel expenses have increased since I joined, but I do not mean to say that the allowance is not ample; I make no complaint on the subject.

29861. Then we ought not to concur in any recommendation that the Visitors should receive some augmentation of their salary or salaries?—No, certainly not; I have made no suggestion of the kind.

29862. But your fellows, the Commissioners, they ought?—I have not said so. I have only said that proportionately they are worse paid, compared with asylum medical officers, than they were in 1845.

29863. (*Mr. Byrne.*) Did I understand that you had not recently read the Report of the Committee of 1881, before which you gave evidence?—I have not. I gave evidence before the Departmental Committee, and I had a copy of the Report at the time, but I have never seen it since. It was at the Board the other day, but I have not had time to read it.

29864. I was proposing to ask a question about it, but in those circumstances it would be useless?—I had no preparation; I was called away from a Board meeting to go up there; but I know I gave evidence, and Dr. Nicolson gave evidence also. I have not seen the Report since.

29865. (*Chairman.*) When you gave evidence before us before, you did not think that the feeble-minded, or that class of defectives, should be supervised by the same authority as the lunatics?—I did not. I was having regard then to what I know to be the particularly hard work of the Lunacy Department, and I thought this additional work put upon them would add very much to their burdens, and that it would be better on the whole, the charge of the feeble-minded being in my opinion largely an educational question, that there should be a separate department for dealing with them; I can well understand that the Department might be affiliated with the Commissioners.

29866. With a view to your evidence to-day, and your conception of the ideal system, which should be a department to undertake all these things, would it not be well if a beginning could be made and all mental disorders treated by one Department of State?—It might be. My views on that subject are largely speculative. It occurred to me that you might have a Commission dealing with lunacy and a parallel Commission dealing with the feeble-minded, which are in some respects different. I know they merge into each other, but there are various questions connected with the treatment of the feeble-minded which are different from those with which the Commissioners deal. I did think there might be two departments, closely affiliated, if you like. You would have rather a different class of men for the feeble-minded.

29867. The dividing line is impossible to mark, is it not?—It is very difficult. There are many feeble-minded who are children; then it is an educational question.

29868. Those who can deal with lunatics would be perfectly capable of dealing with the feeble-minded?—That might be practicable and might be well arranged, but it did occur to me that there might be two departments.

29869. You have not a strong opinion?—No; in the adults there is no sharp line between the feeble-minded and the actual lunatic.

29870. (*Dr. Donkin.*) The questions I am about to put to you are chiefly with regard to your opinions about the functions of the Lunacy Commissioners. I would first say that I believe it has come to your ears that one of your colleagues made some remarks about the holidays taken by the Lord Chancellor's Visitors, and he stated, somewhat to the surprise of the Commission, that he had only taken a fortnight in a year. I believe you would like to make some explanation of that?—Of course I cannot speak for other Visitors, but for myself the longest holiday I have ever had was six weeks, and then I asked special permission of the Lord Chancellor to go out of the country. We get holidays in a fragmentary way. I have had a month again and again. You get your instructions, and if you can go through them rapidly and clear off your cases, particularly in the Long Vacation, where there are no specials coming in, then you can take a month at a time. I will not admit the 127 days of which Mr. Greene speaks, but we have got Christmas and Easter when we are not doing work. I am not complaining about the holidays. I do complain of the long separation from home; you are taken so much away and are so much on the road, and are living so much in hotels which, notwithstanding the subsistence allowance, is a very wretched life.

29871. It is understood that the Lord Chancellor's Visitor can get reasonable holidays, if he so arranges his work?—He takes his holiday when he likes, he is asked no question, he must do his work and must be there to take the specials if they arise. As to the days on which we are emloyed, I should like to emphasize that we are employed a greater number of days than men in other departments. The Scotch Commissioners are only occupied about eighty days each year and the Railway Commission, as I said before, sat for thirty-two days last year. They get larger salaries than we do.

29872. I may take it to be your opinion that if the Lord Chancellor's medical Visitors were added to the Lunacy Commission, all the functions they have to discharge now would be similar, and therefore they would not lighten the work of the Lunacy Commission?—I feel sure of it.

29873. With regard to the present functions of the Lunacy Commissioners, they have been described as inspectorial and advisory; is that about your view?—Yes. Of course they are to protect the liberty of the subject and to protect the public against dangerous lunatics, to secure humane treatment, to secure good treatment, to look into all those questions; and as regards the amusement, recreation, and religious worship; also I regard it as the function of the Commissioners to promote the scientific investigation of disease.

29874. The present functions, as they are discharged, may be roughly divided into those two classes, inspectorial work, which is the chief part of the work done during the visiting, and the general advisory functions which we know have been exercised in a very valuable way?—Yes.

29875. With regard to the inspectorial duties, they are the main statutory duties of the Commission?—Yes.

29876. With regard to those, supposing more work were done by the Commissioners in going into medical questions, the furthering of scientific research and matters of treatment which would necessitate the Commissioners lingering longer over certain cases and spending a good deal more time with the doctor, that would render it impossible for them to fulfil all the inspectorial duties which they now have to fulfil?—Yes. That I look upon as one of the advantages of having two Commissioners to go together. They can go into a ward where there are thirty or forty or a hundred lunatics, the legal Commissioner inspecting

the sanitary arrangements, the cleanliness of bedding, the clothing, and general arrangements of the ward; while at the same time the medical Commissioner is examining cases; he goes with one of the medical officers who are in attendance, puts constant questions as to the treatment, "what are you doing for this and what are you doing for that;" then he is passing on to other asylums, and they have undoubtedly done good work in that way in communicating better methods of treatment, moral and medical, and new ideas from one asylum to another. That function might, I think, be enlarged.

29877. Supposing it were enlarged, it would follow that the inspectorial work, which now takes up a very large portion of the time, could not be done?—If that were developed the work would somehow have to be delegated.

29878. So the Lunacy Commissioners want help, whether their work is increased or whether it is not; and *a fortiori* if it is increased?—Yes.

29879. Supposing that were the case, do you see why the more purely inspectorial statutory work should not be done, I do not say by deputy Commissioners, but by subordinate officers called inspectors?—I do not see why that might not be done. The suggestion made in my statement was on the assumption that the Commissioners were to continue to concern themselves with lunacy only. If the care of the weak-minded were added to their present duties, I should say that delegation would be necessary. They would require inspectors to act under their direction and carry out inspection, not localised in any one district, but sent about the country from time to time.

29880. Supposing additional work were put upon them and the Commissioners in Lunacy were made responsible for the feeble-minded, their numbers would have to be increased?—Undoubtedly. If lunacy is left to them, without the feeble-minded, they want two medical Commissioners to perform their duties. If the increase of lunacy goes on—it was 2,150 last year, no doubt the total number of recognised lunatics is now 124,000—and the feeble-minded are handed over to them, undoubtedly they will require further assistance.

29881. You think the inspectorial work, the inspection of institutions, might be, without any material loss, delegated to subordinate officers, always understanding that the Commissioners made their regular visits as now?—In part; I think part of the duty of inspection might be delegated, but the Commissioners should not lose personal touch with the institutions in the country. They ought to make visits from time to time. *Sir James Crichton-Browne, M.D., LL.D., F.R.S.* 6 Dec. 1906.

29882. I am supposing that they would not lose touch, but that some of the routine work might be delegated without loss; it is an important point?—I agree with you.

29883. I want very much your opinion. It has been suggested, and we want to give due weight to it, that the idea of deputy Commissioners or inspectors is not to be encouraged?—Local inspectors of institutions I should deprecate. They should be free from local influence.

29884. I mean inspectors entirely responsible, reporting to the Commissioners; not that the Commissioners should in any way lose touch; it is of practical importance. Supposing that the new work were established with regard to starting institutions for the care and control of the feeble-minded, and supposing that these were added to the work of the Lunacy Commissioners, it would be absolutely necessary for economy's sake to employ some officials at a less high salary than the Lunacy Commissioners have now?—I should say so, undoubtedly.

29885. You are of opinion that encouragement of scientific work, in the way of investigating the causes of mental disorders and improved methods of treatment, might be done with great advantage by the Lunacy Commissioners?—To that I attach great importance; to the scientific study of insanity.

29886. You think that that is one of the objects of the Lunacy Commission?—Undoubtedly.

29887. (*Chairman.*) Is there anything you would like to add?—No

CHARLES MERCIER, Esq., M.D., F.R.C.P., F.R.C.S., called; and Examined.

29888. (*Chairman.*) We thank you for coming again to give evidence before us. May we put this statement, with which you have been kind enough to supply us, on our notes?—This was written very hurriedly; I should scarcely like it to go on your notes without modification.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY CHARLES MERCIER, ESQ., M.D., F.R.C.P., F.R.C.S., ON THE LUNACY COMMISSION: ITS CONSTITUTION AND RELATION TO OTHER AUTHORITIES.

The function of the Lunacy Commission, as of the other authorities which deal with the insane, is to reflect the attitude of the community towards the insane, and to see that the insane are dealt with as the community desires.

In the first half of the last century the interest of the community in the insane was limited to a desire to be protected from their violence. It was demanded that the insane should be kept in safe custody, and was indifferent to the means by which this end was attained. This end was amply secured by the keepers of the madhouses. There was nothing left for the Lunacy Commissioners to do, and consequently no powers were entrusted to them.

In the second half of the nineteenth century the interest of the community in the insane was twofold. It desired, first of all and most urgently, that no sane person should be treated as insane; and second that the insane should be treated with humanity and benevolence. To secure these ends a new Lunacy Commission was created with ample powers in respect of these objects, and the objects have been completely attained.

At the beginning of the twentieth century a new state of affairs, resulting mainly from the legislation of the nineteenth century and the labours of the Lunacy Commission, has brought about a new attitude of the community towards the insane. The benevolent treatment of the insane has resulted in a vast increase in their numbers. Increased vigilance of supervision, increased activity of research, increase of humanitarian interest in the weak, the erring, and the incapable, have revealed an immense class of mentally defective persons, and have discovered an unexpected relation between defect of mind on the one hand, and, on the other hand, vice, crime, and pauperism. The boundaries of our concept of insanity, or, more generally, of mental defect, are become greatly enlarged; and the number of persons who are recognised to be, in consequence of mental defect, a burden on, or a menace to, the community is so great, that the community has begun to demand that measure should be taken to limit their numbers. This is the new attitude of the community towards the insane, and this is the attitude that is now to be reflected in the constitution and function of the Lunacy Commission and the other bodies that deal with mentally defective persons. *Charles Mercier, Esq., M.D., F.R.C.P., F.R.C.S.* 6 Dec. 1906

Of these mentally defective persons, the Lunacy Commission deals with but one section, a section whose limits are artificially defined with great exactitude for administrative purposes. But it is extremely important to remember that this limitation of the class over which the Lunacy Commission exercise jurisdiction is an artificial limitation; that the class of mentally defective persons dealt with by the Lunacy Commission merges by insensible degrees on several sides into a much larger class of mentally defective persons, all of whom, though they differ in the degree and in the mode of manifestation of their mental defect, which are minor and less important attributes, yet agree in the major and more important character that they all become, or are liable to become, by reason of their mental defect, a burden on, or a menace to, the community.

The artificiality of the boundaries which separate the insane who are under the jurisdiction of the Lunacy Commission from other classes of mentally defective persons is shown by the frequency with which individuals pass from one class to another. It is largely a matter of accident whether the defective child on leaving school at the age of sixteen shall find his way first to the prison, the workhouse, or the lunatic asylum. There is a large population that circulates through these three institutions,

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and of this population a large part is fit at one time or another to be in institutions for inebriates. The grand defect of our present mode of dealing with mentally defective persons seems to me to be the absence of any continuous record of their careers. Unless he passes direct from one institution to another, and from one jurisdiction to another, there is no means of knowing the past record of a vagrant, a pauper, a criminal, a lunatic, or an inebriate. If such record were accessible it seems certain that the treatment accorded to a very large part of this floating population would be very different from what it is, and very much more effectual in mitigating the noxious effect on the community.

For these reasons, the most important reform in the different administrative bodies that deal with mentally defective persons seems to me to be their amalgamation or, rather, their co-ordination and association, into one comprehensive department. At the present time mentally defective persons of one type or another are dealt with by the undermentioned Government Departments:—

1. The Lunacy Commission. (Lunatics and idiots.)
2. The Masters in Lunacy. (Some private lunatics.)
3. The Chancery Visitors. (Some private lunatics.)
4. The Prison Commission. (Lunatic and defective criminals.)
5. The Local Government Board. (Imbecile and defective paupers.)
6. The Home Office. (Inebriates.)
7. The Education Office. (Defective children.)

I think that no arrangement for the supervision of mentally defective persons will be satisfactory, or effectual in controlling their numbers, unless it combines all these bodies (with the exception, perhaps, of the Masters), together with any body that may be constituted on the recommendation of your Commission, as co-ordinate sections of one Government Department.

The advantages of such a combination seem to me to be manifest. Every person who should come under the jurisdiction of any one of these sections would at once become the subject of inquiry in every other section, and, if he had at any time been under the jurisdiction of any other section, his dossier would be forthcoming. It would no doubt be found, after a certain number of years, that the dossiers of very many would begin in Section 7—that which deals with defective children. As the defective person successively tenanted the workhouse, the reformatory, the gaol, the inebriates retreat, and the lunatic asylum, so his dossier would pass from section to section of this Government Department. A period of his life would sooner or later be reached at which a definite decision could be taken whether or no he should be kept in permanent detention for the rest of his life; or whether he should be set free; or whether he should be allowed to live outside of any institution, indeed, but under tutelage, more or less stringent, with respect to his person, or his property, or both. This decision would probably not be the task of the proposed Department, but would rest with an independent authority, judicial in character, but not necessarily the same in every case. Or it might be left in the hands of the Masters, their power being enlarged for the purpose.

It is likely that a change of so sweeping a character, requiring for its perfection much interference with existing arrangements, could not be made at one step; and no doubt it will be necessary to be content with a much smaller scheme for the present; but I think that some such larger scheme as that outlined should be kept in view, and achieved gradually by instalments as occasion might arise.

For such a smaller scheme a very appropriate beginning would be in the grouping together, or the amalgamation, of Sections 1, 3, and 7 of the scheme already outlined, together with any body that may be constituted on the advice of your Commission; that is to say—

1. The Lunacy Commission.
2. The Chancery Visitors.
3. A section for defective children.
4. A section dealing with the subjects of inquiry of your Commission.

In my previous evidence before your Commission I have already given my reasons why the last of these sections should not be associated with the title of "lunacy," and this title is inappropriate for the section for defective children, and it seems that if a board were constituted with such sections as are here proposed it would be an opportunity for bestowing upon it some more comprehensive title which would still be appropriate if and when the time should come for the incorporation of other sections. Some such title as the Board for the Mentally Defective, or for Defective Persons, or for the Mentally Unsound, might perhaps be appropriate.

It does not, I think, need argument that the four departments just enumerated ought, in their working, to be associated with a closeness of intimacy that can hardly be attained except by making them several sections of a single department with a common head; and it seems manifest that by such an incorporation a more economical working could be secured than if each had a separate and complete staff.

The duties of all the sections would be divisible into two categories—the office duties and the visitorial duties. The office duties of the several sections would be different, and would probably be distinct, but it would probably be found that the visitorial duties of all four sections could be discharged by the same officials. Such an arrangement of visitorial duties would manifestly tend to great economy in the working of the department.

Perhaps it would not be impertinent if I were to give my opinion with respect to one or two other matters on which previous witnesses have been examined.

1. I am strongly of opinion that it would be a very inexpedient and retrograde step to delegate the ordinary visitorial functions of the Commissioners to officials of inferior grade.
2. I desire respectfully to add my testimony to the efficiency of the legal Commissioners as visitors, and to the confidence that the patients have in them.
3. I think it more important that licensed houses and registered hospitals should be visited by full Commissioners rather than inspectors, than that asylums should be. In the former the Commissioners have power to discharge patients. In the latter they have not.
4. I think it very important that the vigilant scrutiny at present exercised by the Lunacy Commission over reception orders and continuation orders should not be relaxed. The publication of the fact that even a very few persons had been detained on faulty reception orders might have a disastrous effect for many years on lunacy administration. The sensitiveness of the public to the possibility of the wrongful detention of persons as insane is lulled, but it would take very little to rouse it into such activity that very inexpedient legislation might result. I respectfully differ from Dr. Cooke as to the value of continuation orders. They are often very inconvenient to the custodians of the insane, but they are of the utmost value to the insane themselves.

29889. You might mention any material modifications, because there might be questions to ask on those?—I have suggested that those bodies which I have mentioned should be amalgamated or associated into a single administrative department. Of course that cannot pass. It would be absurd to associate the Prison Commissioners and the Local Government Board. What I meant was, that so far as they deal with lunatics they should be amalgamated: that any defective persons should be taken out from the jurisdiction of these other boards, and put under a single central department in several sections. The second point is a very important omission, that I would desire to see, if such a Board were constituted, power given by a mere administrative order, and without going to any outside authority, to transfer any individual from any one of these jurisdictions to another, so that, for instance, a child arriving at the age of sixteen in a school for defective children should be by administrative order transferred either to a colony or to a farm, or a lunatic asylum, as the case might be. Similarly, a lunatic suffering from insanity brought on by alcohol should be transferred by mere administrative order from the lunatic asylum to an inebriate retreat, and, *mutatis mutandis*, with the other sections. Those are the chief modifications I wished to make before the Report was accepted as a whole.

29890. (*Dr. Donkin.*) I will ask one question with regard to your scheme, in the latter part of your statement. You think that those four sections should be unified by being put under one head?—Yes.

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29891. You do not say whether it should be a Board, or one individual; you think it should be under one head?—Under one head.

29892. I think you heard the questions I was putting to Sir James Crichton Browne?—Yes.

29893. Would you give me your idea on the same questions, as to what should be the functions of the Lunacy Commissioners, or the body which will always be in charge of the lunacy of the country?—As I take it, the functions of the Lunacy Commissioners are partly statutory, and partly non-statutory. Their statutory functions you have had explained to you sufficiently. Those are, of course, the inspectorial and advisory functions. I do not think it possible that those functions could be better done than they are done by the Commissioners, at the present time, but there are other functions which the Commissioners, it seems to me, cannot help exercising more or less, and which might be more efficiently exercised if the Commissioners were in the first place more numerous, so that they had more time to give to the matter, and in the second place if the Commissioners were a preponderatingly medical body. As the chief authority in lunacy in this country, the Commissioners must, whether they like it or not, set the tone of treatment. They must set the tone of the custodians of lunacy towards the lunatics whom they have in care. They have done so and their influence in this direction has been very beneficial. The lunatics are now treated throughout the country with kindliness, consideration, and courtesy, and the whole administrative body takes its tone from the manner in which they see the Commissioners deal with lunatics, but I think that influence might be extended very much further, if the Commissioners had the time, and if they were a preponderatingly medical body.

29894. In what direction do you think that influence might be with advantage, extended?—I think the Commissioners might stimulate, as Sir James Crichton Browne said, the scientific treatment and study of insanity. If I may go back a little, some years ago I can remember the time when the medical superintendents of public asylums in this country, although they possessed medical degrees, had ceased to be medical men. They were excellent organisers, admirable administrators, many of them; but when they were appointed heads of asylums, they put their medical functions behind them, and sometimes avowedly so. They would say, when they were consulted about the treatment of the patients, "That is not my business. That is the assistant medical officer's business. That is nothing to do with me." I have known that said. They certainly were in many cases very capable administrators, but they ceased to be medical men and ceased to interest themselves on the medical side in the treatment of insanity. I think that is very unfortunate. That state of things no longer exists to the extent to which it did exist, and the cessation of it is very largely due to the influence of the Lunacy Commissioners, and especially to the influence of one particular Commissioner, who made it his business to emphasise in his reports the importance of the medical side of insanity. But I think there is much more which could be done. In the time of which I speak, medical superintendents who, under magistrates, had practically the nomination of their assistants, as a rule would not have able men as their assistants. They declared, and I speak with knowledge when I say they explicitly declared, some of them, that they would not have assistants who would come into competition or comparison with themselves. Consequently the assistant medical officers from whom the superintendents were chosen were as a rule not men of the best capacity possible. For this reason the scientific study and treatment of insanity fell into abeyance and was in abeyance for many years. It is not so now; there has been a great revival of late years, but that revival is not nearly so great as most of us would like to see. The qualifications required in a superintendent by his committee are not largely medical qualifications. The committee want a good administrator. There are reasons, some of which I pointed out, why thoroughly efficient medical men do not get these appointments. Superintendents are chosen as a rule from assistant medical officers. Every assistant medical officer looks forward to the time when he shall become a superintendent. He cultivates those qualities and accomplishments which he sees, by the example of others, are valued by the committees and are likely to obtain him a superintendency. Among these qualities medical attainments do not rank high, consequently the assistant medical officer does not cultivate the medical side of his accomplishments. He cultivates cricket, private theatricals, administration, and the amusement of patients—all very laudable in themselves; but he does not as a rule cultivate his own peculiar profession, for he finds it does not pay. I think the Commissioners might exercise a very important influence, in the first place by educating county councils to appreciate the value of medical knowledge and insisting upon a high standard of medical attainment in the officers they appoint, and also in encouraging assistant medical officers in cultivating the scientific study and treatment of insanity. We have to remember that many of these public asylums are in remote country districts, far from a populous town; far from a medical school.

29895. (*Chairman.*) Forgive me, but I think we are getting a little wide of the subject. I do not know what you are leading up to?—I am trying to set out what I think the Commissioners might do to cultivate the study and treatment of insanity.

29896. (*Chairman.*) That hardly comes under our reference.

29897. (*Dr. Donkin.*) I wished especially to bring out the opinions of Dr. Mercier and Sir James Crichton Browne, as to the possibility of reducing some of the work of the Commissioners in Lunacy so as to give them more time to encourage an exceedingly important line of research. I was going to lead up to the question which I may put now: do you see any necessity for any addition to the *personnel* of the Lunacy Commission being medical, and specially medical?—Precisely; that is what I wanted to put, because I gathered from evidence which has been given here that there seems to be no particular reason why a Commissioner in Lunacy should be a doctor, or why he should be a barrister, or anything in particular. The reasons I have put before you seem to me to point strongly to the desirability of the Lunacy Commission being preponderatingly a medical body, and the Lunacy Commissioners medical men. Then I should like the Commissioners, when they go to asylums, to appraise the character and quality of the medical work being done there, not merely to see that medical work is done.

29898. Your opinion would be that the Lunacy Commission should be less a body of only inspectors, or mainly inspectors, and more a body of men to guide and encourage and direct the scientific study and treatment of insanity?—Yes.

29899. (*Mr. Byrne.*) To what extent would you recommend unity, in the present circumstances of the central authority, for dealing with lunatics and defective persons and other persons of defective mind who are met in prisons and so on? With the alteration you suggest, your recommendation now is that the central body should contain representatives of those departments which you enumerate, experts in dealing with these people?—Yes.

29900. If the Lunacy Commission were enlarged on the lines which you suggest, so as to be sufficiently numerous and capable of dealing with all these matters, do you think it would be a good plan that they should have, as honorary members of their Board, not for inspecting but for consultative purposes, representatives of these experienced departments?—Certainly.

29901. You know there may be an addition to the honorary members of the Commission?—Yes.

29902. Of course it would be difficult, or impossible, to find honorary members who would be willing to undertake laborious inspecting?—Yes.

29903. But they might be able to attend for purely consultative purposes, at Board and other special meetings, at which these and other matters of great importance might be discussed and future policy laid down?—I think it would be very important indeed to have representatives; you mean of those other Government departments?

29904. Yes; may I enumerate some departments that should be represented? You say the Prison Commission?—Yes.

29905. The medical side of the Local Government Board—the medical inspection of the Local Government Board?—Yes.

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29906. The Home Office, as dealing with children and inebriates and juveniles of all classes?—Yes.

29907. The Board of Education?—Yes.

29908. Would you add experienced members of, say, the asylums committee of the London County Council or any great county authority?—I think it is very desirable to keep them in touch with the central authority, and many of those men have very great experience.

29909. But purely in the interests of the utility of the central body; do you think they would add force and weight to its opinion?—Undoubtedly.

29910. A small number, one or two persons, would you recommend, or a larger number?—I would not recommend more than one from each department, or you would have an unwieldy body.

29911. One person representing local government, as distinguished from central government, at the most?—Yes.

29912. If that were carried out would it in your mind go any substantial way towards creating, quickly and immediately, what you would consider a useful working and final authority to deal with mental defectives, or would you still hanker, if I may use the word, after the great Public Health Department which has been suggested?—I should not myself advocate a Public Health Department, because I think that in mixing up, for instance, the exclusion of cholera or plague, with lunacy, you are mixing up two things which are not *ejusdem generis*. I would prefer to keep the Board solely for the regulation of defectives of all classes.

29913. You think there is more connection between a convict and a mentally defective person, probably, than there is between a person with plague or diphtheria and a mentally defective person?—Yes.

29914. So you would be very unwilling to see a Public Health Department absorbing the Lunacy Commissioners?—Yes.

29915. Do you think that if the proposal I have put to you were carried out it would be a practicable and a reasonably final mode of constituting a central authority?—I think it would.

29916. Is it as good as any other proposal you have heard?—It is a little difficult to answer that question off-hand.

29917. Let us compare it with the other proposal, simply to add two or three very distinguished and well-known medical men as additional members to the Commission; which do you think would add the greater value to its opinion and power in enforcing that opinion?—Do you put that as an alternative to putting representatives of different departments on the Board?

29918. Yes?—I should have thought the two things were not exactly comparable, because the fresh medical Commissioners would be visiting Commissioners, whereas the representatives of the Government Departments of which you spoke would not be Visitors.

29919. I did not imagine that if there were two or three more medical Commissioners appointed, the Lunacy Commission would request, or even welcome, any further assistance, but in the interests of the progress or improvement of the system of the care of lunacy in this country which would you recommend; I only want you to say whether you think it would not be necessary?—They do not seem to be alternative. I think they might be combined; that is to say, for the working part of the Commission, the inspectorial duties, it appears that some additional help is necessary; but that is quite a different thing from co-ordinating the various departments in which various kinds of defectives are treated, which seems to me to be a very desirable thing.

29920. That is to say they are separable, but I would like your opinion as to whether it would be a good thing?—I think both would be good things. I do not see that they are alternative or incompatible in any way, except that it would create a rather large body and would be apt to be unwieldy.

29921. The great difficulty at present is to get a *quorum*; their duties are so large that they cannot get three very frequently, so you might easily enlarge it without making it unwieldy?—Quite so.

29922. (*Dr. Needham.*) I see you are very strongly of opinion that the reception orders, the certificates and the continuation orders, should be scrutinised closely by the Commissioners themselves?—Yes.

29923. I suppose as being instruments which provide for the detention of the subject?—Yes; when I say by the Commissioners themselves, I do not know what the routine or mechanism is in your office.

29924. They are all examined by the Commissioners personally?—I am always astonished at the minuteness of the scrutiny which those certificates undergo. Not even a clerical error is ever passed unobserved, and the utmost vigilance, an astonishing vigilance, seems to me to be exercised to get them right.

29925. Do you think it is very important that the Commissioners should themselves personally judge of the sufficiency of the facts in the certificate, and the sufficiency of the facts in those certificates upon which continuation orders are based?—I think it is most important.

29926. I see you say that you think the continuation orders are inconvenient to the custodians of the insane, but they are of the utmost value to the insane themselves. You are of course aware that the continuation orders and certificates which were introduced by the Act of 1890 have added enormously to the work of superintendence, and to the work of the Commissioners themselves?—Undoubtedly.

29927. You are of opinion, I infer from your statement here, that the continuation certificates bring up in review before the superintendents, especially superintendents of large asylums, patients from time to time, chronic cases, who otherwise might not be subject to review at all?—Precisely.

29928. And that this advantage accrues to the patient?—Yes.

29929. That is what you meant?—That is what I meant.

29930. You think it would be inadvisable to do away with continuation orders and certificates on that ground, although they make so much extra work?—Quite.

29931. (*Dr. Dunlop.*) Regarding this proposed amalgamation, what are your views; should the defectives continue to be managed by all these separate boards or should they all be brought under one board?—All brought under one board, in my opinion.

29932. If they were to be brought under one board, what is there to be gained by having representatives from other boards?—I think there is a great deal to be gained; the other boards will be feeders to this board, therefore it is desirable that this board should be in touch with them.

29933. For occasional meetings; but you do not expect them to take an active part in the management of lunacy affairs in the country?—They would have their own views as to their own duties I suppose. I should think that if you ask a man to attend upon a board you cannot dictate to him how far he is to interfere in its proceedings.

29934. Have you any views regarding the detention of lunatics in workhouses? Are they sufficiently supervised and regulated at the present moment?—From my own experience in workhouses I should think probably not. I do not think they were, from my experience of the duties very many years ago.

29935. Would you advise a closer inspection of these unfortunates?—If they are not sufficiently inspected.

29936. Some of them are inspected once in three years, others once a year?—If they are not sufficiently inspected it follows that they should be inspected more often.

29937. Do you think once a year is sufficient inspection for any mentally defective person?—It seems a long interval.

29938. Do you think it is right that some lunatics should be dealt with by the county in the county asylums and others in workhouses; should not they all be brought into line?—The two classes are not the same. I think it is not inappropriate.

29939. For what class?—The class of the senile demented, and chronic imbeciles, can be dealt with in workhouses, such patients as are accumulated in Leavesden and Caterham.

29940. There are some acute cases at Leavesden ?—They are not supposed to have acute cases; the vast majority are quite amenable cases which require very little but to be kept clean and comfortable.

29941. In certain workhouses we have lunatics inspected only once in three years; would you make any suggestion as to their requirements ?—It seems a long interval; but if they are only few and the workhouse is remote, it seems to me to be a pity to employ Commissioners to go such a long way.

29942. Do you think the Lunacy Commissioners—or Mental Defective Commissioners, whatever the name of the proposed body is—should be able to make rules with regard to the treatment of lunatics in workhouses ?—I think they should.

29943. Do you think the treatment of lunatics in workhouses should be regulated by some expert authority ?—Yes.

29944. There are some institutions, perhaps educational in some ways, perhaps nurseries in others, where defective children are cared for, for so many hours a day; should these be under the Education Board or under the Lunacy Board ?—I think they should be under both, just as lunatics in the workhouses are under the Local Government Board and under the Lunacy Commission.

29945. The Lunacy Commission should regulate these special schools ?—Yes.

29946. And inspect them, I suppose ?—Yes, and should have power to transfer individuals.

29947. And the power of ordering out individuals ?—Yes.

29948. *Apropos* of these children, what grant should they receive ? Should they be paid for as lunatics or paid for educationally ?—That is a matter on which I would not venture to speak.

29949. There is another class educationally, that is the boarding school for the so-called defective child ?—Yes.

29950. I suppose you are aware that there is a great similarity between these boarding schools and an imbecile asylum such as Earlswood ?—Yes.

29951. That would bring Earlswood under the Board of Education, or the boarding schools under the Board of Education or under the Lunacy Commissioners ?—There again I think they should both have jurisdiction.

29952. And that jurisdiction should be the central expert authority on lunacy ?—I am not prepared to oust the Education Authority altogether. I am not at all sure that the Lunacy Board would be the best authority to settle a scheme of education for these people.

29953. They do so at present at Earlswood, and in these idiot asylums ?—I do not know.

29954. And in a workhouse under a permanent detention order ?—They have nothing to do with the education of feeble-minded children in the workhouse, have they ?

29955. At Darenth; I will not go into it in too much detail. Your views are that these should be managed by one central authority; whenever mental defect is the primary cause for treatment they ought to be under a central authority and inspected ?—Yes.

29956. Regarding inspection, are you aware of the enormous difference in the amount of inspection given to different lunatics ?—Yes.

29957. In the licensed houses in the Metropolis, in the London district, how often are they visited in a year ?—They are visited six times by the Commissioners in Lunacy, and twice at least by the Lord Chancellor's Visitors.

29958. And lunatics in workhouses, who mentally may be in the same condition; you can get a dement in both— ?—Yes; they are not visited solely on account of their mental condition.

29959. They are only visited once in three years; is one too many, or one too few, or is the difference justifiable ?—Some difference is justifiable; I do not say whether such a great difference is justifiable.

29960. Would you advise a statutory order that every lunatic in the country should be seen twice a year by a Lunacy Commissioner ?—No.

29961. Would you advise that it should be statutory that every lunatic should be seen once a year ?—I am not very fond of laying down cast-iron rules which must apply to every possible case, and which should never be relaxed under any circumstances.

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29962. What is the minimum number of inspections per annum, to constitute anything like efficient inspection ?—That question is impossible to answer without knowing the class of case about which it is asked.

29963. You know the class of case all round England in different institutions; is once in three years sufficient for any one, or does it serve any practical purpose at all ?—I do not think it serves much purpose. I have already said that.

29964. Then once in three years is too little. Should once a year be compulsory all round ?—I am not prepared to be tied down to any definite statement of that kind. Circumstances alter cases, and circumstances vary very much. I can imagine a case in which once in three years would be enough; I can imagine a case in which once in six months would be far too little. All cases ought not to be dealt with on the same basis, and I would not lay down, statutorily, any cast-iron rule. When once a thing is in a statute you cannot get it out again until you get another statute, and it is very difficult to get a statute nowadays.

29965. (*Dr. Needham.*) Do you think it makes any difference, as regards the triennial inspection of workhouses, that these workhouses are inspected regularly by two inspectors of the Local Government Board ?—Of course it makes the greatest possible difference.

29966. These people are not left alone for three years, inspected by no one ?—No.

29967. Do you think it is adequate that they should be inspected once in three years by the Commissioners, if they are inspected regularly by the inspectors of the Local Government Board ?—I should say it makes all the difference in the world.

29968. (*Dr. Dunlop.*) Would you put the two inspections as being equivalent, one being an inspection by experts, the other inspection by the Local Government Board ?—For such cases as these I should think they probably are equivalent.

29969. I gather from what you were saying to Dr. Donkin that the medical aspect of inspection requires developing ?—I think it might be developed with great advantage.

29970. Do you think it should be the duty of the Commissioner to satisfy himself regarding the mental health of inmates of asylums ?—That he does.

29971. We are told emphatically I think that at the time of the visit it is not part of their duty ?—The Commissioner satisfies himself in every case that the person is so insane as to justify his detention.

29972. (*Dr. Needham.*) The Commissioners make themselves responsible in every case where they have the power of discharge.

29973. (*Dr. Dunlop.*) In the large county asylums where the great bulk of the patients are, it is not part of the Commissioner's duty to enquire into the health of the patient ?—Quite so. I was thinking of private patients.

29974. Do you think that is a blot on the inspection work, and that it should be altered ? Should it be the duty of the Commissioner to satisfy himself as to the mental condition of the patient in each asylum ?—As to whether he is a proper subject for detention or not ?

29975. Yes, and as to whether he is being properly treated and is properly classified ?—I think that if the Commissioners are to visit the public asylums with the same care and minuteness that they visit private asylums and to satisfy themselves in the same way with regard to every individual patient, the Commissioners will not have to be doubled, or trebled, but increased ten or twentyfold.

29976. Is it desirable that the same full inspection should be given in county asylums ?—Inspection of that nature does not seem to be required, because there is no complaint whatever of undue detention in county asylums.

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29977. You know the Commissioners have no power of discharge from county asylums?—I know that.

29978. Do you think it is desirable that they should have power to discharge: to order a case out when they find it?—I do not think it is at all necessary. If the Commissioners were to find a case which ought to be discharged, and were to make a note of it, or to mention it to the medical superintendent, the matter would be dealt with. There are so many things which can be done quite efficiently, informally, without going through any formal mechanism to get them done.

29979. You are aware of the recommendation of the Commissioners that one Commissioner should in future be able to do what the two do together, for inspection purposes?—Yes.

29980. The medical Commissioner is fully competent to do all the duties of a Commissioner when inspecting; is not that so?—Every Commissioner. I have always found them exceedingly competent to do all the duties of a Commissioner.

29981. But a freshly-appointed barrister need not be?—A freshly-appointed barrister, or a freshly-appointed medical man, would not make a very efficient Commissioner.

29982. The point on which I want your opinion is whether the power of single visitation should be given both to the barrister Commissioner and to the medical Commissioner, or should it be the medical Commissioner only, or the barrister Commissioner only?—If it is given to one, give it to both certainly.

29983. Would you look upon them both as equally efficient?—After experience; and equally inefficient without experience. I think the President of the College of Physicians himself would not make an efficient Commissioner for the first six months of his duties. No man without experience is efficient in such very peculiar work.

29984. (*Chairman.*) Is there anything you would like to add?—Nothing.

FIFTY-NINTH DAY.

Friday, 7th December, 1906.

PRESENT.

The Right Hon. The Earl of Radnor (*in the Chair*).

W. P. Byrne, Esq., C.B.
F. Needham, Esq., M.D.
H. D. Greene, Esq., K.C.
C. E. H. Chadwyck-Healey, Esq., C.B., K.C.
The Rev. H. N. Burden.
Mrs. Pinsent.
H. B. Donkin, Esq., M.D.
J. C. Dunlop, Esq., M.D.

Hartley B. N. Mothersole, Esq. M.A., LL.M. (*Secretary*).
E. A. H. Jay, Esq. M.A., LL.B. (*Assistant Secretary*).

Thomas H. Fischer, Esq., K.C., called; and Examined.

Thomas H. Fischer, Esq., K.C.

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29985. (*Chairman.*) We are very much obliged to you for coming again to assist us in this particular part of our inquiry and for the statement which you have given us. May we put that on the notes as part of our evidence?—Yes.

Statement of the Evidence Proposed to be given by Thomas H. Fischer, Esq., K.C., Master in Lunacy.

1. By the Lunacy Act, 1890, Section 108, Sub-section 1, the jurisdiction of the Judge in Lunacy, under that Act, is exercised either by the Lord Chancellor, entrusted by the Sign Manual with the care and commitment of the custody of the persons and estates of lunatics, acting alone or jointly with any one or more of such judges of the Supreme Court as may for the time being be entrusted as aforesaid, or by any one or more of such judges as aforesaid; and by Sub-section 2 the Judge in Lunacy is empowered to make orders for the custody of lunatics so found by inquisition, and the management of their estates.

2. The judges of the Supreme Court entrusted as aforesaid are the Master of the Rolls and the five Lords Justices. The Lord Chancellor and the Master of the Rolls very seldom act in lunacy, and the duties of the Judge in Lunacy are practically discharged by one of the Lords Justices for a period of six weeks, and then by another Lord Justice for a similar term, and so on by the other three Lords Justices in succession.

3. There is no permanent Judge in Lunacy, and the continual shifting of the duties of the Judge in Lunacy from one Lord Justice to another is fatal to any continuity of practice. Moreover, the Judge in Lunacy *pro tem* sits in chambers once a week after a day's work in court. His decisions are not only not reported, but generally unknown to the public, and consequently uniformity of decision or practice is not to be expected, and in reality does not exist.

4. By section 3 of the Act of 1890 it is enacted that there shall continue to be Masters in Lunacy, and that they shall, subject to the provisions of the Act and the rules in lunacy, execute and perform the same powers and duties as heretofore, and shall perform such other duties for the benefit of lunatics and their estates as the Lord Chancellor may direct; the Masters have to execute commissions and conduct inquiries connected with lunatics and their estates, and perform all other duties committed to them in such manner as the rules in lunacy, and subject thereto as the Judge in Lunacy may by any special order direct.

5. The Act of 1890 did not make the Masters judges, they were administrative officers only; they do not sit together, each transacts his business his own way, without regard to what the other Master does.

6. The sections of the Act of 1890, numbered from 116 to 130, both inclusive, are headed, "Management and Administration." Section 116 specifies the persons to whom the powers and provisions of this part of the Act relating to management and administration apply; the next section (117) empowers the judge to raise money by sale or mortgage of the lunatic's property for certain purposes. Section 118 empowers the judge to charge the property of lunatics with monies expended for its permanent improvement, and then Section 120 enables the judge to authorise the committee of the estate of a lunatic "to do" about everything that can be done with the property of a lunatic—and, *inter alia*, to sell any property belonging to the lunatic—to carry on any trade or business of the lunatic, and to perform any contract relating to the property of the lunatic entered into by him before his lunacy; and then after many other provisions as to administration and management of the estates of lunatics, the Act, at Section 133 and down to Section 143, deals with "vesting orders," which are

nothing but orders having by force of statute the effect of an ordinary conveyance or transfer, but are much shorter and less expensive; the most important of these sections (Sections 135 and 136) apply to property to which a lunatic is entitled "upon trust or by way of mortgage," the distinct positions of a trustee, and a mortgagee, being grouped together and dealt with in the same provisions.

7. The Act of 1890 came into operation on the 1st of May, 1890, and it was very soon discovered that the work under it could not possibly be done by the Judge in Lunacy —with all his other duties as a judge of appeal on his hands —and so "an Act to amend the Lunacy Act, 1890" was passed on the 5th of August, 1891—that is to say, in about fifteen months after the Act of 1890 came into operation. The main object of the Act of 1891 was to relieve the Judge in Lunacy of most of his duties under the Act of 1890, and to put those duties upon the Masters, or, in other words, to make them judges, unpaid for doing judges' work, as distinguished from Master's work; and this was done by Section 27 of the Amending Act, by the first sub-section of which it is enacted that "Subject to Rules in Lunacy the jurisdiction of the Judge in Lunacy, as regards administration and management, *may* be exercised by the Masters, and every order of a Master in that behalf shall take effect unless discharged or varied by the Judge in Lunacy."

8. It would have been simple to have said that the jurisdiction of the judge under the Act, or under certain sections of the Act, should be exercised by the Masters subject to appeal to the Appeal Court; but to say that the Masters may exercise the jurisdiction of the Judge in Lunacy "as regards administration and management" gave rise to the question what is "administration and management," as distinguished from the other provisions of the Act relating to the estates of lunatics, and left the judge free to exercise his jurisdiction *concurrently* with the Masters. It certainly was not intended to confine the Masters' jurisdiction to what is to be found within the Sections 116 to 130; such a construction would have left all questions "as to costs" and as to the appointments of committees under Sections 107 and 108 of the Act to be dealt with by the judge and been no relief at all to him; therefore that restricted construction of the words "as regards administration and management" was promptly repudiated and the Masters had to determine all questions of costs and as to the appointment of committees.

9. Then it was held that though the Masters were bound to "conduct inquiries," it was not for them to determine whether an inquiry should be held. It is not easy to see why those who have to conduct an inquiry should not also determine the preliminary question whether an inquiry should be held or not.

10. Then as to vesting orders; the process of making a vesting order by the judge is this: a solicitor prepares a summons to be issued, and an affidavit to be used in support of it. Not unfrequently the summons and affidavit are settled by counsel. Then the matter comes before the Master, whose duty it is to see whether the order asked for ought to be made and whether the evidence justifies the order. If it does, he directs the chief clerk to prepare "minutes of the order," which are sent to the judge, but before they reach him, are examined by the Secretary to the Lords Justices in Lunacy, and handed on by him to the judge with any remarks or suggestions that occur to him, and eventually the judge, if satisfied, makes the order.

11. Is it necessary that so much energy should be used upon the preparation of a statutory conveyance? Why should not the Master make the order instead of merely seeing that it ought to be made, and directing the chief clerk to prepare minutes of the order he thinks should be made, and which in nearly all cases is made by the judge.

12. The same sections of the Act deal with property held by a lunatic "upon trust or by way of mortgage," but this difference is established by the authorities on the subject. A Master may make vesting orders in all cases as to mortgages: and where a Master makes an order exercising a power of appointing trustees, vested in a lunatic, he may make a vesting order as to the property held upon trust; but if there is a simple trust without any power to be exercised, the Master must not make a vesting order, but the order must be made by the judge.

Another question as to whether a vesting order should in certain circumstances be made by the Judge or the Master is now under consideration by the former, but in all these cases the question is not, whether the order should be made, but who should make it, whether that order is "administration or management," a point which could not arise if there was a single Judge in Lunacy instead of two persons, a Judge and a Master.

13. For many generations before Lord Truro's Chancellorship the jurisdiction in lunacy was exercised by a single judge—the Lord Chancellor. In 1851 two Lords Justices were appointed, and they, with the Lord Chancellor, were entrusted by warrant under the Sign Manual with the lunacy jurisdiction, and as the number of appeal judges was increased they were included in the warrant under the Sign Manual, the practice being upon every change among the appeal judges to issue a new warrant under the Sign Manual. This year four such documents have been issued.

14. The number of persons now taking part in exercising the lunacy jurisdiction is no less than nine, namely, the Lord Chancellor, the Master of the Rolls, the five Lords Justices, and the two Masters. What unity of purpose or decision can be expected among so many minds or even among seven or a less number of them? Especially when they do not act together, a six-weeks' Judge in Lunacy, who then hears but little more of the subject for the rest of the year, is not likely to take much interest in his lunacy work, especially if, as the fact is, he has to do it after regular working hours in court. The work in lunacy is steadily increasing, and may be further increased by the Legislature putting more duties upon the department. Instead of the present sub-division of authority which often occasions both delay and expense, it would, I think, be better to have a single judge—a judge of the High Court who would give his whole time to his duties, and be subject to appeal to the Appeal Court.

SUGGESTIONS.

15. If there is to be a new Lunacy Act it should, I suggest, enact that the jurisdiction heretofore vested in or exercised by the King and the judges for the time being entrusted by the Sign Manual of His Majesty with the care and commitment of the custody of the persons and estates of lunatics shall vest in a judge of the High Court to be appointed by His Majesty, and that such judge and his successors to be appointed by His Majesty should be the "Judge in Lunacy," and should further have and exercise all the powers and authorities by the Lunacy Act, 1890 and all Acts, amending the same, conferred upon the Judge in Lunacy and the Masters in Lunacy mentioned in the Act of 1890; that no more Masters in Lunacy should be appointed by the Lord Chancellor; that the appointment of clerks to the Lunacy Department should be made by the Lord Chancellor upon the recommendation of the Judge in Lunacy; that the promotions in the office should be made by the Judge in Lunacy, but that no addition to the staff thereof should be made without the concurrence of the Lord Chancellor and the Treasury.

16. Opportunity should be taken to amend the lunacy laws in some other respects; for instance, I would suggest the repeal of Sub-section 2 of Section 78* of the Act of 1890 and of Sub-section 3 of Section 108. It is difficult to see how a person of unsound mind, who is incapable of managing his affairs, can be capable of managing himself; a man's mind must be either sound or unsound, not unsound as to his property but sound as to his person, and it has been found by experience that when a jury arrives at this "special finding" it is constantly necessary to appoint a committee of the person. A lunatic cannot give a discharge for money paid to him or be made to account for it; to whom, then, is money for the maintenance of a lunatic to be paid when there is no committee of the person?

17. The number of jurors upon an inquisition is twenty-three, the object being to get a verdict of twelve men at least. A jury of twenty-three is unwieldy and very expensive, each juror being paid a guinea a day, and the expenses of a contested inquisition are cruel, sometimes thousands of pounds. I suggest that the number of jurors should be twelve, and that the verdict of three-fourths, or more, of them should be accepted.

18. The right to traverse an inquisition should be put upon the same footing as the right to have a new trial

* This should be Section 98, *see* Questions 30232-3.

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upon an issue tried in the High Court, and instead of the present provisions in the Lunacy Act on the subject of traverse I suggest that a person found lunatic by inquisition, or any relative or friend of his, should be entitled within a certain time after the verdict given on the inquisition to apply to the Court of Appeal to set aside the verdict and order a new inquisition as to the insanity of the alleged lunatic, subject to such directions, and upon such conditions as to the Court may seem proper (*see* Section 104 of the Act of 1890), but should not be entitled to a traverse as of right.

19. The sub-sections under Section 116 have been held to create distinct jurisdictions, and when proceedings have been taken under one sub-section and it becomes necessary to take proceedings under another sub-section, it is necessary to commence *de novo*, and the expense of the proceedings under the first sub-section are thrown away; this might be prevented by such an enactment as the following:—

When proceedings under any of the foregoing sub-sections have been instituted, and it afterwards becomes necessary that proceedings under another of the said sub-sections should be taken, it shall not be necessary to discharge or stay the proceedings under the former sub-section, and to initiate proceedings under the latter sub-section, but the Judge or Master in Lunacy may by supplemental order direct further proceedings under the first sub-section to be continued as if such proceedings had been commenced under the latter sub-section, and they shall have effect accordingly.

I repeat a suggestion I made upon a former occasion—that Sub-section (*d*) of Section 116 should be amended by striking out of it the words "arising from disease or age"; and I think the judge should be empowered to appoint a committee of the person in cases under Sub-sections (*d*) and (*e*) if he thinks fit to do so.

20. When the consent of a lunatic by his committee is required to some Act and there has been no inquisition, and consequently no committee, it becomes necessary to have an inquisition merely to get a committee; this might be obviated by the following enactment:—

When by any Act of Parliament, deed, will, or other instrument the consent or concurrence of a lunatic by the committee of his estate to any act, deed, matter, or thing is required or needed, the Judge or a Master in Lunacy may by order authorise a person named in such order to give the consent or to concur as required or needed, and such consent or concurrence shall to all intents and purposes be deemed to be a compliance with the said Act, deed, will, or other instrument as if such consent or concurrence had been given by the committee of the estate of the lunatic.

21. It is not desirable that a lunatic should sit in either House of Parliament, and it might be enacted that no member of either House of Parliament who is a lunatic so found by inquisition, or whose property is under the care or administration of the Judge in Lunacy, shall be entitled to sit or vote in the House of which he is a member, or take any part or interfere in the proceedings thereof.

22. Lastly, as to visitation. The Lord Chancellor's Visitors visit lunatics so found by inquisition, and such other persons alleged to be lunatics as the Judge in Lunacy or a Master directs; the scope of their visit is not confined to the mental or bodily health of the patients, but they often have to make inquiries and investigations as to their care and treatment; and monthly Board meetings of the Masters and Visitors are held for their mutual guidance and direction on matters connected with the visiting of lunatics. The Visitors are fully employed and their duties will be increased not only by any increase of lunacy, but by any extension which the Legislature may sanction of the protection of the Judge in Lunacy to the feeble-minded by an amendment of Sub-section (*d*) of Section 116 of the Act of 1890 or otherwise. As this branch of the lunacy jurisdiction works well I venture to hope that it will not be interfered with. The Lunacy Act, 1890, by Section 337, gave the Lord Chancellor power *if it seemed expedient to him*, to amalgamate the office of the Masters and their staff and the office of the Chancery Visitors and their staff, and to amalgamate such offices or either of them with the office of the Commissioners. As no amalgamation has been effected, I conclude that the Lord Chancellor does not think it expedient to order it, and I think after ten years' experience of my duties that these different departments should be kept distinct.

29986. (*Chairman.*) I think there is a further statement which you will be kind enough to read to us?—Yes, I wish to make an addition to that. As my friend Lord Justice Cozens Hardy, in his capacity of Judge in Lunacy, has pointed out what he considers to be certain defects in the Lunacy Jurisdiction, and suggested a radical change in the constitution of the department, I have to ask your permission to say a few words on the other side of the question. The Lord Justice says he is not satisfied with the present arrangements in the Lunacy Department and suggests a transfer of the whole Lunacy Jurisdiction to the Chancery Division. It is for those who advocate this change to make out a case for it. I think it would be a great mistake. He does not allege that the administration of the estates of lunatics is not properly discharged in the Lunacy Department or that there is any delay in that respect, but he states that the care of infants and the administration of their estates are discharged with reasonable dispatch and with admirable care in the Chancery Division. But that fact is no justification for the change the Lord Justice advocates, unless you are prepared to assent to the proposition that the fact of the estates of lunatics being properly administered in the Lunacy Department is a sufficient reason for asking that the care of infants and the administration of their estates should be transferred to the Lunacy Jurisdiction. Then the Lord Justice says he does not apprehend that the Chambers of the Judges of the Chancery Division would be blocked by the addition of the whole of the lunacy work; there were on the 26th of November last 3,782 cases in the Lunacy Department, consisting of 653 subsisting lunacies under inquisitions, and 3,129 subsisting matters under Section 116 of the Lunacy Act, 1890. If 3,782 cases from the Lunacy Department would not block the Chambers of the Chancery Judges, they must have very little to do. The Lord Justice says the change would be economical and would tend to efficiency, but before a question of efficiency can be discussed the alleged defect in the existing system should be proved. Whatever the power of a Judge of the Chancery Division over his staff may be, I have never heard of any instance where a suggestion or wish of the Judge in Lunacy has not been immediately acted upon or complied with by those in the Lunacy Department, and the relations between the many men I have known in ten years, acting as the Judge in Lunacy and the Masters (speaking for myself), have been most friendly. It is not correct to say that the Judge in Lunacy has no control over the Lunacy Masters. He can on appeal reverse or discharge their orders, and it is provided by the Rules in Lunacy of 1892 that the Masters may communicate personally with the Judge with regard to any matter pending before them, when any point appearing to them to be novel or difficult arises, and that they shall, when requested by the Judge so to do, attend to give any information or assistance he may require. As to urgent matters in or out of vacation there is always somebody ready to deal with them. I have already said in my original statement all I wish to say about vesting orders, and there is nothing incongruous in one division making vesting orders in one class of cases, and another division making vesting orders in another class of cases; and it is only for the sake of avoiding unnecessary expense that vesting orders are in some few instances made in both jurisdictions by the Judge in Lunacy, who is also a Judge of the High Court; this is only another proof that the law aims more at practical utility than at theoretical perfection in what it does. There is nothing perplexing in such an order, and as to anomalies in law, as in everything else, they will continue to exist; it is useless to try to eradicate them. The Lord Justice suggests that in uncontested cases of alleged lunacy the inquiry should be held by one of the Lunacy Commissioners. If one of the suggestions in my statement is adopted these inquiries will be fewer even than they are now, but why remove them from those who are competent to conduct them merely for the purpose of putting them on the shoulders of those who are greatly overworked and are crying out for assistance? Such an inquiry takes but a little time, but as you have to travel to where the patient lives they sometimes take two days at least. I have been to Haverfordwest, Lancashire, Yorkshire, Norfolk, North and South Wales, and other distant places on such

inquiries, and no Lunacy Commissioner could find time to execute them. Contested cases of alleged insanity before a jury are very few; there have been only eighteen in the last ten years. The Judge in Lunacy in making an order for an inquiry can always, if he thinks fit, direct it to be tried in the form of an issue, before a Judge of the High Court. If a Judge of the High Court, who is not familiar with the conduct of such an inquiry, is considered more competent to try such an issue than the Master, who is experienced on the subject, the Master, who while executing an inquisition has all the powers, authorities, and discretion of a Judge of the High Court, will be grateful for being relieved of a painful task. The Lord Justice says that in "two recent cases" such a trial was had "with great advantage." The cases to which he referred were, I believe, those of Mrs. Cathcart, of Law Courts notoriety, and Lord Townshend. In the former case the insanity of the poor lady was of such a pronounced type that it did not signify who tried the issue; there could be but one result of it, but nevertheless the taxed costs of it amounted to £4,223 17s. 2d. The costs in Lord Townshend's case have not yet been taxed. He did not appear in it until the fourth day of the trial, but his costs amounted to about £1,300, and though untaxed have been paid by two ladies, relatives, out of compassion, he not having the means to pay them. The bill of costs of the Official Solicitor, who was petitioner for the inquiry, has been delivered, and amounts to £1,653 6s. 7d., subject to taxation. He has been paid £800 on account. Other bills of costs for which the estate is liable have not yet been delivered; when delivered they will have to be taxed and paid when funds are available; the total costs probably will not be less than in Mrs. Cathcart's case. About two-thirds of a ten days' inquiry, upon a simple issue as to the alleged insanity of a man, were spent over a wrangle between two men without cash, credit, or character, as to which of them had over-reached the other in a transaction which was very discreditable to both. The inquiry has cost a cruel sum and reduced the subject of it to penury. If these results in these two recent cases are accepted by the Judge in Lunacy as proof of the "great advantage" of such inquiries being held by a Judge of the High Court, not a few people will differ from him when they hear what I can tell you about the costs in the last three contested cases of alleged lunacy tried before a Master. The last of the three was Gilchrist's case, in which the bills have not yet been brought in for taxation, but the two preceding cases were Burrow's case and Phillips' case. The taxed costs in the former were £973 4s. 11d., and in the latter the taxed costs were £718 18s. The question whether the Lunacy Department is to be uprooted and transplanted into an uncongenial soil, is one upon which it would be difficult to get the views of the relatives or friends, committees, or receivers, of lunatics; but the opinions of those who practice both in the Chancery Division, and in the Lunacy Department, would be impartial, and reliable, and may be readily obtained from some of the leading solicitors in London, and I would suggest that such opinions should be obtained by a circular letter asking them to answer two questions. First, "Are you satisfied with the way in which the work in the Lunacy Department is done?" and secondly, "Do you think such work would be better done in the Chancery Division?" If the answer to the first question is in the negative, and that to the second in the affirmative, I have no more to say. But if the answer to the first question is in the affirmative, and that to the second in the negative, I suggest that you should leave well alone. The President of the Incorporated Law Society would no doubt furnish a list of solicitors to whom the circular I have suggested could be sent. The Lord Justice says that the change which he advocates would be "economical." It would effect an apparent saving of £4,000 a year, the amount of the Masters' salaries, but it would not in fact save the country a shilling, for the country does not pay the Lunacy Department, which is self-supporting; that is, it earns enough money by fees and percentage, levied upon the incomes of the estates of lunatics, to pay the salaries of the Masters and Visitors and their respective staffs, and to leave a surplus of over £11,000 a year. The business of the Chancery Division is mainly litigious, conducted in open court. A very small part of it is done in private; publicity is the rule, privacy the exception, but nearly the whole of the business of the Lunacy Department is administrative, conducted before a domestic tribunal, in Chambers, in the presence of the parties interested in the particular case only, the public being excluded from the private room of the Master; privacy is the rule there, publicity the exception. There are six Judges in the Chancery Division, twelve Masters, twelve Registrars, and twelve Taxing Masters—forty-two persons in all who would do the lunacy work if it were put into Chancery, as against the Judge in Lunacy and two Masters who at present do the lunacy work. Their mode of doing that work has existed ever since the office was founded more than sixty years ago under Lord Lyndhurst, out of regard to the feelings and wishes of those whose relatives are afflicted with lunacy, and who do not wish that their private affairs should be discussed in public. It is therefore desirable that those engaged in this work should be as few as can do it, and that the afflictions of persons so circumstanced should not be pried into, and canvassed by strangers, and idle people whose curiosity induces them to frequent the Courts and Chambers of the Chancery and other Judges, and who are under no moral obligation, as those employed in the Lunacy Department feel themselves in honour bound to be, to keep silent about what they hear in the discharge of their duties.

29987. (*Mr. Greene.*) To deal with the last piece of evidence which you have just given us, there are one or two points which occur to my mind, and I will deal with them before I pass on to more general ones. You have referred to the subject of publicity; is there any necessity for publicity in the Judges' or Masters' Chambers in Chancery?—The judges sit in open court, and the public have access to the court within the limits of the four walls.

29988. But the Judge constantly excludes, does he not, all persons except those concerned in the case?—From my forty-five years' experience, I say no, emphatically.

29989. I was a litigant the other day, and nobody was in the court but ourselves?—I suppose they took no interest in the case.

29990. Possibly the door was kept by a door-keeper and I had to intimate who I was before I could get in?—Was it a case about an infant?

29991. No.—I do not know what it was, unless it was so horribly indecent that it ought not to be known to the public.

29992. It could hardly be said that a question as to ordering a sale by a tenant for life involved questions of decency or indecency?—I can only speak from forty-five years' experience.

29993. I felt nothing prudish in discussing whether a tenant for life ought or ought not to sell property. May I ask what year you gave up practice in Judges' Chambers, because it may be that the practice has altered in recent years?—I got my appointment ten years ago, 1896.

29994. You were in silk before that?—I was in silk for many years.

2995. So you would not be attending Judge's Chambers?—Very seldom. I have been there.

29996. But the cases would be very rare. For a good many years the practice has now been settled, but you have been in a higher sphere, you would not come in contact with it?—I am only speaking from my own personal experience. I have not been in Chambers certainly for the last ten years, if you mean that.

29997. In ordinary matters the Judge and the Masters have control as to whether they will hear matters in private, surely?—Certainly not, if you ask me. According to my experience I believe it has been decided that, except in the case of infants, the court is bound to sit in public.

29998. But a Master?—I do not know what the Masters do, that is a new invention; anybody can go into the Masters' Chambers.

29999. When work is going on?—You have a mob of people waiting there.

30000. It is in the power of the Master to allow his attendant to only let in one set at a time, and only those concerned in the case?—I am not a Master in the Chancery Division; I do not know anything about that.

30001. You said something about traverse, and were comparing, I understood, the advantage of a trial by a Judge of the High Court, of an issue, with a trial by the Master, of an inquisition with a jury?—That was the Lord Justice's view, that there was some advantage in it. I controvert that.

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30002. You were pointing out the superior advantage of a trial before a Master in Lunacy with a jury, to that of an issue before a Judge, and you mentioned the Gilchrist case?—I did.

30003. Is it a fact that the Gilchrist case was tried by one of the Masters in Lunacy and a traverse, or new trial has been ordered?—It was tried before me, and a traverse has been ordered by three of the Judges upon the ground that a lunatic so found by inquisition is entitled of right to a traverse. There was not a suggestion by anybody that the verdict was contrary to the evidence.

30004. Except by the lunatic, I presume, or his advisers?—No, even the lunatic did not make that wild suggestion, with great respect.

30005. Was he satisfied with the verdict?—No, but he contended that as of right he was entitled to a traverse, and Lord Justice Vaughan Williams so held that he was entitled as of right, without being under the necessity of pointing out any defect in the inquisition.

30006. Either wrong admission of evidence or rejection?—There was not a suggestion of the kind. It was a question of abstract right.

30007. At all events he was not satisfied, or his advisers were not satisfied, with the trial?—Seventeen out of twenty-three jurymen had found this man to be a lunatic.

30008. They were not the lunatic's advisers?—I do not know who the lunatic's advisers were.

30009. Surely the lunatic's advisers advised him that he ought to have a new trial?—Surely I do not think they have, if you ask me. I have every reason to believe that they have not. It is the act of a lunatic, who has asked for a traverse.

30010. Then the result of that would be that the whole of the costs of the second trial would be involved?—The whole of the costs of both trials must come out of the estate of the lunatic. I wish to point out that the issue is exactly the same whether there is an inquisition before the Master or an issue before the Judge. The issue to the jury is, "Is A. B. a person of unsound mind and incapable of managing himself or his affairs"?

30011. Lord Justice Cozens-Hardy's point of view was that the constant experience of a Judge of the King's Bench Division of the High Court in trials before juries would enable him with greater facility even than a Master in Lunacy to deal with a complicated case with collateral issues with a jury of twenty-three, and that possibly the opinion of the lunatic, and that of his friends, and the public, might be more satisfied with the trial before so exalted a person as a Judge of the High Court of Justice?—Speaking with all due respect of the persons you are pleased to designate as exalted, as Judges of the High Court, I do not think the public attach more weight to their influence than they do to that of other private gentlemen, if they are educated men. There is not much wisdom in the wig, if any. I should like to point out this fact to you; in Mr. Gilchrist's case, who was found to be a lunatic, he is entitled as of right to traverse the inquisition. In Lord Townshend's case, who was found to be a lunatic upon an issue before a Judge of the High Court, he is not entitled to traverse the inquisition; he must apply for a new trial on the ground of some miscarriage.

30012. This is a fresh decision of a very eminent judge, Lord Justice Vaughan Williams?—Excuse me, but when you are cross-examining me you use these adjectives about different people; I am not bound to assent or dissent from them; it is putting me in a very invidious position. It is a decision at which Lord Justice Vaughan Williams has arrived. It is not for me to say whether it is right or wrong. It would not be decent.

30013. I am not asking that. I am asking whether it is a new decision?—No, it is not new; it is as old as the hills; it was decided by Lord St. Leonard's years ago, and by Lord Cottenham before him, and Lord Eldon before him, that a lunatic is entitled as of right to traverse an inquisition.

30014. Then it is not a decision of Lord Justice Vaughan Williams, but only one following that of illustrious predecessors—I will withdraw illustrious—predecessors?—It is very easy to use adjectives.

30015. You were good enough to say we might send out a circular to solicitors with two questions (1) "Are you satisfied with the Lunacy Department?"—"Are you satisfied with the way in which the work is done in the Lunacy Department?"

30016. That would involve our finding solicitors who have had work in the Lunacy Department?—There is no difficulty about that.

30017. It would also possibly be open to the suggestion that solicitors are not always the best judges, because we are not putting the Lunacy Department on its trial. They might not be the best judges?—I cannot think of any better.

30018. I did not understand Lord Justice Cozens-Hardy to point out that the work was badly done at all, in the Lunacy Department?—Then why suggest a transfer of it?

30019. Simplicity and economy?—There is no economy in it at all. I have pointed that out as well as I can.

30020. May I pass to something else; do matters come to the Lunacy Judge by way of appeal from the Masters?—No; several things are sent up by the Master to the Judge, for instance, that large class of work the making of vesting orders. They are sent up to the Judge with minutes prepared beforehand. The appeals from the Masters are very few.

30021. Who conducts the taxing in your Department? I see by the Chancery Rules, Rule 114, that the costs of proceedings under the Lunacy Acts, 1890 and 1891, shall be taxed by and under the direction of the Masters; are they taxed by the masters?—They are not. I am supposed to be my own Taxing Master, but they are taxed under my direction by Mr. Corley and his assistant. Mr. Corley understands the subject thoroughly; I do not. That rule of the Chancery Division does not bind the Lunacy Department.

30022. This is the Lunacy Department; it is one of your own rules?—The costs are taxed in accordance with that rule.

30023. By and under, or only under the direction?—They are taxed under the direction, by the Taxing Master, subject to appeal to me. If anybody is dissatisfied they can come to me upon it—they come to the Masters.

30024. Is there any provision in the rules for the taxing work being done otherwise than by and under the Master?—I think not.

30025. Can you tell us how it is that the rule, dated the 13th December, 1901, under which provision was made for the amalgamation with the Central Office of the taxing department of the Lunacy Office, and the transfer to the Central Office of those clerks, has not been brought into operation?—I am not familiar with that branch of the subject. My impression is that the rules of 1890 and 1891 have been superseded by subsequent rules of 1892.

30026. I am looking at the paper which has been given to us by Master Ambrose; it is not 1891, but 1901?—I am sorry to say I cannot answer your question. It is a branch of the subject with which I am not familiar.

30027. It relates to the taxing department of your office; I am reading from Master Ambrose's evidence?—I know nothing of his evidence. I have not seen it.

30028. I will read it to you. "By rules dated 13th December, 1901, provision was made for the amalgamation with the Central Office of the taxing department of this office, and the transfer to the Central Office of these clerks, but no date has yet been fixed for such amalgamation and transfer." Can you tell me how that is?—I believe it was by direction of the Lord Chancellor that the amalgamation was not to take effect until further order. I am only speaking from recollection, the subject is not familiar to me.

30029. You do not know how it is that five years have passed without it being done?—I do not. The Lord Chancellor is head of the department; I believe it is by his directions that that amalgamation has not been effected. I am only speaking according to the impression on my mind. It is a class of work with which I do not have much to do.

30030. Taxing?—I do not have a taxation come before me once a month, and then it is only a question of *quantum*.

30031. This important branch is left to Mr. Corley in your office, only coming up occasionally on the question of *quantum*?—Just as all questions of taxation are left to

the Chancery Taxing Masters and King's Bench Taxing Masters.

30032. They have all been amalgamated and there is a central department; it was under this general order of December, 1901, that power was given to include the taxing part of your office?—Yes, and it was subsequently stopped by the Lord Chancellor, and it was not to take effect until further order, and that further order has not arrived yet.

30033. As that order was made do you not think it would be a convenience to act upon it?—No, I do not. If the Lord Chancellor thought so he would have directed people to act upon it; it is not for me to do that.

30034. Supposing he were to act upon it, do not you think it would be a saving and a convenience?—No, I do not. I think the taxation of costs in the Lunacy Department is exceedingly well done, and it would not be improved by being amalgamated with other branches. You see the Taxing Master from the King's Bench side and from the Chancery side would have to tax lunacy costs, and a precious hash they would make of it if they tried.

30035. Is that so in the Central Office? I think you will find that they are all under that general order, and there is a regular system; the existing Chancery Masters and the existing bankruptcy taxing clerks have all been combined and they act altogether?—How would they tax costs in lunacy about which they know nothing whatever?

30036. If Lord Justice Cozens-Hardy is right, I do not say that he is, but if he is right and a great deal of this is Chancery work which is ordinarily done by a judge in Chancery chambers—this work in lunacy—it could easily be taxed by a Chancery Taxing Master?—I should think not; the work of the Lunacy Department is not Chancery work.

30037. Vesting orders?—No. The Court of Chancery makes vesting orders in one class of cases, the Lunacy Department makes vesting orders in another class of cases.

30038. Is there any inherent difference in the class of cases?—No, except that you deal with mortgagees, trustees, and various other things. I cannot alter those things, nor can you, as far as that goes. Why should they be what I called "muddled up together"? You prefer the expression "amalgamation"; I call it muddling up things instead of keeping things separate and apart from each other.

30039. I understood you to say just now that if this were taken over it would mean that the Chancery chambers are not at present sufficiently worked?—I express no opinion on that point. I say that if you transfer 3,782 cases into the chambers of the Chancery Judges and the Lord Justice says it would not block them, they must have very little to do at present.

30040. I do not shrink from holding that view?—I am very glad we agree upon something.

30041. I am not pointing to particular Masters, it is only general, but is it the practice of the Masters in Lunacy to work together in any matters, or do they each act separately throughout their functions?—The work is divided as it comes into the office. One case is rotated to one Master, and the next to the next Master; then each Master deals with his own cases; but there is no occasion for the Masters to sit together or to determine anything together.

30042. Except on Board days?—Yes, but then we meet about the management of lunatics.

30043. Is there any diversity of practice between the two?—It is difficult to answer that because we do not meet. I hear of things done by my colleague, he hears of things done by me. He does not like some things I do; I do not like some things he does; but we have no control over each other.

30044. Each planet moves in its own orbit; however foolish something one does may seem to the other he cannot interfere?—I believe it is the same in the higher spheres as regards the Judges of the King's Bench Division, and even in the Courts of Appeal; they do not interfere; each does his own work.

30045. You have been good enough to point out in your statement that there are some alterations which could be made; do you think they would be improvements. I quite understand you say that there should not be an alteration, I feel that is your view?—I have advocated a very extensive alteration; that is to let us have a permanent judge.

30046. A permanent judge of the High Court; would you appoint one of the Chancery Judges?—I have nothing to do with that.

30047. I mean would you suggest the Chancery Department or the King's Bench Department?—I have not thought about that at all.

30048. Then you would have one judge to whom the business should be allotted?—Yes, the whole of the work in the Lunacy Department, just as you have in the Probate Court.

30049. As a distinct division, or would he be at liberty for other work as well?—I do not see that he need be attached to any division, but there is no reason why you should not tack him to one division or the other, Chancery, King's Bench, or the Probate Division.

30050. Would you recommend that he should take over the whole staff from the Lunacy Department just as it is?—Just as it is, except that some slight addition might be usefully made to it, because it is very much overworked.

30051. What would become of the Masters?—There would be no Masters; they would be abolished; you would get rid of them.

30052. And a judge could deal with everything with a staff of clerks?—Yes.

30053. Would you give an appeal from him?—Yes, to the Appeal Court.

30054. So in all other respects it would resemble one of the Judges in the Chancery Division acting in this department with his own clerks?—If I may say so it would be what the Act of 1890 contemplated, a Judge in Lunacy; you would have a permanent judge instead of an intermittent judge, a permanent judge from whose decision there would be an appeal to the Appeal Court.

30055. In that case how would the question of privacy or publicity arise?—The business would be conducted by the Judge in chambers. Your Common Law Judge sits in chambers to do work, and I believe a Chancery Judge does sometimes—not often.

30056. Then would you attach to him the Visitors and keep on the same system as at present, of having Visitors?—Yes. They are Lord Chancellor's Visitors. I am bound to say from ten years' experience that the Visitors and the Masters act well together. If assistance is required by the Master the Visitor is prepared to visit.

30057. Would they be attached to the court of this judge?—No, I suppose you would call them still Lord Chancellor's Visitors.

30058. But you would retain them?—Yes, I would retain them as they are.

30059. You pointed out in paragraph 17 about the number of jurors, the inconvenience of having twenty-three; there is no doubt that is a great inconvenience for a great many reasons and very expensive?—Yes.

30060. It is done on the ground that you must have a clear verdict of twelve?—Not that you must, but they consider it advisable to have a verdict of twelve; there is no law about that verdict of twelve; it has grown up to be a habit to get a verdict of twelve men.

30061. It is a unanimous verdict of twelve men; it is like a grand jury twenty-three, so that you always get twelve to make a presentment; would you alter that in any way?—I suggest a jury of twelve, and that a verdict of three-fourths or a larger number of them should be taken. I do not see why, if eleven, ten, or nine men are unanimous on this point, their opinion should be set at nought and rendered nugatory by one man who holds out. I have been on an inquisition (I will not mention names, though I could), where there were twenty-three men, and twenty-two were of opinion that the man was a lunatic, but one man held out vigorously. I have a strong opinion that that man was a lunatic himself, and had got on to the jury by mistake.

30062. But the finding of twenty-two was sufficient for a decision?—I suggest the verdict of nine, ten, or eleven should be accepted.

30063. That raises a very important question. I do not know how far it would be for us to suggest an alteration of that kind. It is neither the constitution nor

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the jurisdiction, nor the working of the authorities in lunacy, but may I point out to you that a person is now entitled to get the unanimous verdict of twelve persons, if he is charged with stealing a halfpenny, and he might feel just as strongly that he ought not to be incarcerated and have his property taken from him unless he also has a verdict of twelve people?—I am surprised, if I may say so with great respect, that you use that expression "incarcerated." Lunatics are not in prisons and they are not placed in asylums for the purpose of being incarcerated; they are placed there for the purpose of being treated and cured. It is one of those subjects on which counsel, if they have nothing to say, address a jury. They talk about "incarceration" and that kind of thing. Sir Charles Russell got Mrs. Cathcart off on that ground, and one of the learned counsel who opposed him said he never heard such stuff talked in his life as Sir Charles Russell talked to the jury, and he got the lady off by one. There were only eleven men who were of opinion that she was of unsound mind.

30064. I have withdrawn "illustrious," and I will now withdraw "incarcerated"—I will say "placed under supervision." Would not a person resent that? He is entitled to a verdict of twelve men before he is convicted of anything, why should not he have it before he is found lunatic?—You deal with a person afflicted with lunacy as with any person who is ill, his relations and friends try to get him cured. People talk about the "stigma" of lunacy; they might just as well talk about the stigma of typhoid fever or smallpox; they are bodily diseases, the other is mental disease. The object of all persons interested in these afflicted classes is to get them recovered. I do not see that the lunatic has anything to complain of at all. Of course we cannot agree on that.

30065. In paragraph 18 you point out "the right to traverse an inquisition should be put upon the same footing as the right to have a new trial"—that is on cause shown?—Yes. I may say, with reference to these suggestions, that I have only submitted them for consideration as the result of so many years' experience.

30066. Speaking for myself I am exceedingly grateful to you, and I agree with a great many of them and think them most valuable. If I offer any criticism it is only that I want to elicit the reasons for some of them, that is all. I have dealt with the taxing offices being combined. With reference to the amalgamation of the lunacy authorities and the Commissioners' Department, power was given to the Lord Chancellor to amalgamate as you point out, but it has not been done. Do you know whether any recommendations have come before him, or whether anyone has suggested it to him?—I cannot say.

30067. You have not made any representations?—No, I am satisfied with the work which is done in the department with which I am connected.

30068. In point of fact can you suggest any alteration or improvement in the matters as they are worked in the Lunacy Department?—I have suggested several in my evidence.

30069. You have suggested changes, but I mean in the working of the department?—No. I think that the Masters and Visitors work very well together. I think it would be a serious mistake to amalgamate the Visitors with the Lunacy Commissioners, because the work of the Lunacy Commissioners is with a totally different class of people; almost all of them are people in county asylums and institutions of that kind, and they have as much work as they can get done; they are overworked I believe, from what I have heard from the few I have had the pleasure of meeting, and they want more Commissioners. It is for the Government to say whether they shall have more. What I object to strongly is that you should put more work on the shoulders of the Chancery Visitors who are fully employed and who do their work exceedingly well, if I may say so.

30070. You concur in the testimonial which one of them has given of themselves, so I have no doubt it is all right. You have pointed out that there is a difference in the patients under the Lunacy Department, and the patients which are dealt with by the Lunacy Commissioners. Is not the foundation of it all this, that the Lunacy Division deals with the property mainly; that it is based on the possession of property by the lunatic, and you manage his person in the interest not only of himself but the public, and you manage his property for him; while in the case of the Lunacy Commissioners they primarily, if not exclusively, deal with the person of the lunatic?—With the class of people who have no property, or next to no property.

30071. Therefore the essential difference between the two departments is possession of property and no possession of property?—That is the fact.

30072. That is what I was wanting to get out about the Chancery Visitors. The Chancery Visitors like to see each individual and see that he is enjoying, as far as his state will allow, the property he possesses?—An allowance is made out of a man's estate for his maintenance, and the Visitor sees that that money is spent upon his maintenance

30073. So that, in addition to looking into his mental condition, they see to the mode of treatment of his property, to ensure that he is getting its value?—Yes.

30074. Therefore there is a difference between their function and that of the Lunacy Commissioners, in that the Commissioners do not have to concern themselves with the immediate surroundings and expenditure?—No, the Visitors, if they notice that further expenditure is required, or would be beneficial to the lunatic, refer it to the Master, and the Master makes that provision as soon as possible.

30075. Would it not be possible, if there were an amalgamation, for one of the Lunacy Commissioners to take over the duties of the Chancery Visitors, to look specially after these matters concerning the patient and his property which are now looked after by the Chancery Visitors?—I do not think any one Lunacy Commissioner could do it. It cannot be done by less than three. We have three competent men.

30076. Then three Lunacy Commissioners could do the work; there is nothing in the work itself which requires a special official to do it, is there?—No.

30077. So a qualified Lunacy Commissioner could do that work just as well?—A qualified Lunacy Commissioner would, no doubt. Of course, among the Visitors we have two medical men and one legal man; that is found to be sufficient for all purposes. The Lunacy Commissioners "hunt in couples" as we know. There is a medical man and a legal man who go together.

30078. But suppose we readjust the Lunacy Commission, is there any reason why one of the Commissioners or two or three, should not discharge the same duties which are now done by the Chancery Visitors?—Not that I am aware of. I am not concerned with the unfortunate people who are in county asylums and places of that kind, but speaking for those who are under the care of the Lunacy Department, I say that they are properly taken care of by these Visitors, and why should they be interfered with? For the life of me I cannot conceive.

30079. Is there any business in arrear at all in your office at the present time?—No; as a rule I have appointments for a week in advance; as I work them off engagements are made for another week. At the beginning of a legal year there is a little accumulation, but it will clear off very shortly, probably before Christmas.

30080. How long will it take for anyone now to get an appointment booked before you on some fresh matter?—If it were an urgent matter it would come to me at once.

30081. Assume it is an ordinary routine one?—About a fortnight. I should tell you that when a case is brought in a summons is issued; the first thing you have to do is to serve it. When you have served it the persons have seven days to object. In that way you start a week in advance, you have to put off the appointment until the time has elapsed for service of objection. It cannot be heard at once.

30082. How many summonses a day do you have in your list?—I generally have from eight to ten.

30083. In the day's list?—Yes.

30084. We have heard from Master Ambrose what hours he has to sit; how many hours have you to sit?—I am supposed to be in the Law Courts from ten to four.

30085. At what hour do your summonses begin?—Eleven. I should say that the preceding hour is generally

occupied by seeing the different clerks. Any of the clerks who want directions or information come to me for them.

30086. At eleven the summons work begins; how long does that last?—Until about half past three or a quarter to four, according to the nature of the cases.

30087. I suppose there is always some interval in the middle of the day?—Yes.

30088. It sometimes takes considerably less than till a quarter to four?—No; personally I seldom leave the office till four o'clock. I do not say that I never go away at five minutes to four, but as a rule I am there till four o'clock, as long as there is any work to do in the day's work.

30089. Is that eight or ten opposed, or unopposed, pieces of business?—I cannot say that every case before me is opposed or unopposed. Some cases take some hours to fight out; others take a comparatively short time. If you have sketched out the order to be given, it takes a comparatively short time. People say, "Yes, that is exactly what we want." I can give you the figures of the work which I have done personally, the matters which I have disposed of, during the last five years.

30090. That is a long way to go back; the last five months I should be content with?—Up to yesterday I had, during the current year, disposed of 1,023 matters.

30091. That is not including adjournments, is it; merely assenting to an adjournment?—No, I have either made an order or given directions which have to be acted upon.

30092. Would that represent 1,000 summonses?—Almost all of them are summonses.

30093. Do you have a list put up of the business in your Chambers day by day?—No, my appointments are made in a book called my appointment book; then my desk clerk prepares the list of appointments for that day, which is laid before me, and the cases are taken in their turn. One appointment is for eleven. It it is a short matter then the next one will be for 11.15. If it is a matter likely to take time the next appointment will be for 11.30, and so it goes on.

30094. I take it you have quarter-hourly appointments?—Half-hourly appointments, but if they are short matters I take them quarter-hourly. Some cases take much longer than others. I have the Townshend case coming on next Tuesday; that will take the whole of the afternoon.

30095. I have taken, just at haphazard, the Master's list in Chancery to see how they get on there. I see they seem to have more visitors for each half hour than you seem to find possible in Lunacy. For instance, on Wednesday 28th November I see Master Binns Smith, at eleven o'clock, six matters—from eleven to half past eleven?—He must be a highly gifted individual if he is going to attend to them all at once. I have heard of Sir William Follett that he would read a brief, have his hair cut, and, eat a chop all at the same time.

30096. What was the client's opinion of the result; we have not heard that?—No.

30097. There were seven summonses between 11.30 and twelve, and from twelve to one he took infants' cases. Then he seems to start at 2.30 with another long job. I find several of these day by day. A great number of pieces of business he has half-hourly. Do you think it would be possible, by any alteration in your system, to get more in your time?—You could make an alteration which would spoil it, without any difficulty.

30098. I am not quoting Chancery as a type of perfection, but I was only wanting to see whether there was any possibility of either getting Chancery put right, or your getting more work into the time?—I humbly suggest that you leave both Divisions alone, let them go on as they are doing.

30099. A Common Law Master is bold enough to have seventeen to twenty-seven cases in his list for an hour?—There cannot be much in them.

30100. Now another matter: do you see any reason why the administration of lunatics' very small estates should not be done by the County Court up to the range of it jurisdiction?—Yes, I think there is this reason, that many of the county courts are greatly overworked.

30101. But in the nature of the case; supposing a county court were not overworked, is there anything in the tribunal itself which would make it impossible for it to deal with small estates?—I am sorry I cannot answer your question; I am not conversant with county court practice.

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30102. How many estates have you in your charge under £500 capital value?—That I cannot answer without an investigation of the books. *See* Q. 30116.

30103. Would it not be possible for us to get that information?—With a great deal of trouble. I can assure you that the clerks in the Lunacy Department are greatly overworked. My desk clerk has been away for two days from his work because he has been kept at Chambers till 8 o'clock in the evening getting information which is required here.

30104. We ought to be very much obliged to him.—But he does not like it.

30105. I cannot think that a public-spirited official would mind that; would it be possible for us to learn whether there are any cases administered by you which do not exceed £500 capital value?—Yes, I can tell you there are.

30106. Approximately, what would you guess would be about the number?—Very few.

30107. Would it be possible to find out how many there are over £500 and up to £2,000?—There you cover the great majority of the work.

30108. You say that under Section 116, subsection (*e*), £2,000 is the limit?—Yes.

30109. I was rather wanting to see whether it would not be possible to somehow deal with those small estates (I call them small estates for the purposes of my remark) in some other way than through either the Chancery or the Lunacy Department: take the County Court or the Public Trustee?—I do not think they would do them so well. There is one circumstance of which you are perhaps not aware; where the property is under £2,000 in value, if the case is brought into the Lunacy Department and you find that the income is under £100 a year, when it comes into the Lunacy Department, there is something said; generally some relatives come forward and make up the income which is required. They do it voluntarily. You say, "Has this poor fellow no brother or sister who can help?" and nine times out of ten somebody does help them.

30110. Help to pay the percentage?—No, to pay for his maintenance. You can maintain a poor creature in an asylum for very few shillings, but for these people who have a little money it generally costs a guinea or two guineas for maintenance; then there is the cost of clothing; then you get help from the relations.

30111. About this percentage, can you see any reason for continuing the rule that all the advantages of the Lunacy Department are bestowed on cases where the income is less than £100 a year, for nothing, and that there are no stamps on the affidavits or summonses relating to those matters?—Those poor cases cannot afford to pay the percentage.

30112. And they get the services for nothing?—Yes.

30113. Could you ascertain the number of cases there are which pay the different classes of percentage? You have 2 per cent., I think, over £100, and 4 per cent. over a certain sum?—Yes, there is nothing over 4 per cent.

30114. But 2 per cent. in some cases?—And 4 per cent. in ordinary cases, and never exceeding £400 a year. I have a gentleman under my care with an income of £90,000 a year. He pays £400 a year.

30115. I wanted to know how many cases there are which contribute £400 a year, or pay on the 4 per cent. scale?—I cannot answer that question.

30116. Can one find it out in any way?—Yes. It would involve a great amount of trouble.* I can tell you what the percentage levied up to October 28th was.

30117. That is the aggregate percentage of all the cases; I wanted to see the classification of cases. What is in my mind is this, that the percentage system is inequitable to the individuals and is unjust to the State; we are giving too much advantage to the smaller estates by not having even stamps for the administration work?—It is done out of charity.

* A statement was subsequently received from Mr. T. Southwell Keely. *See* appendix papers, p. 430 post.

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30118. What is the aggregate?—The percentage for the year ending October 28th, that is for the whole year, is £26,943, and the fees in stamps for the year ending December 31st, 1905, £5033 10s.

30119. Those are only the stamps on orders?—All the stamps.

30120. Under the Lunacy Rules there are stamps on orders and no stamps for summonses, and none for affidavits?—No; but £2 stamps on orders; that makes a total of £30,976 10s. Then the costs of the Masters and the Visitors and their staffs is £19,805 5s. 9d., leaving the surplus of which I told you just now, of £11,171 4s. 3d.

30121. That is for overlooking how many patients?—3,782. You see they vary every day, because lunatics die and new cases come on. It is not only looking after their person, but after the estates, and some of the estates are very large

30122. Are there any charges by receivers and others which, in addition to these charges, are borne by the estates?—In most cases the receiver is not paid anything but we are empowered to give them remuneration if they will not act without; but in most cases a relative acts as receiver out of kindness.

30123. We understood from the Official Solicitor that he acts as Judicial Trustee in many cases?—Yes, he charges a nominal fee in poor cases. Take a case we had the other day; the man is over head and ears in debt and there is an immense amount of trouble as there is property extending over between 18,000 and 20,000 acres of land. A gentleman, out of kindness to the lunatic, acts without remuneration, not one farthing is paid, When people act without remuneration they do it out of kindness.

30124. You will be against the County Court; should you be against any of these estates being handed over to the Judicial Trustee or Public Trustee, instead of being administered in lunacy?—I do not know what they would do with them if they got them. When there is an estate worth talking about it is generally managed by a member of the family or his nominee.

30125. Is he bound to account to you?—Yes, to render annual accounts.

30126. Who holds the securities? Do you hold them, supposing a lunatic is possessed of personal estate?—We take a man's bond and two sureties, or instead of two sureties, we take the guarantee of a guarantee society.

30127. I will put this case to you: a lunatic is possessed of £30,000 in any securities you like, foreign bonds or any other securities; are they left in the hands of a receiver or brought into the Lunacy Department?—Everything to which the lunatic is absolutely entitled is brought into the Lunacy Department in the name of the paymaster; but there are some securities upon which there is a liability, and it has always been the rule that the paymaster will not take anything on which there is a liability; therefore you cannot bring them into the Lunacy Department.

30128. What do you do with them?—They are deposited in the bank in the name of the lunatic, subject to the directions of the Master, and the Master makes orders dealing with them.

30129. We will go on with my illustration of some foreign bonds; would the receiver have a chance of dealing with them?—No.

30130. So your Court keeps its hand on the capital?—Yes.

30131. It cannot be got at by the receiver or the committees?—You see you appoint him receiver of the income of the estate.

30132. I wanted to see what became of the capital whether it is kept in your hands?—It is.

30133. In the way you have told us?—Yes; I deal with fabulous sums of money in point of amount.

30134. Can you tell us whether it is the practice of the Chancery Division in a similar way to deal with the corpus of personal estate, so that if Lord Justice Cozens-Hardy's plan were carried out there would be no difficulty as regards that?—I speak under some reservation. I have had nothing to do with the Chancery Division for the last ten years; but it was not the practice to bring the capital into court then.

30135. In that respect your branch is better?—Yes.

30136. That would be a difficulty in the way of Lord Justice Cozens-Hardy's recommendation giving an equivalent of safety to the patient?—If he got hold of the lunacy business for the Chancery side he would adopt the lunacy practice of bringing the capital into court.

30137. (*Dr. Dunlop.*) I want to ask a question about your 15th paragraph (*p.* 451, *col.* 2); you advise the appointment of a single Judge in Lunacy to do Masters' as well as Judges' work?—Yes.

30138. That is, have one man to do the work of two, with the judge's assistance as at present?—May I explain? The Act of 1890 appointed a Judge in Lunacy who did judicial work. For many years before that there had been two Masters who did the administration work; then the Act of 1891 empowered the Masters to do the judicial work as to administration and management, so that you had a concurrent jurisdiction exercised by the Judge in Lunacy and the Masters within a certain circle.

30139. Your suggestion is that both judicial and administrative work should be done by one and the same individual?—The whole of the judicial work would be done by a single Judge.

30140. I want to know whether you would put on the Judges all the administrative work?—Certainly; the Act of 1890 contemplated that he would have the whole of it.

30141. And abolish the Masters?—Yes.

30142. And have one man to do the work instead of two as at present?—Yes, with a staff.

30143. So your suggestion here would really be an economy?—Yes; you would save the salaries of two Masters which come to £4,000 a year, but then you would have to pay a Judge of the High Court £5,000 a year.

30144. That would be an increase of £1,000?—Yes.

30145. Would the Judge in Lunacy require such a handsome salary as £5,000 a year?—I do not think you could make him a Judge of the High Court unless you paid him that, because the Judges of the High Court do not like two classes of judges.

30146. Do all the judges get that salary?—Yes.

30147. Regarding the staff, are you satisfied that the staff is very fully worked?—Yes.

30148-9. Let us compare it with the Civil Service clerks?—I do not know much about the Civil Service staff.

30150. A Civil Service clerk is supposed to work seven hours a day, and to get two to four weeks' holiday a year; do the clerks in your department do that?—They work from ten to four, which is six hours a day.

30151. With one hour off for lunch?—Yes; they are not entitled to it, but they do take an hour. The three report clerks who act under me constantly take papers home to work on in the evening; they would not keep abreast with the Master unless they did. They tell me so, and they produce the papers to show. I firmly believe they are as hardly worked as they can be worked. If I might ask for an addition I should like at least two men put at the end of the staff. We have plenty of work for them to do.

30152. At clerks' pay?—You know what they come on at; they come on at £100 a year.

30153. The ordinary clerk?—Yes, £100 a year. We should be grateful for two young men, two additions to the staff.

30154. The work as it is carried on just now, requires that addition?—Yes.

30155. So much for the hours; they work five hours a day?—Yes, if you take the luncheon time out.

30156. How many months' holiday in the year do these men have?—The Long Vacation lasts ten weeks; there are seventeen clerks altogether, and the rule is that there shall be three clerks present the first week of the vacation, and three clerks present in the last week. Practically they get two months' holiday.

30157. Instead of the ordinary four weeks of the Civil Servant?—Yes; it is a nice place, the Lunacy Department.

30158. Your department, whether it is put under one Judge instead of under the Masters, or not, requires

medical assistance for the purpose of report and visitation ?—Yes.

30159. At present you get that assistance from the Lord Chancellor's Visitors ?—Yes.

30160. I think you will agree that medical assistance is absolutely requisite in lunacy ?—Yes.

30161. What arguments have you got for saying that the medical assistance must be from men who are Chancery Visitors, and nobody else ?—It must be from men who are medical men.

30162. Being medical men is essential from your point of view ?—Yes; if a patient is ill, and the medical man says there must be an operation, I have to provide the means to pay for the operation; the operation cannot take place unless means are found.

30163. Chancery Visitors are requisite, and are required for your department on account of medical opinion being required ?—Yes; take a case where it is said that a man has recovered; the man may be in Northumberland, or at a great distance from London; I am here, I cannot go there, but the Visitor goes and reports.

30164. But, independently of that, I suppose you trust expert opinion in regard to lunacy; you do not know the different forms of lunacy, the probabilities of recovery or lapses, and so on ?—No; one learns a lot in ten years, but I do not trust my own knowledge.

30165. It is expert medical opinion you require ?—Yes.

30166. Does it essentially matter whether you get that from an expert department in your own office or through the Lunacy Commission ? What are the practical difficulties of the Lunacy Commission undertaking the duty ?—In my own department I know the men; their opinions are given to me personally; I have not the pleasure of knowing the medical men connected with the Lunacy Commission.

30167. I do not think that is any reason why you should not rely upon them ?—Another reason is that we are perfectly content with things as they are; things are going well in the Lunacy Department. If you make a change it will prejudice and injure the Lunacy Department.

30168. There is a risk of things going wrong if you make a change ?—I do not think you should make a change unless you have the object of benefiting the department.

30169. One matter we have to consider is economy; I suppose you are aware that it is a very expensive thing to keep up the Lunacy Visitors ?—I think so.

30170. How many thousands a year does it cost ?—The salaries of the Visitors, three of them, cost £5,491, the travelling £1,420 (I am leaving out shillings and pence), and there are some pensions.

30171. About £7,000 a year ?—Yes, you are quite right.

30172. (*Mr. Greene.*) Including travelling.

30173. (*Dr. Dunlop.*) That is all included ?—The visitors cost £7,125.

10374. I think we can describe that as a lot of money ?—I think they are well worth it.

30175. But if we can get the work equally efficiently done more economically, is there any reason why this very expensive body should be kept up ?—No, I do not know that there is, if you can save money. I do not think you will save it.

30176. Let us assume that two additional Commissioners could do the work ?—Two additional Commissioners could not do the work of the Lord Chancellor's Visitors. I am perfectly certain they could not.

30177. You are quite satisfied about that ?—Yes.

30178. (*Chairman.*) I think I ought to tell you that Sir James Crichton-Browne told us that he thought two Lord Chancellor's Visitors would be sufficient to do the work ?—There is plenty of occupation for three. There are two medical men, and there is a third man who is a legal man. I do not know whether the two medical men could do the work.

30179. (*Dr. Dunlop.*) You are in the habit of making requests to the Visitors to see cases and report ?—I request the Visitor to visit and report.

30180. It is a statutory power ?—I have the power to do what the Lord Chancellor can do.

30181. The Masters do that, I understand, some sixty times a year ?—I do not trouble them more frequently than I can help, but I do have to trouble them.

30182. As regards these references, in your personal experience, how many go to the legal Visitor and how many to the medical Visitors ?—It is done in this way: England is divided into three districts—Sir James Crichton-Browne here, Dr. Nicholson there, Mr. Palmer in the third district. If the patient happens to be in one district it goes to the man who is there. At certain periods the positions are changed; the Visitors do not remain there permanently.

30183. We have been told that these references come to individual Visitors from the Masters?—I have asked several times for a medical Visitor because I thought it was essentially a medical case.

30184. Is that the usual course of the majority of cases ?—The majority of the cases are medical cases.

30185. And are referred to medical Visitors ?—Yes.

30186. You do not expect to get skilled expert in lunacy in a legal Visitor ?—No.

30187. Is there anything to justify the continuance of a barrister's qualification for a Visitor or anybody to do Visitor's work ?—I would rather have a third medical Visitor than a legal Visitor.

30188. The technical medical knowledge is almost essential ?—It is in almost all cases.

30189. It is perhaps outside your province, but are you prepared to express any opinion as regards the continuation of legal Lunacy Commissioners ?—It is quite beyond my province. All I know is that the Commissioners are greatly overworked. If you look at the number of cases they have to visit and the number of the Commissioners, you can see it is more than men can do.

30190. The point I wanted is this: the expert inspection of lunatics is essentially medical work ?—Yes, it is much better done by a medical man than by a lawyer.

30191. In one of your paragraphs you refer to it as more or less of an absurdity that it is possible to have a patient unable to care for his property but able to take care of his person; those are the terms of the Act, I think ?—Yes, a person is sometimes found to be incapable of managing his affairs, but capable of managing his person.

30192. That may be an illogical finding; it is illogical is it not ?—Yes, it appears to me so.

30193. Are there not many cases, more especially cases under Section 116, where it is necessary to take charge of property and unnecessary to take charge of the person ?—Yes, a great many.

30194. So the intention is perfectly good, but the wording is wrong ?—You require somebody to take care of the property; when the members of the family living with the patient look after the patient, it is not necessary to take care of the patient, because he is properly taken care of by the relatives.

30195. It is a finding which might be otherwise expressed, but the intention is perfectly good and practicable ?—My idea is that it is not only illogical but it leads to an *impasse*. Take the very last case; the lunatic has been found incapable of managing his affairs. To whom am I to pay the money for his maintenance ? He cannot give a receipt for it. If I pay it to anybody else I cannot call that person to account for the expenditure of it. The patient cannot give a receipt for money; he is a lunatic, and I must pay his wife; I pay his wife and she spends the money as she likes.

30196. (*Mr. Chadwyck-Healey.*) Cannot you exact an undertaking from the person whom you pay that they shall account periodically ?—In the case of which I am speaking the gentleman cannot give a receipt.

30197. The person of unsound mind you mean ?—Exactly. Whom am I to pay ? If I had a committee of the person I could pay it to him and he would have to account.

30198. Supposing some relative is willing to take the money and apply it for the benefit of the person of unsound mind, cannot you insert in the Order, "Pay to so and so upon his undertaking to bring in an account every

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three months"; would not that do?—I do not think it would, you cannot rely upon it. Supposing the person spends it in a way you disapprove of, not legitimately for maintenance? In the case to which I referred the money is spent in a way in which it ought not to be spent.

30199. If it went to the Chancery Division that undertaking could be exacted and enforced?—It depends on whether the person against whom you seek to enforce it can make restitution.

30200. You would not give it him unless he could?—It is generally someone near to him. Take the wife; you cannot exact restitution in that case.

30201. (*Dr. Dunlop.*) The essential point is that, although that finding may not be logical, it is workable in practice. Take a senile dement lying in bed at home, he does not require anyone to control him because they can do nothing for him, he is cared for at home. There are cases of that sort?—There I leave the discretion to the Judge, not to appoint a committee of the person if he thinks better not to do so.

30202. With regard to Sub-section (*d*) cases, what are your views as to the necessity of medically inspecting these people—of visiting?—It depends entirely on the nature of the cases. Sub-section (*d*) covers a large class of cases. When there is a person suffering from nothing more than senile decay there is very little medical inspection required, especially if the person is a person of means. There is a doctor in attendance who makes an affidavit; there is very little inspection required there. If a lady with £2,000 a year is living at home with members of her family and the doctor is in atttendance, what inspection is required? I cannot see any reason for it. If I have reason to think that inspection is required then I ask one of the Lord Chancellor's Visitors to visit and report.

30203. They are not habitually inspected in any way?—No.

30204. Though their liberty is apparently taken away from them?—No. I have no control over the person under Sub-section (*d*). One of my suggestions is that there should be power in the Judge to have control, power to appoint someone to take control of the person. As it stands there is no control over the person.

30205. When a person's liberty is so far interfered with that they are put under the hands of a guardian and the guardian pays for them, they are bound by the purse-strings?—Under Sub-section (*d*) there is no restraint whatever; under Sub-section (*c*) there is a restraint; the person is there lawfully detained as a lunatic not so found.

30206. Take the silly old woman?—There is no restraint upon her liberty whatever.

30207. Pardon me, she is living with her landlady or relative who has the purse-strings and says "I will pay for you so long as you live in this house." That old woman can go nowhere else; that is practically controlling her person, is it not?—I should think not. The cases under Section (*d*) are where you authorise a son or daughter to receive the income and apply it for maintenance.

30208. Your opinion is that in the majority of cases you od not require inspection?—I think not. Occasionally you do require inspection, but as a rule you do not.

30209. You, as the authority administering this, think you have quite sufficient knowledge of what is taking place in the homes, and do not want inspection?—Most of the applications have come from people who are fairly well off. Most people think they are very poor. I have had them say "I am sorry I cannot pay you, I have no money," when there is plenty of money at the bankers.

30210. That is common?—Yes.

30211. I think you have expressed the opinion that the jurisdiction under Section 116 should be very widely extended to apply to all cases?—It could be very widely extended. I think Sub-section could, (*d*) by striking out the words "arising from disease or age" be made to apply to all mental infirmity: "from mental infirmity is unable to manage his affairs." The qualifying words are "mental infirmity arising from disease or age." Strike out those words and it covers a much larger area. I made that suggestion when I was last here.

30212. Would you in lunacy assent to taking away the care of the person from the Lunacy or the Chancery Division, and only leave the property there?—There are many cases where you do require a committee of the person; a lunatic may be violent; you do require somebody having the legal control of the person.

30213. The superintendent of the asylum is the ordinary person who has the control?—But all lunatics are not in asylums, a great many live in their own houses and are taken care of there.

30214. Why should not they be put under lunacy certificate and taken care of in that way?—That is a question for the family to decide; they can get them certificated if they wish. Why should you certify a man who is well off and well taken care of by his relations?

30215. I do not know that money makes any differenec to the danger of insanity?—You cannot compel people to bring their relations under the lunacy laws.

30216. But you can compel them to go under inquisition?—No, the application for inquisition comes from some member of the family. The man who presents a petition says, "my father or mother has become of unsound mind, he cannot manage his affairs." They present the petition with an allegation; inquiry is made whether the allegation is well founded, but it emanates from the family.

30217. (*Mr. Chadwyck-Healey.*) With reference to the amount of business that has been done in the Chancery Division, referred to in your additional statement, you have had a great deal of experience in Company winding-up business?—Years ago.

30218. You know the whole of that Company winding-up business has been transferred from the Chancery Division and gone to the Bankruptcy Division?—Yes.

30219. Would you not say that the business which was formerly done in the winding-up practice of the Court was considerably larger in the number of applications than the business done in your office?—I should think it was.

30220. So the effect of that is that the Masters, having been relieved of the whole of that business, are able to take up something fresh, if necessary, if it should be so decided; I am not saying whether it is right or wrong?—Yes.

30221. I should like to ask one other question on the last paragraph of your evidence to-day. You say that one recommendation of your office is the privacy with which the business is conducted, and you point out that in the case of Chancery everything is heard in public, and that no encouragement should be given to strangers and idle people whose curosity induces them to frequent the courts and chambers of the other judges and who are under no moral obligation, as those employed in a Lunacy Department feel themselves in honour bound to be, to keep silence about what they hear. Is not that perhaps a little too wide? Let me put it in this way: all the cases about administration and management in the Chancery Division which are adjourned to the Judge in Chambers are heard in private by the Judge, are they not?—I believe they are heard in court.

30222. In court sitting in private; perhaps you will take it from me they are?—It is a contradiction in terms, "sitting in court" and "private." I thought a court was a place which was open to everybody.

30223. He sits in his court, not on the bench, because it happens to be a larger room than his private room, but is it not the fact that no one is admitted to hear a summons adjourned to the Judge except persons immediately interested in the case?—If you ask me to tell you of my own knowledge I am sorry to say I cannot tell you, because I do not know.

30224. Now we will go to chambers; the greater part of the administration and management work is dealt with in chambers either before the Master or before the judge on appeal from the Masters?—I believe so.

30225. Is not it the fact that it is not the practice for strangers to go into the Master's room to hear cases, as they would in a public court?—I believe, supposing there were fifteen or twenty cases in the list, people interested in those cases go into the chambers and wait until their turn comes.

30226. I agree, those in the next case may be waiting, but you would not call those idle strangers in search of

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experiences, would you ?—Courts certainly, and I believe chambers to a great extent, are frequented by people who simply go there for amusement.

30227. I am rather surprised to hear that, if that is your experience ?—They say is it "better than a play."

30228. Knowing the way the business is conducted in a Master's small room, I should not have thought there was much opportunity for persons to go in, or much amusement ?—I daresay the business is very dry, but there are things connected with lunacy business which should not be made public.

30229. You do not suggest the officers of the court are less discreet in one branch of the court than in another. —I do not want to make comparisons, I am told they are odious.

30230. But your last paragraph rather leads to some suggestion of that sort, and I have been glad to have your views on that ?—I am sorry it does not satisfy you ; I thought I had put it fairly.

30231. I thought you might like an opportunity of saying the Masters of the Supreme Court are not less discreet in matters of propriety than the Masters in Lunacy ?—I do not say they are, I know nothing about them. I know their system is not the system that prevails in the Lunacy Department, where a man cannot come inside the door without my permission. I know one man in particular wants to be there on Tuesday, but I will not let him in, because I think he will do mischief.

30232. (*Mr. Byrne.*) The first point I want to ask you about is a mere clerical matter. On page 2 of your statement you suggest opportunities should be taken to amend the Lunacy Law in some other respects, for instance, the repeal of Sub-section 2 of Section 78 ; is it Section 78 you mean ?—No, that is a misprint.

30233. To which section do you refer ?—Sub-section 3 of Section 98.

30234. Will you kindly tell us something about the mode of making an Order under Section 116 (*d*). What is the meaning of a first Order under Section 116 (*d*) ? I see from the last judicial statistics that the Masters made 500 of them in a year ?—Some member of the family, or in the absence of a near relation, some friend, takes out a summons containing an allegation to the effect that A. B., his mother or relation, from mental infirmity is incapable of managing her affairs, and they generally state some facts which go to prove it and they produce the affidavits of two medical men, generally a medical attendant and probably an expert called in for the occasion, and they state their opinion of the mental condition of the patient and the facts upon which that opinion is founded. If the Master or the Judge is satisfied—

30235. Is it the Master or the Judge ?—It is the Master now, because the Master is doing the Judge's work.

30236. I want that specially brought out ?—The Master is doing the Judge's work ; and it being proved to my satisfaction that A.B. from mental infirmity arising from disease—that is one case—or mental infirmity arising from age, is incapable of managing her affairs, then you proceed to appoint.

30237. What is the operative point of the order : "I therefore appoint John Smith Solicitor of so and so to be receiver" ?—Yes ; that being the recital, I appoint so and so receiver of the income.

30238. All the subsequent orders would probably refer to that ?—That is called the first order.

30239. The Masters make 500 of them a year : do the Judges do it ?—No, they ought to do it, but it was found that the Judges could not do it, so the Masters do it.

30240. By some inadvertence no doubt, I have been informed that the Judge does make them ?—I have never heard of a Judge making an Order under Subsection (*d*) ; they are all done by the Master exercising the lunacy jurisdiction of the Judge, that is the jurisdiction conferred by the Act of 1891.

30241. Have you ever heard any complaints coming from clients, or their legal representatives, as to the payment of the percentage which is now fixed by rule to be taken from the estates of lunatics ? Is it regarded as a grievance or as a legitimate claim ?—I cannot say that I ever heard a complaint. In what are called poor cases the Master has a certain amount of discretion and the percentage is remitted ; it is never exacted.

30242. On the whole it is not a subject of complaint ?—No, I believe it is considered that the money is very properly used. I must say the same with reference to the Chancery jurisdiction ; I remember the case of a very wealthy man who directed his children to be made wards of court and their fortunes to be paid into court because his affairs could never be so well administered outside the court as they could be inside the court ; or at so low a cost.

30243. Speaking generally, is that what a fair minded person would gather to be the opinion of most people who appear before you, or do you hear complaints ?—I do not hear complaints ; certainly not.

30244. You are in such a position that you and your subordinates would hear them if they were made ?—I certainly should.

30245. If you were called "a rapacious department," your clerks would know it and they would tell you ?—They certainly would, I have never had a complaint.

30246. To go to the fees and charges made in your court in such cases as you mentioned, contested cases of unsoundness of mind before the Master, not before a Judge and jury, where the costs were £900 or £700, would any considerable portion of those costs be court fees and stamp or other charges connected with your court ?—No considerable portion.

30247. How much ?—I cannot tell you.

30248. Not £100 ?—No, nothing like that.

30249. Not £50 ?—No.

30250. Could you let us have a schedule, or get one of your clerks to let us have a schedule, of the nature of the different costs which can possibly be incurred in your procedure.

30251. (*Mr. Greene.*) It is in the Chancery rules.

30252. (*Mr. Byrne.*) Is there anything else ?—Nothing else except the fees regulated by the order.

30253. Then that answers me. I thought probably there were other charges, because there are Rules in Lunacy which do not come in those, but which appear in the ordinary Annual Practice, mixed up with Chancery rules ? —Yes there are a good many come out now and then.

30254. If you look at the Annual Practice last year you will find rules relating to proceedings in Lunacy ?—Those are matters which the Taxing Master keeps under his eye but they very seldom come before the Master.

30255. May we take it there are no substantial fees or other costs in your department which do not appear in the Rules in Lunacy ?—Not that I am aware of ; certainly not.

30256. Supposing your suggestion were adopted that the number of the jury should be diminished and the verdict of three-quarters or other reasonable majority taken, by what procedure could that improvement be induced ?—By a section in an Act of Parliament.

30257. Only in an Act of Parliament ?—That would make it clear.

30258. Do you happen to know why County Court Judges exercise to such a very small extent the powers they now enjoy under the Lunacy Act with regard to the property of lunatics ?—I suppose because there are no applications to them.

30259. Why are there no applications to them ?—I can not tell you.

30260. The County Court Judges have substantial powers ?—In regard to small properties under £200. People who are so very poor as that do not go to the County Court Judge, they get through the money.

30261. The relations spend it, and there is nothing to make application about ?—No.

30262. Would you recommend that the jurisdiction of County Court Judges should be raised so as to include larger properties ?—Not while the Lunacy Department can do its work fairly.

30263. Would the Lunacy Department do the work in regard to a small, but not infinitesimal, property, say in Northumberland, as economically as the County Court Judge in Northumberland ?—The probability is that a

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poor case like that would be put in charge of the Official Solicitor and he would charge two guineas for doing the work in the case.

30264. The Official Solicitor will not act for private individuals on their own application?—No.

30265. It is only when requested by the court?—That is all.

30266. Supposing I were interested in a poor person, should I address the court and ask the court to appoint the Official Solicitor?—Ask the court to appoint the Official Solicitor receiver in that case.

30267. Then it would be done at the minimum of cost?—Yes.

30268. The Official Solicitor is remunerated on the ordinary scale of professional work?—When there is estate to pay him, but he acts in a great many poor cases with merely a nominal remuneration.

30269. You think that that is done with great sympathy and charity for poor people?—I do.

30270. And could not be improved on?—Unless you can get people out of benevolence to do it for nothing. People must give their time to it to do it at all, it is done as cheaply as it can be done.

30271. There are many countries where it is done by professional men who devote themselves to carrying out such work for the poor; but that is beyond anything we could recommend?—In a great many small cases the relatives are very kind and good and do their duty to their afflicted relations.

30272. Under Section 100 of the Act, if the Lunacy Commissioners in their visits of investigation come across a case in which they have reason to suspect that the property of the lunatic is not being properly applied to his use they may call upon any one who is dealing with it to tell them what he is doing and of what the property consists, and they report to the Lord Chancellor, as it is expressed; I suppose that is reporting to you?—No, it means literally a report to the Lord Chancellor, which is referred, as a matter of form, to the Judge in Lunacy and then comes to me. I have dealt with one quite recently.

30273. It is equivalent to a petition, and puts you in motion?—Yes.

30274. You have a good many, I understand?—No, they are very rare.

30275. How many annually—about twenty or thirty?—I do not remember more than one this year; they are very rare cases under Section 100.

30276. In addition to those cases which might arise under Section 100 do you hear informally from the Lunacy Commissioners, or any official of their department, that the property of such and such a lunatic should be inquired into?—Very rarely.

30277. Does the department of the Lunacy Commission assist you, or set you in motion, in any substantial number of cases with regard to property?—Not in any substantial number of cases; it is quite an exception. Communication between the Lunacy Commission and the Masters is very rare. Occasionally I have to ask them to assist me in a case. Occasionally they refer a particular case to a Master. Lately I asked them to interfere in a case where a doctor of a workhouse is most unjustly detaining a person. They have been down and visited and they say it rests with the medical officer to advise the Guardians. Those cases are really quite rare.

30278. You think they could not, with advantage, by any amendment of the Lunacy Acts be extended so as to be useful in dealing with small property? You see no ground for giving the Lunacy Commissioners power to deal with small properties?—No, I do not see any grounds for doing so. We have had a good many what we call small property cases, property small in amount; we do the best we can. I had a wretched case the other day with £75 to be dealt with. All you can do is to make it last for two years.

30279. To what extent in the practice of your office do you feel called upon to summon the personal attendance of doctors who supply the affidavits as to defective persons, to examine them personally? If it were a Northumberland case how often would you have to bring the doctors down to London?—Never. The doctor makes an affidavit; you must form your own opinion as to whether it is apparently reliable. If you distrust it, you do not act on it.

30280. May we draw the conclusion then that no serious inconvenience or expenditure is imposed on those estates by the fact that you are in London and the peopl have to come to you in London to have their work done?—People do not come, they employ a solicitor on the spot, whose London agent acts in London and brings the matter before the Master.

30281. That being so, may we draw the conclusion I suggested that no inconvenience or extravagance arises from the fact that you cannot act locally?—None that I am aware of.

30282. No doubt you are aware that we have had a good many suggestions before this Commission as to the desirability of very wide extensions of Section 116 *d* considerably wider than the one which you yourself recommended. For instance the representatives of the Incorporated Law Society, who consisted of several solicitors in large practice and having much work, I understand, before you and in the Chancery Division, suggested that the law should provide for putting under the disabilities referred to, under administration and management, not only persons suffering from mental infirmities, but persons who from improvidence, reckless prodigality and various sorts of domestic vice, were dissipating their estate and showing themselves incapable of managing it properly. I am not going to ask whether you concur with that, but supposing the law were altered in that way, do you think cases of that sort should go to your department or should be dealt with in Chancery?—If there is any touch of insanity in them they should come to the lunacy side, if there is no touch of insanity in them I do not see why the Chancery side should not perfectly well deal with them. I have had a case where a woman drank herself into such a horrible condition that she parted with all her property and after being worth some hundreds a year she denuded herself of everything except her wearing apparel. She used to drink to such an extent that when the solicitor saw her he said: "I will give you a week to recover yourself," and took the bottles away and left her. She had reduced herself to that condition. It was held, and no doubt rightly held, that she was not suffering from mental infirmity arising from disease. That is a case of alcoholism and it will not be looked at in the Lunacy Division. That such a case should be looked after by any other court I should be very glad; the poor woman was killing herself

30283. You do agree with that?—Yes. I had a case lately of a man who was consuming three bottles of whiskey a day; he remained in a state of unconsciousness for three months. He is alive still; he is in Ticehurst Asylum; it was proved to me positively that he would drink the three bottles a day.

30284. Being in Ticehurst, I suppose he is a rich man?—Yes, he has £3,000 a year.

30285. If the law were as you wish it to be, the Chancery Department would have to deal on the lines of Section 116 (*d*) with people who really were abnormally minded, although not coming within what is called mental infirmity?—I think those persons are weak-minded persons. There are a few cases where advantage is taken of people in that situation to dispose of their property. I myself had a case where a lady entitled to £11,000 in Mersey Dock Bonds was induced to make a settlement. When I went down to Liverpool I examined her as to her condition. I put a few questions. I said, "tell me what you know about Mersey Dock Bonds." She had got £11,000 worth. She said: "I do not know anything about them, I never heard of them, what are they?" Advantage is taken of that class of person. I should be glad if any court would look after them.

30286. Can you tell us whether the practice of your Division is more economical to the estates of persons coming to it than the practice of the Masters in Chancery? Are matters done cheaper as regards appointments of solicitors and counsel before you than they are in the Chancery Division?—I am sorry to say I cannot answer that question.

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30287. Tell us about your own court; do counsel appear for trivial matters?—No. I do not see my friends in the Chancery Division as often as I should like to see them; I should be very glad if I saw them more frequently.

30288. Although the matters with which you deal are obviously important, there is no particular reason why counsel should appear?—No.

30289. Not in ninety-nine cases out of 100?—No.

30290. Supposing they appeared in one of those trivial cases?—The costs would not be allowed. Not only some solicitors, but very many managing clerks of solicitors do the work in the Lunacy Division with great ability; they have been accustomed to it for a long time and they do their work exceedingly well.

30291. (*Chairman.*) There is one thing about which I want to ask you, that is section 132; where a reception order is made the County Court Judge can deal with matters where the property is under £200. It has been suggested that the limit might be extended to £500; have you any opinion about that?—I see no reason why it should not be extended; it would relieve the Lunacy Department of a great many small property cases, only you cannot compel them to go to the County Court. If they come to the Lunacy Department you cannot push them aside and say, "I will have nothing to do with it, go to the County Court."

30292. But many people might like to take advantage of it?—I do not see why it should not be extended; personally I have no objection at all to the suggestion.

30293. It has also been suggested that the procedure under Section 116, subsection (*e*) (there is a limit there of £2,000) might be extended to £5000; what would you say to that?—I do not see what great advantage is to come in under subsection (*e*) or subsection (*c*). It is in some respects a little cheaper; I do not think there would be any substantial saving.

20294. Mr. Chadwyck-Healey suggests that I should ask you whether there is any reason why there should be a limit at all under that section?—I do not see why there should be.

30295. Is there anything you would like to add?—No.

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30296. (*Chairman.*) You have been, I think, twenty-five or twenty-six years Secretary to the Judge in Lunacy?—Yes, quite as long as that.

30297. You have been so kind as to give us a statement of your evidence; may we put that on our notes?—Yes.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY CHRISTOPHER JAMES, ESQ., BARRISTER-AT-LAW, SECRETARY IN LUNACY TO THE LORDS JUSTICES.

I am a barrister in practice at the Chancery Bar and have since 1883 held the office of "Secretary to the Lords Justices for Lunacy business." From 1873 until his death in 1881, I was Private Secretary to Lord Justice James and in that capacity I had to perform for him duties in regard to lunacy business which (except so far as the work done by a Lord Justice has been modified by reason of subsequent legislation or rules) was similar to those which I now perform for all the Lords Justices.

Substantially the business disposed of by the Lords Justices is done out of court and in ordinary cases without the attendance of parties. Each Lord Justice takes his turn lasting for a period of about six weeks, and disposes of the business usually on one fixed day in the week after the rising of the court, hearing the parties by solicitors or counsel if the case is opposed or otherwise requires it but in most of the cases being attended by me only. The cases so dealt with are:—(1) cases in which the Master in Lunacy has not been given jurisdiction to make an order, his power to do so being derived from Section 27 of the Lunacy Act, 1891. That section is limited to "administration and management" and that expression has been held to mean administration and management of the lunatic's property; (2) cases of appeal from orders made by the Master and in these cases the Lord Justice necessarily hears solicitors or counsel for the parties. In unopposed cases the parties are sometimes heard either because they wish to press their views upon the Judge or some question of law or fact arises in which the Lord Justice desires the assistance of argument. When a case, whether opposed or unopposed, presents any question of real difficulty or general importance it is usually adjourned into court for argument, but such cases form a very small proportion of those with which a Lord Justice deals. From the decision of the Lord Justice there is an appeal to the Court of Appeal and I apprehend from that court to the House of Lords although I do not remember any instance of such an appeal since the Judicature Act and the instances of appeal to the Court of Appeal as distinguished from adjournment into court are very rare.

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The cases which are disposed of by a Lord Justice come before him in the following way:—The application is in most cases first considered by one of the Masters in Lunacy who prepares minutes of such an order as he thinks ought to be made and the papers in the matter are then submitted to the Judge. This does not apply to appeals in which of course the Master has already made an order, or to applications for an inquisition or a supersedeas. In these last-mentioned cases the papers are submitted without previous consideration by the Master. All papers submitted to the Lord Justice pass through my hands, and my duties consist in reading them, so as to be able to assist the Lord Justice in looking at the papers by informing him of the general nature of the case and calling his attention to any special points which may have occurred to me. Some explanation of the present practice in regard to orders being made, some by the Master, and some by the Judge, may be found in the fact that until the Act of 1891 the Master had no power to make any order, but could only report or certify to the Judge upon the facts with a recommendation as to what order should be made.

The above is a general statement of the functions which the Lords Justices, as authorities in Lunacy, at present perform, and of my duties in connection with those functions. The following is a short sketch of the nature of the work done by the Masters and the Lords Justices.

The business in Lunacy may be classed under four principal Heads:—

A. Proceedings antecedent to an inquiry into the lunacy of a person alleged to be of unsound mind; the inquiry itself; and proceedings for a supersedeas by which the insane person is upon recovery restored to the management of himself and his affairs.

B. The management and administration during lunacy of the property of a person who has been found by inquisition of unsound mind, or of a person whose property may under Clauses (c) to (f) of Section 116 of the Lunacy Act, 1890, in effect be administered as if he had been found of unsound mind.

C. The supervision of the lunatic in regard to his residence, maintenance, and treatment.

D. The dealing with property not strictly belonging to the lunatic, but as to which he is trustee or mortgagee and by reason of his lunacy unable to act. In these cases the lunacy authority has, in regard to trusts, power to substitute new trustees for the lunatic and to vest the trust property in them, and in regard to mortgages power to vest the property as upon a reconveyance when the mortgage is paid off.

There are minor matters in which jurisdiction is exercised, *e.g.* under Section 134 of the 1890 Act for the purpose of dealing with property in this country of lunatics residing abroad, but the above four heads will be found to cover the principal branches of lunacy business.

Passing for the moment over A.

As to B, there seems to be no good reason why the property of a lunatic should not be sold, leased, invested, and otherwise managed and applied in the same way and by the same jurisdiction as the property of an infant, i.e. by the Chancery Division of the High Court. Exactly

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the same considerations seem to apply to both cases and the principle to be followed is in each case the same, i.e. to do what is most for the benefit of the incompetent owner; and the appointment of a committee of the estate has a strong analogy to that of a guardian of the estate of an infant.

As to C. The care of a lunatic is entrusted to a committee of the person appointed by the lunacy authority through whom that authority acts. This appointment is analagous to that of guardian of the person of an infant. There is, however, in Lunacy, a further and important supervision exercised over the care and treatment of a lunatic *so found*, by the periodical (or special) visits of the Lord Chancellor's Visitors who keep in touch with the patients under their care and periodically report to the Lord Chancellor upon them. These reports might with equal facility find their way to the Chancery Division as to the Lunacy Office. Whatever amendment be made in the Lunacy Law it is matter for consideration whether some arrangement might not be advantageously made by which these periodical visits could be extended to some, if not all, of the persons *not so found* whose property is being administered in Lunacy and who at present are only visited by one of the Lord Chancellor's Visitors when special directions are given for a visit or visits.

As to D. It is really an anomaly that this branch of the jurisdiction should not be exercised by the Chancery Division, which exercises a similar jurisdiction in other cases of incompetent trustees and mortgagees, *e.g.*, infancy, absence from the United Kingdom, etc.

It remains to deal with A.

So far as the proceedings antecedent to an inquiry are concerned, they are almost always of a more or less formal character, the only question being whether there is established by affidavit a sufficient *prima facie* case to justify the holding of an inquiry.

So far as the inquiry itself is concerned, the cases may be sub-divided into two classes:—

(1) Those in which the inquiry is not opposed by the alleged lunatic. This class comprises by far the larger proportion of the cases. In these an inquiry is held without a jury before a Master in Lunacy, the evidence is probably all in the same direction, and the result in most cases a foregone conclusion. Such cases do not seem to require the aid of great judicial experience.

(2) Those in which the question of unsoundness of mind is really in issue, and these give rise to trials before a Master in Lunacy generally with a jury, which are obviously of the greatest importance to the alleged lunatic. There is in the Lunacy Act a power, which on some rare occasions has been exercised, of ordering these trials to take place before a Judge of the High Court. It would seem not unreasonable that trials of this nature should in *all* cases be held by a Judge of the High Court who might be either a Judge of the Chancery Division or, the issue being really unconnected with the subsequent administration of the property which may result from it, a Judge of the King's Bench Division.

It is suggested for consideration whether all unopposed cases of inquiry might not be disposed of by an official not holding judicial office, *e.g.*, one of the legal Commissioners in Lunacy, while all opposed cases were disposed of by a Judge of the High Court with or without a jury according, as at present, to the alleged lunatic's desire. In the former cases the ancient right to traverse, under that or some other name or form, might be preserved as a protection to the lunatic in the improbable case of the finding being wrong, while in the latter case, in which there would have been a full trial, it might be abolished.

With regard to supersedeas, the consideration of this question depends almost entirely upon medical opinions as to whether the lunatic has recovered or not, great weight being attached to the Visitor's Report. The jurisdiction might be exercised as well by the Chancery Division as by the present authority in Lunacy.

As to present practice. The Masters in Lunacy have, under the Act of 1891, full power to deal with cases under the heads B and C, there being a right of appeal from their orders to a Lord Justice. Cases under A are dealt with by a Lord Justice only, except the holding of the inquiry, the practice as to which I have before explained. For reasons before appearing there seems to be no sufficient ground for retaining cases for ordering an inquiry, or cases of supersedeas, to be dealt with by a Lord Justice only. Orders under D are at present made by a Lord Justice only and form the greater part of the business done by the Lords Justices. Whatever other changes may be made, it is suggested that a transfer of these cases (D) to the Chancery Division would simplify the procedure in relation to trusts and vesting orders, the present dual jurisdiction being a source of confusion and perplexity in the minds of practitioners. There are also some cases of administration (*e.g.*, dealing with property under the Settled Land Acts or the Lands Clauses Consolidation Acts) in which orders have to be made both in Chancery and in Lunacy, and therefore can only be made by a Lord Justice acting for this purpose as a Judge of the Chancery Division. A transfer of the lunacy jurisdiction to the Chancery Division would simplify these.

30298. (*Mr. Greene.*) Is your position as Secretary a statutory position or is it a position which has arisen under orders or rules of the Court?—There is no statutory provision. I can tell you how it arose. I was originally secretary to Lord Justice James and Lord Justice Mellish also had a secretary. If I remember rightly they were provided for by statute. The Judicature Act abolished the office of secretary except for those two Lords Justices. I happened to be the surviving secretary, and after the death of Lord Justice Mellish I did the duties necessary for all the Lords Justices, until the death of Lord Justice James. Shortly after that I received a communication from the Treasury (a year or two afterwards, upon the Lunacy Rules of 1883 coming into existence), or I think a letter from the Lord Chancellor's secretary, asking whether I would take the position of secretary to the Lords Justices. I know of nothing else which constitutes my office.

30299. Do you come on the Estimates, or are you paid out of the Lunacy percentage?—I am paid by the Treasury; that is all I know.

30300. You do not know whether you are on the Estimates?—No, I do not.

30301. Are you subject to any limit as to tenure, retirement, or superannuation, or anything of that kind?—No. My appiontment was simply contained in this letter. I accepted it, and I know nothing else.

30302. I could not find the name of your office in any usually received record of the offices attached to the High Court of Justice or anything of that kind; you appear to be a light shining in darkness as far as the public are concerned?—I do not think the office appears in the Law List. I know nowhere where it does appear, except in the letter to which I have referred.

30303. You have nothing to do, except in the Lunacy Department?—Nothing.

30304. Is the Official Solicitor your means of communication with the Lunacy Board, or in what way are you brought into communication at all to feed the Lords Justices through the Lunacy Board? Do you communicate with the Official Solicitor; does he bring up things to you, or do you get them direct from the Lunacy Office?—They are sent direct by messenger from the office of the Masters in Lunacy to my chambers, and I take them, or somebody takes them, to the Lords Justices' private rooms.

30305. You have no staff?—None whatever.

30306. Are you brought into communication with the Lunacy Department direct at all; have you got any chance of seeing how the work is done there, or whether they are overstaffed, or whether there should be any extension or any abbreviation of what they do?—In no way. The only way in which I am brought into communication with them is that occasionally, but very rarely, the Lord Justice may say to me, "I wish you would see the Master and ask him so and so about this case," to save the trouble of making a very long note, and occasionally a clerk in the Lunacy Office who is drawing up minutes of an order to send to the Lords Justices, before it comes, thinks it may be a shorter way if he sees me and asks me some questions upon it. It is an unofficial way, therefore.

30307. The rules of December, 1901 provided for the amalgamation with the Central Office of the Taxing Departments, and for all costs in the Lunacy Department being taxed with the Chancery Office costs; do you know how

it is that that has not come into operation?—I cannot tell you at all; it would be entirely outside my duty.

30308. Are there any appeals brought on taxation matters from the Master to the Lord Justice?—I should say practically none.

30309. There is jurisdiction, but it is not exercised?—Yes, I believe I can recollect one or two in the course of my experience.

30310. Does the Official Solicitor come before you at all, or in any way are you mixed up with his duties?—No one comes before me in any way.

30311. But are his duties brought under your inspection?—Not more particularly than other lunacy business is. Of course cases in which he may be concerned pass through my hands.

30312. I want to know whether the Official Solicitor is practically of any use in connection with lunacy matters, or whether he could be easily dispensed with?—So far as my opinion goes, I should say he is a most useful official in connection with lunacy business.

30313. If it is necessary to have an Official Solicitor, would it be better to have one with a permanent salary, whose whole time was devoted to it; is there enough work for that?—I cannot say; I should fancy there is not enough work for that.

30314. As regards the practice in the Chancery Division, is there any difficulty so far as publicity goes, in the conduct of the business in the Master's Office? Could private matters be heard privately?—No difficulty whatever, I should say.

30315. Is there a curious inquisitive mob anxious to hear salacious details, always frequenting the Master's rooms?—I have not found such a mob when I have been there.

30316. In point of fact, in private matters, everything is heard in private? In infants' matters, where publicity would be objectionable, the Judge or the Master would hear it with closed doors?—Certainly the Judge in Chambers would. I think the Master would. I cannot remember being before a Master in Chambers in an infant's case.

30317. Wherever he thought it right to hear it in private, he could?—Certainly, and without any difficulty. Most chambers cases are heard by the Judge with practically closed doors; only persons in the case are before him.

30318. Reporters are not allowed?—No.

30319. I dare say you would prefer not to express any opinion as to whether the time of the Chancery officials is sufficiently occupied now, or whether they would have leisure to attend to any Lunacy administrative work which might be allotted to them?—I have no knowledge as to what their time is, but I might say this: that in addition to the winding up business being taken away from the Masters of the Chancery Division, as I think was put to the last witness by Mr. Chadwyck Healey, the general administration of trusts in Chancery is now much less than it was twenty years ago, due to the fact of the introduction of procedure by what is called originating summons.

30320. And therefore there would be?—Therefore, I should suppose from that, there would be more time.

30321. You are familiar with both the Chancery and Lunacy Departments; is there any inherent difference in the nature of the business conducted in lunacy to prevent its being quite properly carried over to the Chancery Division, except dealing with the person of the lunatic, the fact of having him made a lunatic and any matter purely connected with him, such as inquisition, supersedeas, or traverse, which relates to his status as a lunatic, anything affecting his property, which could not be quite well done by the Chancery Division?—Nothing, I should say.

30322. All the orders with reference to leases as well as vestings, and so on, could be perfectly well done by the Chancery Division?—Quite as well, in my opinion.

30323. To what extent would that reduce the work of the Lunacy Judge which you were contemplating was to be work allotted to a judge? He then would have only inquisitions?—Are you distinguishing between a Judge and a Master?

30324. I was rather following your statement. Assuming the abolition of the Masters in Lunacy, and supposing all the administrative work was put over to the Chancery Division, what would that leave for any Judge in Lunacy, or any other official, to do?—That would leave to be done by an official in Lunacy the consideration of whether or not an order for an inquiry should be made, assuming the practice to remain in other respects exactly as it is now; it would also leave the holding of that inquiry; it would also leave the visiting of the lunatic by the Lord Chancellor's Visitors, or some official in that position, and it would leave the question of superseding the lunatic in the event of recovery. I cannot think, for the moment, of anything else.

30325. Supposing the visiting were to be done by a Lunacy Commissioner, that could be done just as well by a Lunacy Commissioner acting under the directions of the Lunacy Judge as it is now done by the Visiting Chancery Visitor doing it under the direction of the Judge, could it not? Suppose you shifted over the Chancery Visitors and made them Lunacy Commissioners under the direction of the Lunacy Judge as they did when they were Chancery Visitors?—Yes.

30326. That is only calling them by another name?—Quite.

30327. That would preserve to those patients who are Chancery patients the opportunity of being inspected personally and individually instead of being rather inspected *en masse*, as they are in institutions?—Yes, it would, assuming the Visitors, when made Commissioners, had the same time at their disposal for doing it.

30328. At present we find that there is overlapping. The Commissioner inspects the same patient as the Chancery Visitor does, in a great number of cases. If the Visitors were made a part of the Lunacy Commission, by arrangement *inter se*, the person who inspects the individual would not have to inspect him a second time, as the Lunacy Commissioners do, and so there would be a saving of labour?—I may be wrong, but my impression was that the Chancery patient, as he is called, is only visited by a Chancery Visitor, and that if he happens to be in an asylum the Lunacy Commissioner passes him over lightly.

30329. At all events, if he comes under double inspection we should save that if we shifted the Chancery Visitor to the Lunacy Commission?—Yes. I did not know he came under double inspection.

30330. At present some hundreds are inspected twice in that way?—A private patient is visited only by the Chancery Visitor, I fancy.

30331. That is so, but I am talking of those who do chance to fall under double inspection; we should save that?—Yes, so far as that occupies the time of the Commissioner. How long he would devote to it I do not know.

30332. If the Chancery Visitor were made a Commissioner, he could by direction of the Lunacy Judge give any amount of special attention, just as the Chancery Visitor now does?—I see no difficulty in that.

30333. Under that system the Lunacy Judge's work could be done, I suppose, by one of the ordinary Judges of the High Court instead of still continuing to a Lord Justice? I want to make out whether your scheme is to get rid of the Lords Justices and allot their work to the Chancery Judge, or to continue the Lords Justices, each taking six weeks at it?—There would be, it seems to me, no object in continuing the Lords Justices in any lunacy jurisdiction. There would be nothing for them to do except the matters of petition for inquiry and supersedeas.

30334. Would you suggest that that could be equally well done by one of the Judges of the High Court of Chancery if the work were allotted specially to him?—Certainly; it is a very small part of the business done by the Lords Justices.

30335. Your suggestion would entirely relieve the Lords Justices of that work, would allot the special lunacy business to one Chancery Judge, and the administrative work to be done in Chancery chambers, possibly also to the same Judge?—Yes, the Lords Justices would be got rid of. I do not think I have considered the question of selecting one Chancery Judge to whom lunacy business should be assigned. What was in my mind was that it would be taken like any other Chancery business.

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30336. My impression is that Lord Justice Cozens-Hardy suggested that it is not desirable to apply the linked Judge system to lunacy cases, as to get the continued attention by one Judge to all the lunacy cases that might arise, so that the same case would always come before the same individual Judge?—That might be advantageous, but if so there would be a new condition of affairs which does not exist in the present system, because the five Lords Justices have no continuity at all in regard to particular cases.

30337. Suppose a Judge, or two Judges, or each of the Chancery Judges, had certain sections of the alphabet allotted to them, cases within those sections would come to that Judge and be allotted for all time to that Judge and his special staff, subject to appeal to the Court of Appeal, and not to the Lords Justices as Lunacy Judges?—Yes.

30338. Do you think these changes would work out financially economically—be advantageous economically?—I am quite unable to give an opinion upon that. If I may say one word about continuity, I think cases of administration in the Chancery Division now have continuity with regard to them, because they are arranged in letters, and they go before not only the same Judge, or his successor on the linked system, but before the same Master..

30339. Take Mr. Justice Kekewich's and Mr. Justice Joyce's Chambers; all summonses from A to D would go before Master Binns Smith, and from E to K before Master Hewlett. It follows from that that summonses in matters both before Mr. Justice Kekewich and Mr. Justice Joyce would come before Master Binns Smith?—That is so, but I would rather put it the other way; Master Binns Smith's matters would come either before Mr. Justice Joyce or Mr. Justice Kekewich.

30340. That is what it was wanted to prevent; it was suggested by Lord Justice Cozens-Hardy, or some witness, that it would be better for Mr. Justice Kekewich's cases to be dealt with entirely by him, where he has to dispose of them, and by his Master attached to him only, and not by some other Master, so that the Master dealing with the matter would be familiar with every step of the case?—The Master would be always the same; if you take an A to D case, Master Binns Smith; and so forth down the alphabet for the other Masters.

30341. It would work out to complete continuity, Judge and Master always dealing with the same matter?—The same Master always deals with the same matter; the linked system makes the Judge one of two.

30342. That could be altered for lunacy matters, if it were thought fit, by loosening the link for that purpose just as you have now a Judge allotted to the Winding-up Department; one Judge does that exclusively?—No that is done by two Judges.

30343. Is it two?—Yes, it is done by Mr. Justice Warmington and Mr. Justice Parker. The linked system provides for one Judge, one of the linked Judges for a period trying witness actions and doing nothing else, leaving the other Judge forming the link, free to deal with administration matters.

30344. *Inter se*, they could easily arrange that lunacy matters should always come before the same individual Judge?—I should have thought there would be some difficulty about that, because the object of this linked system is to have witness actions continuously tried. If that is to be broken into in order that the Judge taking witness actions for the time being should do lunacy work, to that extent it would infringe upon what was supposed to be the advantage of the linked system. On the other hand, if you let lunacy cases stand over until that particular Judge has finished his sitting of witness trials, it would cause delay in lunacy business.

30345. (*Mr. Chadwyck-Healey.*) Unless the Judge sat after 4, like the Lord Justices?—Yes.

30346. Then you would get over the difficulty?—Then you would get over the difficulty, no doubt.

30347. (*Mr. Greene.*) Is the business so great that one or two Judges could not easily dispose of it after 4 o'clock; if the administration work were taken away, the lunacy work only could be done after 4 o'clock?—Certainly, if your questions apply only to lunacy work which is not administration work, including in administration, appointing trustees and vesting orders, it might easily be done after 4 o'clock; it is quite small.

30348. That would make the system work perfectly harmoniously, if your suggestion and that of Lord Justice Cozens-Hardy were adopted?—I should like to add that I do not think there is any necessity for continuity about such work, as whether an order for inquiry should issue or not, or whether a *supersedeas* should issue or not. One day you are considering whether A is of unsound mind, and the next day you are considering whether Z is of unsound mind.

30349. Supposing you are considering the case of A., is it not desirable to have in mind numerous applications he may have made for *supersedeas*; you may remember the last time he made one, and you may remember the circumstances then, and that you decided against it; then he makes another application, and you consider it by the light of your full knowledge of the circumstances?—Such cases would be very rare. I do not think they would be worth considering. The number of *supersedeas* cases is not very large.

30350. I am only putting to you this because the Official Solicitor laid some stress upon it, and I thought your experience would be most valuable upon it; you think it would all work easily?—Quite easily.

30351. (*Mr. Byrne.*) You say in your statement "so far as the proceedings antecedent to an inquiry are concerned they are almost always of a more or less formal character, the only question being whether there is established by affidavit a sufficient *prima facie* case to justify the holding of an inquiry." You agree, I presume, that in cases where the Master or any similar official holds an inquiry, that same official is competent to decide whether the inquiry should be held at all or not?—Quite.

30352. If, in accordance with Lord Justice Cozens-Hardy's recommendation, that sort of work were transferred to the whole or to a part of a strengthened Lunacy Commission, they might decide whether an inquiry was to be held, as well as hold the inquiry?—Yes, I see no reason why they should not.

30353. After the inquiry is over, when the time for a supersedeas may or may not come, I presume the same authority might decide on the supersedeas, might they not? You remarked that it is a simple question as to whether A.B. continues to be of unsound mind. It is a matter of simply reading competent medical testimony, is it not, and restoring the possession of his property? The body which made him incapable might very properly remove the incapacity?—Yes, I can see no objection to such a body dealing with an application of that kind.

30354. That we understood to be the Judge's recommendation, more or less, though it was not expressly set forth?—May I supplement what I have just said? I think there should be some right of appeal in the case of refusal of a *supersedeas*, from the person who deals with him, in the way that you have suggested. What I mean is this: in the ordinary case of an inquiry unopposed, no question of difficulty would arise, and such a case might be superseded by the same authority that directed the inquiry and held the inquiry. There would be some cases of *supersedeas* which would arise out of a case which might have required a most laborious and difficult trial, and an application for a *supersedeas* in such a case as that, might present the same difficulties. There should be some way of providing for the decision of, may I say, an inferior authority, or an authority of less experience, being subject to reconsideration in some cases.

30355. Applications for supersedeas may come, and do come, I presume, frequently from persons other than the alleged lunatic, in the interests of others who are not lunatics?—Of course the application must be by the lunatic.

30356. Yes, but sometimes in other persons' interests, and for other persons' advantage. As to the orders under Section 116 (*d*), I think you heard Master Fischer's evidence on that point; they are made by the Masters, are they not, not by the Judges?—They are made by the Masters. The Judges also have jurisdiction to make those orders. To a small extent I differ from Master Fischer, because I can remember one or two cases in which orders have been made by the Judge direct. It is quite rare; substantially I agree with him.

30357. Can you tell us, from your experience, whether there is any substantial difference between the practice—before the present Masters in Lunacy and the Masters on

the Chancery side, which would affect in an important degree the question of the cost of such matters as the employment of counsel, and so on?—I am afraid I cannot answer that at all.

30358. (*Dr. Needham.*) I see you say: "Whatever amendment be made in the Lunacy Law, it is matter for consideration whether some arrangement might not be advantageously made by which these periodical visits could be extended to some, if not all, of the persons *not so found*, whose property is being administered in Lunacy and who at present are only visited by one of the Lord Chancellor's Visitors when special directions are given for a visit or visits." I suppose all persons as to whom orders have been made under the 116th Section who are certified, are visited by the Lunacy Commissioners?—Yes, I am aware of that.

30359. And that in a Bill which has been presented to the House of Commons, provision was made for the Lord Chancellor directing that all persons as to whom such orders are made should after the passing of the Bill be visited by the Chancery Visitors?—I was not aware of that.

30360. (*Dr. Dunlop.*) On the question about the periodical visits being extended, what was in your mind; had you any idea of advising periodical visits to all cases dealt with under Section 116, more especially Sub-section (*d*)?—What was in my mind was that there should be periodical visits in all cases under Section 116, except where the Master in Lunacy, or other authority dealing with the matter, thought them unnecessary; *prima facie* they should be visited.

30361. And exceptionally not?—Exceptionally not.

30362. May I ask the reason?—Perhaps I have not sufficient knowledge to express it; I expressed it guardedly; my impression is that insane persons generally who are visited by the Chancery Visitors have more time bestowed upon them than those visited by the Commissioners, only from the fact that the Commissioners have many more cases to visit. I have always been under the impression that it is impossible for the Commissioners as at present constituted to give the time to patients that the Chancery Visitors do.

30363. The special class of case I had in view, and I thought perhaps you might have, are the Section 116 (*d*) cases who are living at home with their relations; they are not even intimated to the Chancery Visitors and they have no official inspection or any sort of description. Have you any opinion to give as to whether it is right that they should be seen; do you think the administrating authority should insist upon having some official inspection or official knowledge of what is being done to these people?—Do you mean persons who have not been certified as insane?

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30364. Yes?—I think most strongly that they ought to be visited, otherwise there is no inspection at all in such cases.

30365. That is what I thought you implied; I wanted you to emphasise it. Their liberty is interfered with under that Section, they are at the mercy of the relations and the guardians?—The Section does not directly touch their liberty at all; the Section in terms only enables their property to be dealt with; that may indirectly affect their liberty.

30366. It must indirectly affect their liberty, must it not; the guardian is in a very strong position under that Section?—Yes, it almost necessarily must affect it.

30367. You are of opinion that, except where it is specially dispensed with by the Judge or the Master, all these should be under inspection of some sort?—Yes, I should say every case under the 116th Section, unless the Master gives a special direction, and particularly under Sub-section (d) where they do not otherwise get inspection by Visitors or Commissioners.

30368. I dare say you heard Mr. Byrne ask the last witness about various incapables, habitual, drunkards, and spendthrifts, being possibly brought under Chancery?—Yes.

30369. At the present moment what happens to the physical incapables; do they come under Chancery; for instance, a man who is blind and deaf and requires his property taken care of? The blind and deaf man has no communication with the outer world, he is completely unable to manage his affairs; under what court would that come at the present moment?—There is no court, so far as I know, having jurisdiction to deal with such cases.

30370. None in England?—No.

30371. You know it exists in Scotland?—I know it does in France; I dare say it does in Scotland.

30372. In England there is no court?—There is no court, as far as I know.

30373. So we have no guide in that?—No

30374. (*Chairman.*) Is there anything you would like to add?—No.

T. Claye Shaw, Esq., M.D., F.R.C.P., called; and Examined.

30375. (*Chairman.*) Will you be so kind as to tell us what appointments you have, so that we may get it on our notes?—I was for seven years medical superintendent of the Leavesden Asylum at Watford; about twenty-five years after that I was medical superintendent of the Banstead Asylum; then I retired on a pension. Since then I have been doing a little consulting practice in London; that is what I am engaged on now.

30376. You have been so kind as to give us a statement of your evidence; may we put that on our notes?—Yes.

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Statement of the Evidence Proposed to be given by T. Claye Shaw, Esq., M.D., F.R.C.P.

I beg to say that after considerable experience in lunacy administration, I have formed certain conclusions which I have the honour of appending. If you desire it, I shall have much pleasure in placing my views before the Commission.

Propositions.

To make a Lunacy Board Department of the Local Government Board—the said Board to consist of the present Lunacy Commissioners, and of the two existing medical Visitors in Lunacy—and of the existing legal Visitor in Lunacy; with the addition of more medical Commissioners as thought desirable.

To retain the Masters in Lunacy as they are.

To abolish unpaid Lunacy Commissioners.

To increase the powers of the Lunacy Commissioners so as to enable them to enforce systems of management of asylums which they approve.

To give the new Board powers to arrange the proper and adequate accommodation for patients, to acquire sites, and to order and arrange the size and form of buildings.

To do away with the necessity for making so many statutory visits to private asylums and lunatic hospitals, and to give more discretion in frequency of visitation.

To enquire into the accounts and the mode of administration of asylums, etc., etc.

Amendments of the Law.

Either to require the magistrate to actually see and examine the certified patient before he signs the reception order, or else to abolish the clause requiring him merely to sign the order before admission.

To arrange for the detention of mild acute cases, or border land cases, in private houses, of qualified persons on certificate of medical man, for a period of six or twelve months. Such patients to be brought under the cognizance of the Lunacy Commissioners.

To make the Local Government Board the supreme referee in lunacy matters affecting lunatic hospitals, private and county asylums, and lunacy matters generally.

30377. (*Chairman.*) Would you like to enlarge a little upon your statement as regards the propositions you make; perhaps it would be as well if you would give us

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some reasons for making these propositions?—My idea was, in speaking about the Lunacy Department and the Local Government Board, that at present the Local Government Board has a very great deal to do with insane people. They have asylums at Leavesden, Caterham, and Darenth in their hands. These asylums contain a good many people who have been released from a lunacy certificate in county asylums and put under another form of certificate. They are people who were specially under the jurisdiction of the Lunacy Commissioners at one time, and they are now visited by the Lunacy Commissioners as well as by the inspectors of the Local Government Board. Then again my idea was that, as has I believe been expressed by the Lunacy Commissioners themselves in the evidence I have seen, an addition should be made to their number, and it occurred to me that architects sanitary inspectors, engineers, water analysers, and so on, are already at the Local Government Board and that if it were made one comprehensive Board this department of the Lunacy Commission would be able, if they wished it—and there are occasions when they wish it—to call upon these various departments of the Local Government Board to assist them. For instance, supposing they wanted water examined, if they wanted architectural plans examined, if they wanted any engineering questions settled, they would be able to refer to the Local Government Board as part of that body and to have their assistance.

30378. You mean that the Local Government Board have those officers?—They have those officers already, and it seems such an anomalous thing that the Lunacy Commissioners should have to examine the workhouses which are under the control of the Local Government Board, that is to say lunatic patients in workhouses, and then other asylums also. I remember when I was there that there was one certainly, if not two or more cases, which came under the Chancery Visitors, so that those people were really under three sets of governors as it were, first the Visitors in Lunacy, then the Lunacy Commissioners, then the Local Government Board. That was my idea in consolidating the Board and saying that I thought if it were practical it would be a good thing to have the whole under the charge of the President of the Local Government Board, the Local Government Board being as I presume a Committee of the Privy Council and therefore a Government institution, and that one department would be able to help the other very materially, if so desired.

30379. First of all you say that you wish to retain the Masters in Lunacy as they are?—I would retain the Masters in Lunacy, not the Visitors, as they are, because they are essentially legal officers, and from what I have heard of the evidence of Master Fischer, it seems to me they are rather expeditious in doing the legal business. It is a very special business; It seemed o me that it would not interfere with the Commissioners in any way, but that these other officers being transferred to the side of the Commissioners, the medical and legal Visitors, would relieve the country a good deal.

30380. You have no particular preference for the Masters in Lunacy over the Chancery Division, so long as it is done in legal form?—No.

30381. May I ask why you wish to abolish the unpaid Lunacy Commissioners?—There seems to be a difficulty in getting them, to begin with; then it seemed to me that if the Commissioners were placed under the Local Government Board unpaid officials could scarcely be brought under the jurisdiction of the Local Government Board.

30382. (*Dr. Dunlop.*) I gather your principal reason for removing the Lunacy Commissioners from the Lord Chancellor and putting them under the Local Government Board is to get uniformity in practice? At present the Local Government Board look after some lunatics, therefore they should have all under their power?—They might as well.

30383. Does not the converse suggest itself to you? Do you see any reason why the Local Government Board should be entrusted with lunatics and why all lunatics should not be brought directly under the control of the Commission?—I should be quite agreeable to a scheme of that sort; if one likes to swallow up the other it does not matter to me which it is, as long as there is an independent authority which has the charge of the lunatic altogether, so that the various authorities are not overlapping.

30384. One authority should take charge of the lunatics whether in asylums or workhouses or anywhere else?—Yes.

30385. You have no special predilection for the Local Government Board?—No.

30386. You would be quite satisfied with a completely independent Government Department?—Yes.

30387. Or a subsidiary department of the Home Office?—Yes.

30388. As long as you got the one authority?—As long as we get the one authority.

30389. You pointed out that the Lunacy Commission had not sufficient numerical strength to do all the work?—My experience of it is this, that when they have come down to examine the large asylums—and I have always had to do with large asylums—it has been a very great tax on them to get through the work in two or three days—two days it takes as a rule now to see a large asylum—because formerly the Lunacy Commissioners used to insist on each individual person's name being mentioned to them; now they do not, they count them up. That to a certain extent relieves the time of the inquiry, but then I suppose it takes from early in the morning till late in the afternoon. Then there are a great many reports to be got together after they have gone. I do not think it is satisfactory to the Commissioners themselves. They simply have not the time, however hard they work, to go what I may call comfortably and thoroughly into the arrangements of the place. Then the patients themselves are subjected to a certain amount of inconvenience. They have to be kept waiting until the Commissioners are ready, naturally; it is part of the business. Then I do not think it gives the Commissioners themselves an opportunity of seeing exactly how the patients are; I do not think it is fair to those who have the conduct of the institution because the patients get restless, or they may be troublesome and noisy in other ways, from having to wait for the Commissioners. I think that if the body of the Commissioners were strengthened, and they had more time and were not obliged to see a large asylum in two or three days consecutively, it would be better for them.

30390. At the two ordinary inspections everything is hurried and arranged, and they do not see the asylum in its ordinary condition; I gather that?—I do not say everything is arranged.

30391. The patients are brought together?—Yes.

30392. They do not see them working out in the workshops or in the fields?—No, they cannot; they have said so to me themselves.

30393. You would strongly advise that the Commission should be strengthened, so as to enable visits to be made much more slowly?—I do; I believe so strongly in the advantages of the Commissioners, and what their powers should be, and the great use they are. I have been so much indebted to their advice on a great many occasions that I should like to see them more about the place and not so hurried. I should like to see them having the time to come into a large institution and say, "I want the head attendant to go round with me" and go round and see for themselves, and spend the day there if they liked.

30394. At present two Commissioners visit an asylum?—Yes.

30395. Is it necessary for the two always to be together, or can one branch off into one part and one to another?—They very often do; sometimes one will be on the ground floor of a building of three floors, one Commissioner will be looking at the patients, and another Commissioner will be upstairs looking at dormitories.

30396. I think the rule is for them to go together?—Yes.

30397. Have you any opinion whether it would be advantageous for them to visit asylums singly?—I think it would be a great advantage for a Commissioner to be able to go singly. I do not say that the single statutory visit of two Commissioners might not be continued as it is now, and with advantage, but I should like, if the body were strong enough in numbers, for a Commissioner to be able to go by himself, a medical or legal Commissioner, without the other.

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30398. Allowing single visitation for a statutory visitation, would you recommend that the power of single visitation be given to the legal as well as to the medical Commissioner?—Yes, I would; I think a great many points crop up where the legal Commissioner is of very great advantage.

30399. Do you consider it an essential part of what ought to be the Commissioners' duty to examine the patients sufficiently to know what is wrong with them?—Do you mean medically?

30400. Medically and mentally—they are one and the same, are they not?—I mean to say this: as a rule the medial Commissioner is the one whom one would like to see, but there are cases when the legal Commissioner is very welcome, and (if I may presume to say so), extremely capable of making an examination.

30401. But simply as an abstract point, would single visitation by a barrister Commissioner satisfy the legitimate requirements of lunatic patients?—Not if that is is to be the only visitation.

30402. If it is single visitation, it must be medical in your opinion?—Yes, I think so.

30403. You are in consulting practice now, are you not?—Yes.

30404. One has a good deal of hearsay knowledge about the existence of licensed nursing Homes where lunatics are treated at the present moment. Are you prepared to volunteer a little information on that subject; do you know of their existence;?—I do not. I know that there are a great many people who are insane who are placed in different houses.

30405. Received in various nursing Homes?—Yes, of whom no information, I presume, is sent to the Lunacy Commissioners. I do not think that is at all a good thing. I have seen patients under those conditions, and I think it would have been all the better for the patients if they had been known to the Lunacy Commissioners.

30406. Would you like to make any recommendations regarding them?—The only suggestion I can make is that it should be possible in certain cases of mild insanity, where there is every probability that the patient will be restored in a very short time, (such cases as one gets after influenza epidemics, where a person wants protection for a short time) that on the certificate of a medical man that person could be put into a nursing Home, but I would have the name of the patient sent to the Lunacy Commissioners so that he or she should be visited after six months, if desired.

30407. (*Chairman.*) I take it that is Dr. Dunlop's point, whether these persons in uncertified houses ought not to be notified?—I think they ought.

30408. (*Dr. Dunlop.*) What duty should be put upon the Lunacy Commissioners regarding these; should the Homes be certified, or the lunatics?—I would not have the Homes certified, because I think if you do that you lose the power of sending a patient to a Home you may know, or to a house you may know, where there is a very good medical man who is very good in the treatment of these cases. and whose wife also is perhaps very good in helping him; but it may not be desirable to send him to a certified place, because if patients get to know they are in a certified place they look upon it as an asylum.

30409. Are you not thinking of single patients?—Yes.

30410. The class of whom I was thinking were typical nursing Homes. Should these nursing Homes not receive something in the way of a license; I do not mean licence them as asylums to receive bad cases, but should not they receive some sort of licence or certificate that they are efficient?—Do you mean that they should receive lunatics, or persons apart from lunatics?

30411. Any mental case; make it an indefinite term?—No, I would not do that, I would not certify the Home.

30412. (*Chairman.*) May I put this point: there was a case reported in the papers to-day of a woman who went to one of these Homes; she was an alleged lunatic and she committed suicide there; ought not that Home to be in some way inspected or certified?—I would have had the patient put under certificate before sending her to that house, and that certificate would have been in the hands of the Lunacy Commissioners They would have had the power, if they liked, to visit that place and see that it was a proper place.

30413. You mean they would be under obligation to visit?—Yes.

30414. (*Dr. Needham.*) You mean if the incipient insanity clause had been passed?—Yes, I thought you were referring to that.

30415. (*Dr. Dunlop.*) Are you prepared to certify the case, rather than certify the institution?—Yes; it would be a very simple form: "I certify that so-and-so is suffering from mental excitement or mental depression, and I think a stay of six months, say in the house of so-and-so, is necessary;" I would not have the Home certified; if you do that you come to the question of lunacy certificates and the patient being in a certified Home, which you want to avoid, but if the patient is certified, and the Commissioners have the knowledge, then they can go and see the patient, and if they think the patient is not properly protected they can act accordingly.

30416. At all events you are strongly of opinion that all these places and cases should be under central supervision?—Certainly, under central supervision.

30417. There is another class of institutions where patients are kept for lengthy periods, nominally because they are uncertifiably insane, more especially dealing with imbeciles. Have you any opinion to give about these institutions? Should the Commissioners have any duty in regard to them?—I think they ought to see them, certainly.

30418. You are aware that there are some exceedingly well-conducted places?—Yes.

30419. They would welcome inspection rather than resent it?—Very likely.

30420. But every institution where mental defectives could be detained should be under supervision?—I think they ought to be under the cognisance and classification of the Lunacy Commissioners. That is why I would increase their staff.

30421. (*Dr. Needham.*) I see you propose to increase the powers of the Lunacy Commissioners so as to enable them to enforce systems of management of asylums which they approve; may I ask you to enlarge on that?—My opinion is that the Lunacy Commissioners, from their experience of all the asylums, seeing so much of what is going on, have such opportunities for forming the very best ideas of asylum management, that if they come to a conclusion that one system of asylum management is the proper one—and I believe they have very strong ideas on that point—they ought to be able to enforce what they conceive the proper treatment and asylum management. I know of institutions where there are rules for one person and rules for another, and one is not subordinate to another. I know that such asylums will not meet with the approval of the Lunacy Commissioners because they have aid so, and I know that though they may not approve of them they have no power of insisting that such and such things shall be done; they can only recommend. I should like to see the power of the Commissioners extended, so that what is, in their joint opinion, the proper way of managing an asylum should be insisted upon and should be carried out.

30422. You would give power to the Commissioners to enforce rules?—Yes, rules which they consider are the best for the asylum,

30423. Which are approved by the Secretary of State and cannot be altered without his approval?—Yes.

30424. You would give power to the Lunacy Commissioners "to arrange the proper and adequate accommodation for patients, to acquire sites, and to order and arrange the size and form of buildings;" do not they already visit sites? Have not they considerable powers already?—Yes, they have; but I do not think they have the power to do this. All the lunacy statistics of the country come before the Commissioners. They know, going from one part of the country to another, exactly the amount of accommodation which is required and should be provided. I think the Commissioners ought to be able to say themselves what is wanted; "you want an asylum of this kind or of that kind; you want it here,

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or you want it there;" without being necessarily themselves at the trouble to make out the plans, I think they ought to be able to insist on a certain class of plan being brought forward for their judgment and decision.

30425. What would the local authority say?—I do not think they would object. I think the local authority very often would be rather pleased if the Lunacy Commissioners would initiate proposals. I think they are often in the dark as to what they should do, and look rather to them for guidance.

30426. Take a case in point; the committee of an asylum are anxious to increase the accommodation of the asylum for patients, and they present plans to the Commissioners for accommodation for private patients. The Commissioners refuse to accept those plans for private patients, because they say that pauper accommodation is what is required, and it is a case of public money being spent to provide accommodation for private patients which is intended to be used for paupers. They already have the power in the sense that they would refuse to send the plans to the Secretary of State and recommend him to approve of them. They have that power, have they not?—Yes.

30427. Is not that enough?—No, I do not think it is. I do not think it is quite enough power. That, to a certain extent, is permissive. You say, "we do not like it and we recommend something else," but you cannot enforce it. I think you ought to be able to say, "we have seen, and we know from experience and what we have seen, that so-and-so is the proper accommodation required, and we require you to provide it."

30428. You do not think what Lord Shaftesbury said is true to-day, that the great strength, if it has any strength, of the Commisson, is in being an advisory body, and not a mandatory body?—It certainly is advisory, and very helpful, but I do not think it is as helpful as it might be to the country. I think it ought to be mandatory, because I do ot think there is any body of men which possesses the experience they have.

30429. You say you want to do away with the necessity for making so many statutory visits to private asylums and lunatic hospitals, and to give more discretion in frequency of visitation. May I ask what is meant by that? As respects hospitals, you could not reduce the visitation of hospitals beyond the limit of one a year?—No, certainly not.

30430. The statutory duty is to visit hospitals once a year; as a matter of fact they are visited twice?—Yes, some of the others are visited half a dozen times—the Metropolitan licensed houses; there is a small number of patients there. I do not know why there should be so many statutory visits there.

30431. Are you aware that some of the licensed houses in London have got as many as 500 patients?—Yes, I know they have. I think also that they ought to have power; they have, I know, the discretion, but they have not the power, because of their numbers, of visiting the county asylums oftener. I think the county asylums ought to be visited oftener; to go, if I may say so, for two or three days to a county asylum, is not, I think, enough.

30432. You think they ought to be visited twice?—They ought to be visited at least once on the statutory visit, and I should like to see the Commissioners or sub-Commissioners go there oftener, so that they can see them under natural conditions.

30433. Then you say "To enquire into the accounts and the mode of administration of asylums." In what respects? Do not they enquire into the mode of administration rather minutely? Is not that rather part of the object of the visit?—It is not my experience that the Commissioners have gone into the accounts of asylums.

30434. No, but the administration?—Yes.

30435. How would you have them go into the accounts?—I would have them go in and look at the books, and see, or have the power of sending down an accounting officer to see if they liked. I think there would be the idea present in the minds of the clerks and stewards that there was a decided element of compulsory supervision, and they could be pulled up and looked at at any moment.

30436. Do you agree with the recent pronounced action of the Commissioners in reference to the accounts of lunatic asylums, that there should be an independent outside paid auditor to audit the stores and their accounts?—There is a Local Government Board auditor.

30437. But he does not audit the stores?—When he came down to visit he looked into everything. It was a very long business, and a very particular business.

30438. If already that exists, why should another Government Department look into the accounts which have already been looked into, or will be looked into, by the Local Government Board auditor?—I would like the Commissioner to go into everything connected with an asylum. I would like him to go also into everything connected with the medical treatment of an asylum.

30439. Do you think the medical staff would like that?—The Commission ers who go about and see what is going on here and there, see a great deal more than the man who is confined to one asylum and does his duty by looking after the patients. If the Commissioners were to say, "How is it that you have not done any bacteriological work, how is your laboratory, what do you do in the way of sedatives, have you got this, that, or the other?" it would be a great advantage.

30440. Are not you aware that the Commissioners do ask those very questions?—I do not think so.

30441. I ask you if you are not aware of it?—No, not as a regular thing.

30442. I think almost as a regular thing. As regards amendments of the law, you say, "either to require the magistrate to actually see and examine the certified patient before he signs the reception order, or else to abolish the clause requiring him merely to sign the order before admission." That is in reference to private patients I suppose?—Yes.

30443. You are aware, of course, that the Lunacy Act of 1890 was in many of its provisions supposed to be an adaptation of the Scotch arrangement, and that since the passing of the Scotch Lunacy Act which provides for the sheriff acting as a judicial authority, no sheriff has ever seen a single patient introduced into an asylum in Scotland, as far as I know?—I do not know the Scotch system. I know that the present system is fraught with very great inconvenience.

30444. The inconvenience being—?—May I quote a case? The other day I was called into the country to see a lady; in my opinion she was very insane, also in the opinion of the other man who saw her, and we certified her, and the order was signed by a magistrate who did not see the lady. She was in a very weak state, there was no asylum very near; there was a hospital some distance off, and we had to take very great precautions for removing her, and she was removed to this hospital. A few days after, within a week I think, inasmuch as this magistrate had not seen the patient, she was given the opportunity of seeing one of the gentlemen attached to the committee, and she said she would see a magistrate, and he refused to certify her, and the patient had to be discharged with very disastrous results to herself, because she got away, took a lot of sedatives, and got into a hopeless condition.

30445. Would not the simpler plan be to adopt the Scotch system as a whole and make it unnecessary for a judicial authority to see the patient at all? Would not that be a way out of the difficulty?—It would be much better.

30446. And to withdraw that permission to see a judicial authority which you say has been known to result so disastrously?—Yes, I do think so.

30447. You are aware, with reference to the next paragraph,* that a clause has been introduced into a Lunacy Bill which has been before the House of Commons, providing for this very six months treatment?—I believe it has.

30448. You think that is very desirable?—I think it is an extremely desirable thing.

30449. (*Mr. Byrne.*) From your experience, have you any reason to think that it would be desirable that the powers of the Lunacy Commissioners should be increased with regard to small properties of patients whom they come across in their inspections? Under Section 50 sub-section 2 they have to make enquiries with regard to the property of any lunatic under detention, and with regard

* *Vide* page 197, col. 2.

to Section 100 they are to report about it and set the Masters in motion ?—Yes.

30450. I have asked the question with a view to seeing whether it was or was not the opinion of experienced persons that it would be expedient to give some powers to the Commissioners to deal at once after enquiry, without referring to anyone else, the simple cases of small property ?—I think it would be desirable, if it is possible.

30451. In your asylum experience you were dealing entirely with paupers ; even among them did you ever come across cases in which it was desirable that you should have power to authorise such and such a sum to be paid over ?—I think it would be a good thing if it could be done expeditiously.

30452. It could be done easily, could it not ?—Yes, there is the doctor there and the lawyer there, they could easily manage it I think.

30453. You know there has been a good deal of talk about establishing asylums for chronic quiet cases of the workhouse type, or utilising workhouses for quiet and chronic lunatics. Supposing institutions of that sort were established, would you consider it important that they should be under the general lunacy authority, whichever it was, the county and borough authorities as a local authority, and the Lunacy Commissioners as a central authority, or do you think they should be under the Poor Law authorities and the Local Government Board ?—I think they should be under the Lunacy Commissioners and the county authority.

30454. Under the Lunacy authority whatever it is ?—Certainly.

30455. If it were found necessary, or if this Commission should think it desirable from the evidence laid before it to say, that imbeciles and other lunatics not certified but requiring inspection should come under the control of some authority, would you say they should come under the control and regulation of the Lunacy authority or the Poor Law authority ?—Under the Lunacy authority.

30456. Would you say the same of little children, or would you allow the Board of Education to deal with them ?—No, if they were at all weak-minded I should bring them under the Lunacy Commission which I would strengthen accordingly.

30457. (*Chairman.*) Is there anything you would like to add ?—May I say one word with reference to continuation certificates ?

30458. I do not know that it comes within our reference ; in what connection do you mean ?—These continuation certificates which are written out again from time to time for the detention of persons who have been a certain time in an asylum. I had to do with them at Banstead. They are a very great tax upon a man's time, and I found no advantage from them at all. I did not come across any patient who was improperly kept, nor had I any trouble with the Commissioners in assuring them that the people were properly kept I would say that from what I saw of it there was no advantage to be got from keeping up the custom which involves a tremendous amount of work in an asylum ; what with those continuation reports and one thing and another it is almost impossible to do any scientific work. I know it gives the Commissioners a good deal of hard work.

30459. Would you leave it in the hands of the superintendents of the asylums, supervised as they are by the Lunacy Commissioners ?—Yes.

30460. (*Mr. Byrne.*) Would you make it a statutory duty that they should make an entry in a case book, or some book ?—I think there is a duty to that effect ; they have to keep a case book. Entries have to be made very frequently and those are examined by the Lunacy Commissioners when they come.

30461. There is a difference between a continuation certificate and the case book. The trouble of the continuation certificate is that you have not only to give it but you have to give the reasons which fortify and establish your opinion, and you have to send copies of it away ?—Yes.

30462. It would be much less trouble if at intervals of two, three, or five years you simply had to write into the case book ; " this being now the third year, I certify now that the man is insane." ?—That would be very much better as far as people in institutions are concerned.

30463. (*Dr. Needham.*) You do not agree with Dr. Mercier, with regard to these continuation orders, that they are very inconvenient to the custodians of the insane, but that they are of the utmost value to the insane themselves ?—No.

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30464. In reply to my question he said he thought they were extremely valuable as bringing in review before the superintendent the patients in the larger asylums, at frequent intervals ?—Dr. Mercier is not connected with a large asylum. I think any man who does his duty in a large asylum as the medical superintendent, does medically look after his patients.

30465. (*Mr. Byrne.*) The medical superintendent of an asylum of 2,000 has very little to do with the medical treatment of his patients ?—I think he ought to have. When I was medical superintendent of an asylum of 2,500 patients I took very great care that the medical treatment went through my hands ; I think it ought to do so. I do not think the treatment of the patients should be left to the assistant medical officer.

30466. (*Dr. Needham.*) You think far too much is left to them now ?—I think the medical superintendent is a man who medically superintends.

30467. (*Mr. Byrne.*) You mean that he ought to be the man who medically superintends ?—Yes.

30468. We know as a matter of fact that in some asylums he is too busy about other things ?—In some asylums I do not think he troubles himself about the patients ; I think it is a matter of upholstery in many places.

30469. We have been in many asylums, we have spoken to many medical superintendents, and in many cases we found they did not know the names of the cases, much less their ailments ; you agree with that as a matter of fact ?—Of course I do ; that is why I am so anxious that the Lunacy Commissioners themselves should see to this.

30470. (*Dr. Needham.*) Then are you still of opinion, not looking at the thing from the point of view of your own experience, but looking at the thing from the average superintendent's point of view, and in the interests of the patients, that it is not desirable that the continuation reports should be continued in order that the patients' cases should be brought before the medical superintendent at frequent intervals, that he may decide upon the mental condition of the patients ? Otherwise are they not liable to be buried in case books and lost sight of in the depths of a very much overcrowded asylum ?—If a man does not do his duty, that is a different thing altogether. I am taking the case of a man who is in a large asylum, who knows his patients and goes regularly through them at times. I think the continuation certificate is a very great hardship upon him. I know it used to take me hours and hours, and cases I knew perfectly well had to be put down in a most careful manner or else the orders were sent back from the office.

30471. Is there not another point of view about the system of continuation certificates and reports ; it does introduce into the Lunacy Law a new clause practically which enables the Commissioners constantly to order the discharge of patients as to whose continued mental unsoundness they are not satisfied ?—To recommend to a committee.

30472. Is that an advantage ?—Of course it is an advantage, if it does that. I do not know the inner working of the continuation report in the Commissioners' office.

30473. You know the continuation reports come up to the Commissioners and the Commissioners have to judge as to the sufficiency of the facts as justifying the certificate ? If they are not satisfied that the facts are sufficient they send it back to the committee with an intimation that they do not think the facts are sufficient to justify the patient's detention ?—I have never known a case of that sort in my experience.

30474. Knowing that, do you still think the continuation certificates should be discontinued ?—It very rarely happens, I think.

30475. It happens now and then ; would that alter your opinion ?—If it happens frequently it would.

30476. (*Dr. Dunlop.*) *Apropos* of the continuation certificate, do not you think it might be dispensed with altogether if there were sufficient deliberate, reasonably lengthy, medical inspection ?—Yes.

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30477. (*Dr. Needham.*) Would you put upon the Lunacy Commissioners the power of discharging the patients from a county asylum ?—Yes, I would.

30478. Make them the sole judges of the mental condition of the patients ?—As they are in the private asylums now.

30479. (*Dr. Dunlop.*) Would it not be more reasonable to allow the Commissioner to decide it from an examination of the patient, than from a mere inspection in the office ?—No, I think he knows too much about an insane person to be absolutely guided by his own opinion; he would want to know the history of the patient and what others thought about it who lived with him.

JAMES R. WHITWELL, Esq., M.D., called; and Examined.

James R. Whitwell, Esq., M.D.

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30480. (*Chairman.*) I think you are giving us evidence to-day as the representative of the Visiting Committee of the County of Suffolk ?—That is so.

30481. Will you kindly tell us how long you have been Medical Superintendent of the Asylum in Suffolk ?—Ten years.

30482. You have been so good as to give us a statement of your evidence; may we put that on our notes ?—Certainly.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY JAMES R. WHITWELL, ESQ., M.D., MEDICAL SUPERINTENDENT, COUNTY ASYLUM, MELTON, SUFFOLK.

The Lord Chancellor's Visitors and the Masters in Lunacy have chiefly to deal with mental cases in which the question of the property or person of an individual becomes of interest legally, owing to doubt arising as to whether that person is, or is not, competent to deal with that property. These bodies therefore only comparatively rarely come into contact with those dealing with pauper insane. There does not appear to be any overlapping of the work of these authorities with that of the Lunacy Commission, but to many it would appear that many of their duties could be equally well done by a body such as the Lunacy Commission, increased as regards its numerical strength and endowed with extended powers. This, however, is not a point upon which we could speak with confidence.

As regards the Lunacy Commissioners, I take it that their duty consists wholly and entirely in administering the Lunacy Law as it exists from time to time, and though inadequate as regards number, my own twenty years' experience tells me that this work is really well done. I, however, hold the view that the only reason why they are not of more value to the community at large is because their powers are too limited. Each succeeding Lunacy Act has limited more and more the powers of each responsible individual acting under it, with the inevitable result of diminishing the value to the community of those officers, and in spite of the fact that the human mind, sane or insane, cannot be ruled off into sections and sub-sections.

The faults attributed to the Lunacy Commission are, in my opinion, solely the faults of their numerical weakness and limited powers.

The extension of their powers should, in my opinion, be in the direction:—

1. Of having certain discretionary powers given to them, *e.g.*, in the case of a private patient admitted to an asylum not seen by a Justice of the Peace and demanding to see a Justice of the Peace. In this case the Justice takes it, rightly or wrongly, that he is placed in the position of an expert superior to any who has yet seen the case. Assuming he decides that the patient is not insane, the patient is therefore necessarily discharged. In this case the patient should not be discharged except at the discretion of the Commissioners.

2. Of being empowered to make certain compulsory orders, in say, structural matters, when from their experience and in their opinion, certain changes are advisable and wise; *e.g.*, the Commission should, in my opinion, be able to say such and such buildings are not to be used, and such and such buildings must be put up.

I imagine that a great deal of energy and time of the Commissioners is frittered away in visiting single cases and workhouses in the counties, which might be equally well done either by deputy Commissioners, or the medical superintendent of each county might be deputed to do the work and report more frequently than at present, to advantage and economy.

As regards the constitution of the Commission, I personally do not think that any improvement could be made; an equal number of legal and medical Commissioners appears to me to work admirably and to be really necessary, for the reason that it unfortunately happens that the medical and legal views of insanity are diametrically opposed.

30483. (*Mr. Bryne.*) From your experience do you think it would be advantageous to give the Lunacy Commissioners certain authority with reference to small properties ?—It would seem to me an advantage. We sometimes have cases of small property; I should think if it could be dealt with summarily like that it would save a great deal.

30484. It is a fairly frequent subject of complaint by patients in county asylums that some little property of theirs is "going to rack and ruin ?"—Yes.

30485. Or that someone has improperly possessed themselves of it ?—Yes.

30486. And these complaints occur frequently ?—I have had three quite recently.

30487. It would satisfy them and probably be good for them, if the Commissioners could deal with it ?—That is my opinion.

30488. Did you hear the other question which I addressed to Dr. Claye Shaw about the nature of workhouse asylums ?—I have not any doubt as to the authority under which they should come.

30489. Under Lunacy ?—Undoubtedly. I am not quite sure about children, but certainly all others.

30490. Including persons of feeble mind who were boarded out ?—Yes.

30491. Boarded out or receiving outdoor relief ?—Undoubtedly.

30492. (*Dr. Needham.*) You say you hold the view that the only reason why the Commissioners are not of more value to the community at large is because their powers are too limited and that each succeeding Lunacy Act has limited their powers and so on; could you enlarge on that a little and tell us in what direction you think their powers should be enlarged ?—I was thinking particularly of Section 38 which was mentioned just now, continuation orders. Where one has to certify a given case one has three weeks in which to do it. All medical men know quite well that there are some cases which you cannot certify; no man, however good he is, can certify them on given days. If you are at all conscientious about your work, and I do not think I am peculiar in that way, it is an extremely difficult position in which you are placed; either you must certify the patient, or you must not certify the patient. In the latter case the Commissioners will order their discharge, I take it they are bound to do so. I should like to be able to write to the Commissioners, as I have sometimes, and say "I cannot say that this man is of unsound mind, I cannot certify him, he is of unstable mind, but having knowledge of him in the past, and having one's experience of similar cases, I do not think that he ought to be discharged." I should like the Commissioners to have a discretionary power in such cases.

30493. Have you written that ?—I have written something similar.

30494. Have you been directed to discharge the patient ?—No, I was not directed; I was told that if I could not certify under the terms of the Lunacy Act, of course the patients would be discharged. Then I strained my conscience because I felt that the patient should not go out. I think that is an unfair strain on my conscience.

30495. Do you call it a strain on your conscience when you speak the truth; because you are saying what you believe to be the fact, only you are giving corro-

borative evidence derived from your experience in other cases? I do not think that is straining your conscience? —I think it would be an assistance if the Commissioners had discretionary power in a case like that.

30496. How would you give it to them; people must either be sane or insane; you could not give the Commissioners any power which is not inherent in superintendents, within the law, to detain people who are insane? —The question is not quite whether the patient is sane or insane on that day; the question is whether I am able to write down certain facts which will convince another person; that is not quite the same, it is a more difficult matter, there are many cases in which it is more difficult.

30497. Have not you got three weeks in which you may do this, any day in the three weeks?—Yes, but cases have occurred which have given me great anxiety. I am speaking quite sincerely.

30498. Can you indicate to us any way out of the difficulty?—I only thought the Commissioners might have some power to say that one might report in a month, or something like that.

30499. In a doubtful case there might be some possibility of an adjournment?—Yes, having inquired into the case.

30500. Then you say, as respects the Commissioners, that they ought to have discretionary powers, that is with reference to the necessity of their discharging a patient, as to whom the judicial authority, called in after the patient's admission, is not able to discover signs of insanity?—Exactly; I feel the Commissioners ought to be a Court of Appeal in a case like that.

30501. I think the Commissioners feel that themselves. As regards compulsory orders about structural matters, do you think the local authority, say your local authority would submit to any mandatory influence of the Commissioners; would not they rather be advised than commanded?—This report went before my committee before it came here and they quite subscribed to that. I have not any doubt many local bodies would be rather glad.

30502. (*Dr. Dunlop.*) Does this statement represent your own opinion only, or is it the opinion of others?—It is the opinion of my county council.

30503. The evidence is on behalf of your county council?—It is.

30504. It is the county council to which this line refers: "This however is not a point upon which we could speak with much confidence"?—Yes.

30505. (*Chairman.*) It is the Visiting Committee really is it not?—Yes, I suppose it is the committee really; they are delegated by the county council.

30506. (*Dr. Dunlop.*) Have you personally much experience regarding the inspection by the Lunacy Visitors?—You mean the Lord Chancellor's Visitors?

30507. Yes?—No, very little.

30508. Have you any Chancery patients in the asylum?—None whatever; we have had one.

30509. Have you served in a private asylum at all?—No, I have had no experience of them.

30510. Regarding these continuation orders, you heard me put it to the last witness; would you corroborate or disagree with his opinion that if there were efficient deliberate inspection of an asylum that might take the place of continuation orders entirely?—If it could be done, but I cannot myself see how the Lunacy Commissioners could examine into the detailed mental condition of a large number of patients. I cannot see how it could be done.

30511. It would take time?—A very long time indeed.

30512. I suppose 90 per cent. of the patients would not require it?—Quite 90 per cent.; more than 90 per cent.

30513. But the 5 or 10 per cent. would require a considerable amount of time?—Yes.

30514. So, after all, the length of inspection would not be so very enormous?—No, but they have to be selected out of the bundle.

30515. If there were to be sufficient medical inspection would you advise that to replace continuation orders?—I personally do not mind continuation orders, only I think I should like them not quite so carefully worded, so that it would give superintendents power to say, "I certify this man to be of unsound mind and a suitable person" without having to go into great details. In some cases one cannot go into great details.

30516. The point I rather wanted to elucidate is whether it is desirable that the inspecting aspect should be increased, and if it were increased, could the Lunacy Commissioners be reasonably relieved of the duty of overhauling and receiving these continuation orders?—I do not think the Lunacy Commissioners could ever undertake in detail to examine into the medical condition of all patients in an asylum.

30517. All those who require examination?—But they have to find out who require it out of 1,000 or 2,000.

30518. Which does not take very long?—I do not know. I think it would be very difficult; I think the continuation certificate would be better.

30519. (*Chairman.*) Is there any other point upon which you would like to give evidence?—No.

SIXTIETH DAY.

Monday, 10th December, 1906

PRESENT.

The Right Hon. The Earl of Radnor (*in the Chair*).

W. P. Byrne, Esq., C.B.
F. Needham, Esq., M.D.
H. D. Greene, Esq., K.C.
The Rev. H. N. Burden.
H. B. Donkin, Esq., M.D.
J. C. Dunlop, Esq., M.D.

Hartley, B. N. Mothersole, Esq., M.A., LL.M. (*Secretary*).
E. A. H. Jay, Esq., M.A., LL.B. (*Assistant Secretary*).

County Alderman Benjamin Crowther, called ; and Examined.

Alderman Benjamin Crowther.
10 Dec. 1906.

30520. (*Chairman.*) Would you kindly tell us how long you have been Chairman of the Asylums Committee of the West Riding ?—I am afraid I can scarcely do that. I have been in connection with the asylum for the last fourteen years, and practically I have been the Chairman for the greater part of that period, but not in fact. Colonel Stanhope was the Chairman before I took the place because he was very deaf.

30521. So practically you have been Chairman for the last fourteen years ?—A good part of it, yes.

30522. You have been so kind as to give us a statement of your evidence ; may we put that on our notes ?—Yes.

Statement of the Evidence Proposed to be given by County Alderman Benjamin Crowther, Chairman of the Asylums Committee for the West Riding of Yorkshire.

That he has been closely connected with the West Riding Asylums for the past fourteen years and took an active part in the establishment of the Institution for Idiot Boys at Stanley Hall, after visiting the Royal Albert Asylum at Lancaster.

That he has been instrumental in arranging for the Idiot and Imbecile Girls in the West Riding Asylum at Wakefield to be trained by special nurses in the methods of teaching similar to those adopted at Stanley Hall.

Objections to Present System of Lunacy Administration.

1. That plans of all new buildings, alterations, and additions must be submitted to the Lunacy Commission who have as adviser a London architect, who has private practice, as asylum architect. The result is considerable delay as well as expense in re-drafting and re-submitting, so that under this system it takes ten years to complete an asylum.

That the Lunacy Commissioners submit plans to an architect in private practice who himself supplies plans for asylums for county authorities, a system which is not calculated to get the best out of local architects.

2. That buildings insisted upon are too costly for the purpose; too costly corridors for the amount of ward space provided. That there are numbers of patients in the asylums who cannot appreciate their surroundings and are not cleanly in their habits. For such patients plain, roomy, easily cleaned, inexpensive buildings should be sanctioned, more in keeping with the homes from which they come and to which they have to go to, if cured.

3. That many irritating and somewhat frivolous suggestions are made and insisted upon by the Lunacy Commissioners. That there is a want of continuity of policy. That orders given on one visit and acted upon are condemned on a later visit, and opposite orders given, which give rise to considerable irritation as well as unnecessary expense. That the increase of lunacy in the West Riding has been such that before one asylum is complete it is necessary to look out for another site. To defer that as long as possible the West Riding Asylums' Committee considered schemes for adding 120 beds to each of their three asylums at Wakefield, Menston, and Wadsley. That Wakefield and Menston schemes were sanctioned, but with regard to Wadsley, which was an extension of an existing building, the Lunacy Commissioners insisted upon more corridor and air space, which, if carried out, would considerably increase the cost. Rather than consent to that unnecessary expense the Asylums' Committee abandoned the scheme, although the beds are urgently needed. That Scottish Commissioners in Lunacy are not so exacting, and their views are much more liberal, and what does for Scotland should do for the West Riding. That with regard to the Farm Buildings at Storthes Hall for Workers (the same as at Menston Asylum), plans have been revised three times, have been with the Lunacy Commissioners for six weeks since their last revision, and have not yet been sanctioned, and have been in their possession four months.

Alterations in System now Suggested.

1. That new buildings, additions, and alterations should be dealt with by a practical Government architect who should devote the whole of his time to the work. That local architects should prepare plans, have them approved by the asylums' committee, then submit them to the Government architect who should then meet the local architect and asylums' committee on the spot. Such Government architect should be open to be consulted at all times direct and not through the Lunacy Commission. By this means asylum committees would get the very best out of their own local architect without any suspicion that he was supplying schemes for other architects to profit by.

2. Whether Lunacy Commissioners or Government Visitors are necessary is debatable. The West Riding Asylums' Committee have a rota of monthly Visitors who pay surprise visits, see every patient and all parts of the asylum, and report to the Committee.

The Guardians visit once a year and the Committee have the constant supervision of their medical staff, and the Asylums' Committee think the time has come when the Lunacy Commission might be relieved of these duties, and such duties transferred to the asylums' committees who should annually report to the Home Office.

But if such are to continue—

3. They (Lunacy Commissioners or Asylum Visitors) should be men who have considerable experience in county asylums or large hospitals. They should pay periodical visits, view all inmates, see that they are properly cared for, that the medical staff, the attendants, and the asylums' committees are doing their duty, and report on the same to the asylums' committees as at present, but the question of buildings should be left with the Government architect, the local architect, and asylums' committees.

Voluntary Boarders.

Witness is of opinion that it is very desirable that county councils should have power to accept voluntary

patients as boarders or paying guests, without certification, so that when persons are getting depressed and feel symptoms of another attack, they may be able to return voluntarily, without being certified.

30523. (*Mr. Byrne.*) I should like to ask you for some further expression of your views about the Government architect whom you recommend. I suppose you are aware that there is a Government Department called His Majesty's Office of Works and Public Buildings which, considering that its operations extend all over the world and include buildings of innumerable sorts, has considerable experience? Is it such a department as that which you had in your mind when you spoke of a Government architect?—It is very much of that idea, but it is rather on this line, that under the present system, as I understand it, instead of a Government architect, an architect who is in practice as an asylum builder is the adviser of the Lunacy Commissioners, and consequently all plans sent up from our district have to be submitted to this adviser who is himself the adviser to the Lunacy Commissioners and still is drawing plans for asylums for other authorities, and we say that that is scarcely fair to our architects, or calculated to draw out their best. We think that if our local architects were put in competition with one another they would bring out ideas which they will not attempt now when their plans have to be submitted to an architect who is in private practice, and who is practically competing with them.

30524. Is it known that Mr. Hine has certain views about proper asylum construction which hamper the efforts of local architects?—I can scarcely say that.

30525. In what way does the fact that they are submitted to him disable local architects from using their inventiveness to the fullest extent?—There has been a strong feeling among architects with respect to that; they consider that Mr. Hine is practically getting the benefit of their brains.

30526. I see the force of that argument very strongly myself, but I am speaking about the other argument. In what practical way does it impede the progress of asylum construction? Do you think the local architects do not like him to see the best efforts of their brains?—I am sure of that; there have been very strong expressions by different architects on the point.

30527. Has it in practice, do you think, had the disadvantage of bringing asylum construction down to one settled level; has it had an injurious effect, do you think?—I think it has prevented progress. We have kept too much on the old lines, that is what I mean.

30528. With the knowledge that asylums constructed on these lines would be sure to pass Mr. Hine, and with the idea of not giving him too much information?—Yes, that is so.

30529. You would like that system to be done away with?—Yes.

30530. At present, you remember, the situation is this—the local authority in meeting its responsibilities in the matter of asylum construction considers and designs what is required; it submits these plans to the Secretary of State through the Lunacy Commissioners, and the Lunacy Commission has power, and so has the Secretary of State, to make such enquiries about them as they think fit?—Yes.

30531. I want to ask you by what you would replace that system; would you eliminate the Lunacy Commission from the process entirely?—Entirely.

30532. Send the plans straight to the Secretary of State; or would you eliminate the Secretary of State too?—No, I would send them direct to the Government architect, and I would suggest that after we have prepared the plans and they have been passed by the asylums committee they should be submitted then to the Government architect, and the Government architect would then go through them and consider them; then I suggest that he should meet the local authority, the asylums committee, on the spot, and fight out any alterations that either party might suggest, and I think that would bring out the best style of asylums possible.

30533. In the event of disagreement, would you have any final authority at all?—I should not object at all to that, I should not object to an appeal.

30534. To whom would you give it; to the Home Secretary as at present?—I should submit it to the Home Secretary, in case of dispute. I think myself that there would scarcely be a possibility of dispute, because I think the local architect and the Government architect in combination with the asylums committee would fall in with the suggestion of the Government architect eventually, if he persisted, so I do not think there would be any necessity for any appeal to the Home Secretary.

30535. Do you contemplate a permanent appointment of a Government architect?—That is just my view. I consider, with all the asylums that we have in the United Kingdom, that there would be ample work for one Government architect, because I should like him to be accessible at all times to the local architects or asylums committees without having to pass through the Lunacy Commission.

30536. Would you give him the same power of advising and criticising on the sites of asylums, as you would on the buildings?—Yes.

30537. Just the same powers as the Lunacy Commissioners have?—Exactly the same powers as the Lunacy Commissioners have at present.

30538. Supposing the Government, although they did their best to get a competent and sensible man, happened to appoint a crank; that might have a much worse effect than the present system. Supposing they appointed a man who had extravagant ideas, or if you like, who had absurdly economical ideas, it would be awkward would it not?—It would be awkward certainly, but I think the Government would not appoint an individual of that character.

30539. You would wish the final authority, the Home Secretary, to give the architect such instructions as to the general lines he should adopt as would keep him straight?—Exactly.

30540. You know, I have no doubt, that a great many of the lunacy authorities, the local authorities in England, are at the present moment behindhand with their asylum accommodation?—We are.

30541. There are others who are more behindhand than you are?—I am sorry if they are; we are bad enough.

30542. That is a source of inconvenience, is it not?—Yes.

30543. And of expense?—That is one of our difficulties to-day, and that is one of our strong objections to the action of the Lunacy Commissioners at present; the continued delays. I could give you a case in point. We have just now before the Lunacy Commission, plans for additional farm buildings at Storthes Hall; that is our new asylum. They have been three times revised on suggestions from the Lunacy Commissioners and the Agricultural Department. After the third revision they were sent back to the Lunacy Commissioners; it is more than six weeks since, and we have not got them back yet, and we cannot get a satisfactory reply, and it is very urgent that the buildings should be put in hand, because our farm is there, and we want somebody to work it, and we had intended to have it ready for the next season, but it is impossible now. I give you that as evidence of delay.

30544. Assuming those facts, you do not imply any more than that apparently the Lunacy Commissioners are overworked; it is not neglect? You have no reason to think they have specially selected this case to lay it aside?—Not in the least.

30545. It is probably an indication that they are not sufficiently staffed to carry out all the work?—Possibly so.

30546. As a practical result of these considerations and reconsiderations, the plans of those buildings have been substantially reduced in cost, have they not?—They have been reduced in cost as regards the buildings, so far as the accommodation of cattle is concerned. That has been done by the Agricultural Department.

30547. The total amount to be spent on these buildings has been substantially reduced, and yet the buildings will be practically adequate for their purposes?—Yes.

30548. So that, although there has been a most regrettable delay, still the result of the consideration has been most useful; is not that so?—I think we may accept that.

30549. To go to another point, that is the visitation and

Alderman Benjamin Crowther.

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inspection of asylums by the Visiting Committee of the local authorities; are we to infer from your evidence that you think the inspection is so complete and is carried out so earnestly and vigilantly that the continued inspection by a central Government body is really practically not required?—That is exactly our opinion; that if it should be required one Government inspector to visit annually would be quite sufficient.

30550. One at a time, do you mean?—It does not matter if there are two, so long as they are only inspectors, to see that the inmates are properly cared for, and that the staff of medical officers and committees are doing their duty.

30551. Let us consider that practically. Take the first point; there must be a central Government authority, you say, to see that the patients are properly cared for?—Yes.

30552. In a large asylum with 2,000 patients, to do that in such a way as to be able to criticise the action of the doctors in the asylum would mean a very long, difficult, and highly technical examination of the patients, would it not?—It would.

30553. That would be making the inspection by the Lunacy Commissioners wider and deeper and more vigilant than it is at present?—I think not. I thought we were eliminating from their duties the question of structural alterations and architecture, leaving the other duties practically as they are now.

30554 Of course others are more competent than I am to speak of that, but I should think that if you took away all the plan-criticising duties, but imposed the duty of being responsible for the medical and other treatment of all the patients in asylums, that you would double or treble, or more, the work of the Commissioners. In what sense do you think the Commissioners should be responsible for the medical and physical condition of the patients?—I do do not wish to make them responsible at all. I think our medical superintendent should be responsible to the Asylums' Committee. I have here the Wakefield Asylum Sub-committee's summons for their quarterly meeting on Wednesday, that shows the rota of Visitors; and also the Scalebor Park, which is our private asylum. We have a rota of monthly Visitors in that.

30555. In addition to that you are familiar with the duties of the monthly visits yourself?—Yes.

30556. You very often perform them?—I very often perform them; I am on one of the rotas.

30557. Kindly tell us what you do in one of your monthly visits. I am sorry to trouble you, but it will be valuable for us to have it in detail. Will you describe precisely what you do in regard to each asylum you visit, and each body of the patients you see?—You will perceive from the rota that there are four, five, or six on each visit; at any rate there will always be five, I think. Our first point is to go without notice. When we get there of course it will soon be known throughout the whole establishment that we are there, I presume. If four of us have arrived we take one medical officer for two, and another medical officer for the other two, and we divide, one takes the female side and the other the male side, and we go through every part of the asylum and see every patient and give them an opportunity of speaking to us and making complaints to us. As a rule of course we have a lot of complaints; that is, they always want to go home, the bulk of them.

30558. I suppose a good many of them say they are badly treated, in some respects?—They say that they are badly treated, and that they are kept there of course against their will, and some of them write very long letters and hand them to us, and that sort of thing. They are the principal complaints that we have. I never hear a complaint, or very rarely indeed, when a patient has recovered. On discharge we invariably ask them whether they have any cause of complaint while they have been in the asylum, and they rarely have such a thing as a complaint. They have always been well treated; but before they become sane they are full of complaints. We visit both the male and the female sides, then we visit the laundry and see that all the laundry work is properly carried out. We then visit the stores and see that the material we have bought is being delivered, and up to sample, both in regard to food and wearing apparel and that sort of thing. We proceed on such lines as that throughout the whole establishment, and if four of us are present we complete the visitation of the whole asylum on that one day.

30559. Is it a long day?—It is a long day. We start in the morning and it is very often five or six before we have completed. We have Stanley Hall, which is a building we purchased for boys and girls, but we found we had not accommodation for separating the sexes as was desirable, so it is now only used for boys. We visit that, and then we have Ivy House, which is a place for workers. We visit that. At the finish we meet together and draw up our report and enter it in a book to be submitted to the Asylums Sub-Committee when they meet. I think that is exactly the action we take on what we call our monthly surprise visits.

30560. The patients, know, I presume, that you are the authority which has power to discharge them?—They do.

30561. They appeal to you therefore as that authority?—They appeal to us repeatedly and ask us to send them home. In some departments the moment I put my face in they are at me for being sent home—"You have not sent me home yet and I am detained here against my will, and I shall take certain action if you keep me here any longer," and that sort of thing.

30562. You generally discharge patients on the recommendation of the medical superintendent?—Always.

30563. Do you hold special meetings for the purpose of considering his recommendations, or do they come in at irregular intervals?—Both. If the medical superintendent has a number ready for discharge he summons a small portion of the Committee, never less than two, to go through the discharges; but as a rule if there is a monthly visit, as soon as he finds we are there, if he has any for discharge we have that at the end, or if it is at a quarterly meeting of the Sub-committee.

30564. Do you utilise your monthly visits for the purpose of seeing and testing whether you agree with the medical superintendent's recommendation? Do you personally interview, for instance, the patients whom he mentions to you, "I am going to recommend the discharge of that woman," and so on?—Every patient whom the medical superintendent recommends for discharge we interview; we have them before us and we ask them different questions, and we form our own opinion. For instance, sometimes he recommends a patient to be sent out one month on trial. At our last meeting there was one recommended to go out one month on trial; on the examination we were satisfied that it was much safer for him to be in, and the medical superintendent fell in with our view and he was kept in.

30565. So you apply your own minds and judgments in each case of discharge, of permission to reside with relatives, or even of legal absence?—Yes.

30566. Supposing a system of boarding out lunatics of amenable disposition with private persons were adopted, would the existing Visiting Committees be able to undertake that work, do you think?—I am afraid that would be a wide work. I presume, if that course were adopted, they might be located miles away, and that would necessitate considerable time and travelling.

30567. It could be done through the local Poor Law authority?—That is possible.

30568. You see difficulties if it had to be done entirely by the Visiting Committee?—I think the Visiting Committee devote as much time as voluntary workers can be expected to devote, to this work.

30569. It is laborious work?—It is laborious work; where we have to visit an asylum with 2,000 patients and we have to go over the asylum and see the bed clothes, see the beds are clean, and see that every department is kept cleanly, and see every patient and listen to their complaints, you will see that it is a very heavy day's work for a Visiting Committee to do.

30570. Does your committee see that the books required by rules and law to be kept, are kept?—Yes.

30571. For instance, do you see that the doctors' case book is kept up to date?—I would scarcely say that we do.

30572. That is an important part of asylum management, is it not ?—It is.

30573. And it might fall into arrears, without your knowing much about it ?—It might, as we are constituted now.

30574. It is rather a delicate matter, is it not, to interfere with that work ?—It is. If we had the least doubt as to our medical superintendent I have no doubt we hould closely investigate.

30575. A man might be an admirable superintendent, but he might at the same time neglect the case book ?—That is so.

30576. Although he would be better if he did not neglect it ?—Yes.

30577. The orders for reception of patients are carefully scrutinised in the asylum, are they not ?—Carefully scrutinised.

30578. By what sort of official ?—First of all the medical superintendent has to pass them.

30579. He reads them carefully and passes a scientific judgment on the propriety of the order ?—On the examination of each patient as they come in.

30580. I am speaking of the papers, not of the personal examination of the patient ; does the doctor carefully scrutinise the papers of each patient as they are received, to see that they are in proper form ?—He does.

30581. If they failed to indicate proper grounds for certifying that person for detention in the asylum, the doctor would spot it ?—He would spot it quickly.

30582. Would he at once report it to you ?—He would at once report it to the Committee.

30583. And suggest that there was a doubt whether it was a proper case for detention ?—Yes.

30584. Merely on the papers ?—Merely on the papers.

30585. He would test his own judgment by his report, after seven days ?—Yes ; it is very rarely that such an occurrence happens.

30586. You have explained to us the elaborate and careful inspection by the experienced local authorities in county asylums ; do you think, that being so, that there is need for any great increase in the present inspection by the Government ? Ought it to be more minute ?—I do not think it is necessary.

30587. Do you think, on the other hand, that it need only be such a general supervision as would enable the Government to detect negligence, if it crept in in any place, and remedy it without duplicating the inspection as actually carried out by the local authorities ?—That is exactly my view, and the view of our Visiting Committee too. They think that the way in which they perform their duties should relieve the Lunacy Commissioners, and as a consequence—at any rate this is my own opinion, I am not speaking for the Committee now—I think it is desirable that the Government should have, at any rate, an inspector at certain times to see that we are doing our duty.

30588. An inspector, or a number of inspectors ?—When I say an inspector I mean that I would rather one inspector visited one asylum continually, so that we did not have a confusion of ideas ; but that applies more to structural matters, because I do not know that if it were simply to see that we were doing our duty and that the patients were right, it would matter much whether there were one or a number. In the present system there is a want of continuity of policy, in our opinion, which goes against efficiency, and is very irritating sometimes.

30589. Might I enquire whether, among the members of your Visiting Committee, there are magistrates and judicial authorities ?—Yes, there are quite a number, but I could not give you the exact number.

30590. Is it the bulk of them ?—I should not say the bulk of them, our committee is very numerous, but a considerable number probably ; the chairman of each sub-committee is a Justice of the Peace.

30591. No doubt all of you are highly qualified for the work by your experience, but may I ask whether many of you are specially qualified for it by your occupation or training ; are there many doctors, for instance ?—Yes, we have a number of doctors.

30592. Any architects or builders ?—We have contractors and builders, and we have some architects.

30593. Generally speaking, would you tell us that, in your opinion, the body is so well provided, both by experience and other qualifications, that it is able to do its work in the highest possible way, and requires no improvement and little or no Government inspection ?—That is just my view.

30594. (*Mr. Greene.*) You do not suggest, I suppose, having Home Rule, as it were, for Yorkshire, and that the West Riding should be on a different footing from every other county in England ?—By no means ; I am presuming that all other counties are equal to ours in the management of asylums.

30595. Do you suggest that each county should have its separate management, just as you should have separate management ?—Yes, exactly.

30596. Whether they are as fortunate in the people who are serving them in a public capacity or not ? That is the point of view from which the public have to look at it ?—That is so.

30597. You may be exceedingly fortunate in Yorkshire ; but in some counties I might mention we might not be equally fortunate, either as regards qualified architects, or as regards qualified asylums committees ?—From experience I cannot speak for other counties in that respect ; I can only speak for what I know.

30598. Does it occur to you that there is any advantage in uniformity, particularly in the construction of buildings? —Uniformity you mean throughout the country ?

30599. More or less uniformity ; that the advantage of the experience gained by the Commissioners who inspect, should be utilised for the benefit of all asylum authorities by having certain rules and a certain system, the embodiment of the experience of these Lunacy Commissioners ?—I am afraid that class of experience prevents progress. I think there is room for considerable progress with respect to lunacy accommodation.

30600. It does not occur to you that concentrating the experience of the Lunacy Commissioners and giving their instructions to their own architect to frame rules for the construction of asylums, or additions to asylums, is an advantage ?—It would tend to uniformity, but I should not say that it would always be an advantage. Considerable progress has been made in asylum buildings and accommodation within the last few years.

30601. As all the plans in respect of it have had to be brought before the Lunacy Commissioners it is quite possible that some of that advance may be due to their intelligence and watchfulness ?—Quite possible.

30602. May I take it that from the public point of view it would be an advantage to continue in some degree the supervision by the Lunacy Commissioners and an architect whom they can instruct for building work all over England ?—I think a Government architect would have all that at his fingers' ends.

30603. You do not object to having an authority who shall be able to carry out the experience which some people acquire ?—No.

30604. You would have a Government architect—a salaried official ?—Yes, a salaried official to devote the whole of his time

30605. And exclude him from private practice ?—Yes.

30606. Or partnership with anybody else ?—Yes.

30607. I want to follow what advantage there would be in having that gentleman. What advantage do you see in employing a public architect who is employed on all occasions ? I take it the Lunacy Commissioners are not bound to have this particular gentleman they have been recently employing ; they might employ anybody ?—I presume they might.

30608. To act on their instructions in any case ?—Yes.

30609. Is not that a great advantage, to leave the experience they have got for them to use in directing the architect, and also to leave them free to pick any architect they like ?—But my objection to that is that the local architects, knowing that another architect in practice is going to supervise their plans, would not submit their best, or attempt to draw out their best, to be submitted to him for him to use in his private practice. Supposing

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or local architect has a special idea on the erection of asylum buildings. He knows that this will be submitted to a man who is in private practice practically a competitor of his. It holds him back from submitting that progressive idea because of the fact that it will be utilised. They look upon it as picking their brains, in the Yorkshire style of putting it.

30610. Do you mean that they are afraid of having their plans rejected; because the architect in London, on that hypothesis, would have the plans put before him to accept or reject; if he accepted it the æsthetic yearnings of the provincial architect would be satisfied; if it were rejected he would have to try again; that is all?—He would have to try again, to meet his requirements.

30611. To fall in with the directions of the Lunacy Commission, directing the action of their adviser?—Yes.

30612. To fall into the uniform system?—Yes.

30613. With all respect, is not that rather a small trades union difference amongst architects themselves? Is it quite worthy of public notice?—I am satisfied that there is a very strong feeling against it.

30614. May I ask whether the local architect to whom you refer in your statement here, is the county surveyor?—He is the county architect at present. He was formerly the county surveyor, but we have divided the departments now and we have a county surveyor and a county architect; but the county architect was both surveyor and architect.

30615. Suppose for a moment there were established a Government architect, or that the Lunacy Commissioners had a special permanent architect excluded from private practice, what would be his functions, according to your view? Is he to over-rule the provincial gentleman, if he does not agree with the provincial gentleman?—I suggest that he should have plans submitted to him, and that after he has gone through them and found all the fault that he can, he should then meet the local architect and the asylums sub-committee on the spot, and show to both the local architect and the asylums committee where they are wrong, and agree on a basis satisfactory to all.

30616. But suppose he still sticks out; that he does not at all agree? I am not referring to your architect; take a case where an architect has been employed by a county authority and has never built an asylum before; he may not be an expert man at asylums; he may be good at churches but not at asylums. In such a case whose opinion is to rule, the permanent architect, or the local gentleman?—The Government architect should rule.

30617. He would simply do as the Commissioners' architect does now, say: "These plans will not do"; all you do is to ask him down, to have that fought out on the spot?—Yes.

30618. He gives his judgment there, and overrules everything after a journey instead of overruling from London?—But he has the asylums committee as well as the architect, and the asylums committee I hold, constituted as they are——

30619. Would you mind limiting it to "constituted as they are in the West Riding," because I am not by any means prepared to say that the authorities are equal, in all parts of England, to Yorkshire?—I can only speak for Yorkshire. I say that when the committees are constituted as they are in Yorkshire, then if the Government architect is in conflict with the local authority they can soon see whether it is an advantage or not.

30620. They are to have no power, because you say the Government architect would be supreme?—Certainly.

30621. And he would have to be supreme over the asylums committee?—Yes.

30622. In point of fact what your suggestion comes to is that you should take him down to be interviewed on the spot, and have his brains picked by the local architect, and that the London architect, still sticking to his view should be able to overrule both the provincial gentleman and the asylums committee?—Yes.

30623. He would do that after a visit to the spot instead of doing it without a visit?—That is so, but my opinion is that the visit to the spot would facilitate a settlement.

30624. Facilitate his withdrawing his criticism of the plans?—Or otherwise if his views were adopted, and avoid present delays.

30625. You went a step beyond that in answer to Mr. Byrne, and you told us that in the event of a difference of opinion there should be an appeal to the Home Office. The Home Secretary himself would not decide between the provincial architect and the official architect?—I said I should not object to an appeal of that character.

30626. Do you expect that the Home Secretary has got the time and skill to decide between two architects; he would have to call in another, would not he?—Possibly so, but I think it is unnecessary—I think the appeal is unnecessary.

30627. But if there were an appeal it would only be for a lay gentleman who is occupying the position of Home Secretary to decide, between two architects, which is the best building, one being fortified with the experience and practice of the Lunacy Commissioners or some other body, and the other being, perhaps, engaged in his first venture of asylum building?—Yes.

30628. You tell us you are interested in an asylum, plans of which have been submitted to the Lunacy Commissioners, and "the result is considerable delay as well as expense in redrafting and resubmitting, so that under this system it takes ten years to complete an asylum"?—That has been our experience.

30629. Were there any financial reasons or difficulties?—No.

30630. None at all?—No, the only financial difficulty is that until we have got the sanction of the Lunacy Commissioners and the Home Office we cannot borrow on the buildings.

30631. Can you tell us where it was, because it seems rather a serious matter if the Lunacy Commissioners have delayed for ten years the completion of an asylum? What asylum was that?—That is our experience with the present Storthes Hall Asylum.

30632. Ten years?—It will be, before it is completed.

30633. In what way is that prodigious delay, or part of it, attributable to the Lunacy Commissioners?—In the first place we have to select the site, and that site has to meet with the approval of the Lunacy Commissioners.

30634. How many years did that take?—I think it would take two years.

30635. To get their approval after the selection?—After the selection and the plans.

30636. That took two years?—I think it took fully that.

30637. After the site had been selected?—I am speaking now of the selection of the site and the sanction of the plans—the general plans.

30638. That took two years; what has become of the remaining eight? How have they been spent?—Those are the first general plans of the asylum. Before we could get those plans passed we had to visit the Lunacy Commissioners in London on one particular point which caused considerable delay, and that was the completing of a church in connection with the asylum, at a cost, I believe, of some £10,000. That led to considerable delay; the Lunacy Commissioners positively refused to consider our plans until we complied.

30639. For the church?—No, the plans for the asylum.

30640. I understood they had been passed, and the site selected; then arose the difficulty about the church?—No, you misunderstood me there; the site was selected, the plans submitted and returned.

30641. Returned, approved?—Not approved; we had to visit the Lunacy Commissioners in London to get them to pass the plans, and they told us that they would not even consider the plans unless we included a church. Our committee has very strong feelings on the question of a church in connection with our asylum.

30642. They prefer a chapel; they are Nonconformists, it may be?—No, we want neither. We have a large recreation room, well fitted up and thoroughly fitted for both recreation and also for religious service, and it is used for no other purpose, and we say that that is ample in connection with an asylum of this character.

30643. How long did that difficulty take to compose?—It took a considerable time in this way, that the plans were submitted and sent back, and we then had to visit the Lunacy Commissioners; there was delay; you

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must first of all get the time fixed for a visit by the Lunacy Commissioners. We then visited the Lunacy Commissioners and we had to pledge ourselves that a church should be built. We had to obtain the sanction of the general asylums committee for that being built, and we had to obtain the sanction of the county council to that being built, and there was strong opposition both in the asylums committee and on the county council, and we had to tell them point blank that there would have to be no asylum if we did not sanction the church so far as the Lunacy Commissioners were concerned. That of itself caused considerable delay.

30644. If I may be excused for offering a remark upon it, it appears to me that there is no blame attachable to the Lunacy Commission for delay. It appears from your statement that your body did not assent to the rules laid down by the Lunacy Commission ?—That is so, as far as that is concerned.

30645. Would it be just to attribute that delay to the Lunacy Commissioners, because you see your people did not like the principle laid down that there should be a church, so they resisted it; is it fair to blame the Lunacy Commissioners for that ?—I do not know that I am blaming the Lunacy Commissioners for that.

30646. Or attributing it to the Lunacy Commissioners ?—That did cause delay; and they are constantly pressing for a similar expenditure at the Menston Asylum to-day.

30647. Do you know whether the Lunacy Commissioners have regular definite rules laid down, which any architect or asylums committee could ascertain, with reference to what buildings they require before people start plans ?—Yes, we know from our experience what the general rules are.

30648. Any architect who is employed by a local authority surely can find out, and naturally would, what are the general regulations of the Lunacy Commissioners with reference to sites; what is to be contained in the buildings, and their appurtenances, such as a church ? Therefore would it not be right to say that the misunderstanding arose because your architect had not informed himself beforehand as to what the requirements of the Lunacy Commissioners would be ?—Our architect knew well what the requirements of the Commissioners would be, with respect to the church, but he knew that the feeling of the committee and of the county council was opposed to it.

30649. It is quite possible, if I may respectfully say so, that the Lunacy Commissioners, in that instance, may be relieved of any imputation of causing delay. Let us see how the rest of the ten years was occupied, so as to lay any blame on the Commissioners ?—Then the plans have to be sent in in detail. You start with the acute block and you send in plans for that. When that is completed, or before it is completed, you send in plans for another 600, say, and then another plan for another 600, and we have now before the Lunacy Commissioners a plan for the farm buildings.

30650. I will pass on to that in a moment. How does it cause delay that you should have to send in these separate sets of plans ? Are they kept an undue length of time by the Commissioners before their return to you ?—That is what we think.

30651. How long, can you tell me, have they been keeping any plans improperly ?—I could not tell you; the architect will be able to tell you better than I can.

30652. Has money to be voted from time to time at quarterly meetings of your council ?—That is so.

30653. Then the question of the approving of the plans has to come before quarterly meetings of your council ?—Yes.

30654. Then possibly the intervention of the submission to the council of these matters, and possibly any difference of opinion that you may have, may in itself cause delay ?—That is so.

30655. It would not be fair to visit that on the Commissioners, would it, if it arose in the ordinary course of the administration of the county council ?—Neither would I, but if you have this process to go through half a dozen times instead of once, it causes delay.

30656. But I have not yet heard of the scheme whereby it could be got over all at once. As I understand you the original plans can be passed; you do not expect this permanent architect to go down each time to meet you on the spot when there is any supplemental plan ?—Certainly not.

30657. You point out that the buildings insisted upon are too costly for the purpose; do you pay your architect by salary or by commission ?—By salary. Storthes Hall, the buildings we are now erecting, are, I consider and the committee consider, much too expensive; there is too much corridor and too small ward space for the money.

30658. Was the expenditure on corridor a requirement of the Lunacy Commissioners ?—That is so.

30659. Or is it in the original design ?—It is in the original design accepted by the Lunacy Commisioners.

30660. Then your architect was in point of fact the author of this wrong, himself ?—He was.

30661. The Lunacy Commissioners accepted it ?—Yes.

30662. Why blame the Lunacy Commissioners if your own architect was the *fons et origo mali* ?—Because I think if he had not known that he had to face the Lunacy Commissioners he would have drawn it on quite a different line.

30663. Was it laid down in their directions or the prescribed rules, that there should be a corridor ?—Yes, I think that is so, to connect the other buildings.

30664. Then in point of fact it is laid down, in the rules which are accessible to an architect when he is commencing his work, that they require a corridor, and you think it would be desirable to prevent the Commissioners laying down such a rule so that a cheaper building by a provincial architect might be rigged up ?—Yes, it would be an advantage.

30665. Possibly without having had the advantage of their experience as to the desirability of having corridor space ?—I think probably their experience will be altered somewhat since Storthes Hall was sanctioned.

30666. I am quite aware that there is a strong feeling that expense on all asylums is very much beyond what it should be, and you make a remark here which, though it is not for me to criticise, I cannot resist saying meets my own personal views from what I have seen: you say here "that there are numbers of patients in asylums who cannot appreciate their surroundings and are not cleanly in their habits; for such patients plain, roomy, easily cleaned, inexpensive buildings should be sanctioned, more in keeping with the homes from which they come and to which they have to go if cured" ?—That is exactly my view.

30667. That is an experience very widely felt, is it not ?—It is.

30668. I see in Saturday's newspaper that in Cornwall at a meeting of the St. Austell Guardians last Friday the Chairman said that the visit he had paid to the new county asylum extension at Bodmin was an unpleasant revelation to him; he was perfectly amazed to see the lavish expenditure of the ratepayers' money; the hall was almost burlesque in the extravagance of its decorations, and the dining-room for the inmates was a most magnificent place ?—That is exactly my view with respect to Storthes Hall at present.

30669. How much of that is due to the extravagance of the Commissioners, and how much to the æsthetic yearnings of the architect ?—I think the whole of it is due to the Lunacy Commissioners; I think their demands are very extravagant.

30670. I understand you to say that there are a good many irritating and somewhat frivolous suggestions insisted upon ?—That is so.

30671. Do you mean by "frivolous," that there are suggestions to carry out many unimportant things ?—Yes.

30672. What you yourself would consider unimportant, or what your architect considers unimportant ?—I consider them unimportant myself, that is why I so term them.

30673. Were those suggestions made before or after the work was carried out ? Did it require any alteration after the work had been first carried out ?—That applies more to their visits after the work has been completed.

30674. They did not think it quite complied with the

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specification and plans, something of that kind ?—It is more on the question of continuity of policy.

30675. These are not suggestions connected with the architecture ?—No, it is more continuity of policy. I can give you an illustration easily. Wakefield Asylum is a very old institution which was opened in 1818, and you know very well probably that at that time asylums were built more like prisons. We have done all that we know to modernise Wakefield Asylum, but in certain rooms the question of the fire exits arose, and the Lunacy Commissioners recommended and insisted upon canvas shoots being prepared and the attendants practising the throwing of these patients down the canvas shoots. Our committee protested against it, but the Lunacy Commissioners insisted upon it and we put them in and we had our attendants practising on them. After a while some Lunacy Commissioners came and condemned them altogether, and they are altogether out of use now. It seemed to us at the time to be folly to suppose that in a panic you could get mad people and thrust them down a shoot. I will give you another point : when we altered the Stanley Hall to accommodate idiot boys, and when we built the epileptic block in connection with the Wakefield Asylum, a new one, the Lunacy Commissioners at that time insisted upon what I call horse stalls for waterclosets ; that is open, no swing-door to them at all. We protested against that at both institutions, but the Lunacy Commissioners insisted on the horse-stall principle. After a period other Lunacy Commissioners visited the Stanley Hall and the epileptic block, and they insisted that we should put swing doors on ; they said it was positively indecent, and we thought so too. That is what I say with respect to want of continuity in connection with matters ; I give you the two points, others could be given.

30676. Were those directions given in writing, or were they casual remarks made by one of the Commissioners in his visit ?—The first proposal was in the submitting of the plans.

30677. The canvas shoots ; let us deal with them ; was the canvas shoot business a formal recommendation by the Lunacy Commissioner, or was it the casual remark of the gentleman who was inspecting ?—It was a recommendation of the Lunacy Commissioners, I could not say that it was in writing or otherwise.

30678. Did your authority at once see that it was an impracticable kind of suggestion ?—Our authority said that it was impracticable.

30679. And an unwise thing to start ?—And an unwise thing to start.

30680. Did they take the trouble to write to the Lunacy Commissioners in London to get a formal direction as to whether they should or should not set up these canvas shoots ?—It is so long since, I cannot say what action was taken.

30681. If your asylums committee—and I should take it that it is difficult to find a more vigilant and intelligent body than an asylums committee from Yorkshire—had a grievance about it, I should have thought they would have at once resisted it and very strongly?—It was resisted, and strongly too.

30682. And in writing, by way of complaint ?—I could not say how far that was.

30683. They surely would not submit, like Yorkshire sheep, to be sheared without some sort of protest ?—No, there was a protest.

30684. Do you think we could get any record of what did take place at the time ?—I think it is possible.

30685. Because one would like to see, before blaming the Lunacy Commissioners, whether it was really the act of the Commissioners, or the casual recommendation, unrecorded, of one of their body who was inspecting ?—The county surveyor may be able to answer that question, as to what correspondence took place.

30686. Now take the other question of the swing door ; was that a formal recommendation or merely a thrown-out idea given by an inspecting Commissioner ?—The complaint was by the inspecting Commissioner.

30687. Did he record it in his book ?—It was recorded in a report. All the records are printed, and this was recorded; and all the recommendations of the Lunacy Commissioners are printed and circulated amongst the members of the asylums committee, and the small notes of alterations recommended by the Visiting Commissioner, and this would come in that report.

30688. Is there no way of communicating with the Commissioners themselves if you feel that any recommendation of an individual Commissioner does not conform with your views of expediency ?—Yes, but that did conform with our views ; we were of opinion that it was indecent and that the doors ought to be put on, and we put them on in the Stanley Hall.

30689. Were they taken off again ?—No, they are on now.

30690. I do not quite follow what the complaint is ?—The complaint is one of continuity of policy.

30691. If the doors were ordered and the doors are there it seems rather continuous ?—But in the first instance, when the plans were passed, they insisted on them being without doors.

30692. Then they rectify it by the vigilance of the inspecting Commissioner ; the grievance has been got over and the doors remain ?—That is so, where they could be, but they are not made to-day in the epileptic block, because the slabs are slate slabs and you cannot hang doors on to them.

30693. With regard to the farm buildings at Storthes Hall, you say that there is a grievance about them that the plans have been revised three times and that they have been with the Lunacy Commissioners six weeks ?—They have been in their possession, from the first, four months.

30694. Is that four continuous months, or have they been returned during the time ?—The plans have been going backwards and forwards.

30695. It would be hardly right to say that they have been in their possession four months, but rather, off and on for four months ?—That is so.

30696. Are they very slow in returning them ?—They have had them six weeks since the last return, and we cannot get a reply.

30697. That is six weeks up to to-day ?—It is more than six weeks now.

30698. Let us follow this, because you ought not to be kept waiting ; what is the nature of the difficulties at the present time ?—They have had the plans three times for revision. I cannot tell you what the last difficulty is, the county architect will tell you better than I can, but first the Lunacy Commissioners pass the plans ; when they have passed the plans they are sent on to the Home Office in order that they can be passed there before we can get a loan on the buildings. The Lunacy Commissioners pass the plans, then they send them on to the Home Office. The Home Office considered, or at any rate they imagined, that they were too expensive for the keeping of cows, and they consulted the Board of Agriculture and referred them to them, and the Board of Agriculture said that a less expensive building and less air space would do. The moment I heard about the Home Office referring them to the Agricultural Department I wired off and asked them to receive our architect and give him an introduction to the Agricultural Department and they did so, and they went through the plans, and they were of opinion that less air space would be sufficient for the cattle in an asylum where the cattle went out to grass, and as a consequence they were revised in that respect.

30699. That is to say, your architect's own plans had to be cut down ?—Cut down considerably, and a considerable amount of money saved in the agricultural part of the buildings. Then they came back and were redrafted and resubmitted to the Lunacy Commissioners, and we are waiting for them to come back now.

30700. They have had them for six weeks ?—Yes.

30701. It was your own architect who proposed the scheme, which on investigation both the Home Office and the Board of Agriculture condemned as too expensive ; he had to withdraw it and his new plan is now under consideration by the Lunacy Commissioners ?—That is so.

30702. Should not the complaint rather fall on your architect for preparing too expensive a design, than on the Lunacy Commissioners for anything they have done ?—It was too expensive a design because he knew that the Lunacy Commissioners insisted on this from his experience of

the Menston Asylum, where exactly the same buildings had been sanctioned in the past by the Lunacy Commissioners and the Home Office.

30703. They had approved it at Menston ?—Yes.

30704. Therefore the Board of Agriculture were just as wrong as the Lunacy Commissioners; they had approved it in those cases ?—Yes, they had.

30705. Then the fault was that your architect followed what the Home Office and the Board of Agriculture had followed at Menston ?—Yes.

30706. He made these plans for Storthes Hall, and the Lunacy Commissioners, probably knowing that the Home Office and the Board of Agriculture had approved Menston, gave their approval to this extravagant scheme? —That is so.

30707. But a better mind came to the Home Office, or the Board of Agriculture, and they exercised the female privilege of changing their minds, and then they disapproved them ?—Yes.

30708. With all respect, and with every desire to put all the burden of all their sins upon them, I cannot quite see where we can throw blame on the Lunacy Commissioners ?—I do not want to throw any blame on the Lunacy Commissioners whatever; I simply say that in my opinion a better system might be adopted.

30709. So far as the West Riding is concerned you prefer not to have so much control and inspection locally; you fortunately are in the habit of having people who attend to asylum work ?—Yes.

30710. I do not know whether you are aware that in many other counties there is great difficulty in getting it. We have been told here that it is repulsive work, and work which a great many people cannot be induced to take up and that that is the reason why there are no honorary Commissioners at the Lunacy Board ?—I can easily believe that, but I do not know it of my own knowledge.

30711. It is unattractive ?—It is not attractive; repeatedly going through an establishment with 2,000 people of such a character as we have in our asylums is undoubtedly repulsive.

30712. Quite so; we have been told that that created such a difficulty that they have been unable to fill up the places of four Lunacy Commissioners by laymen who are not to be paid, because of the character of the work ?—I can imagine that is so, but it does not prevail with us.

30713. Might there not be a sensible system of not making a hard and fast rule requiring a certain number of inspections by the Lunacy Commissioners, but leaving them to see whether the work was efficiently done, and then relaxing their supervision as time and circumstances seemed to make most expedient ?—I think that would be satisfactory.

30714. I want to see whether it is desirable to lay down anything by statute as to the number of inspections there should be by the Commissioners ?—I do not want to lay anything down.

30715. At present there is a fixed number of inspections? —Yes.

30716. That might be relaxed by allowing the Board in London to have some regard to the conditions of the locality ?—Yes.

30717. And by leaving it to their option rather than laying down in a statute what should be done by way of inspection ?—Yes.

30718. That would enable them, in some counties where they have no efficient committee, to inspect themselves, but in places like the West Riding they could trust you, with almost casual inspection now and again ? —Yes.

30719. There would be no difficulty or resistance on the part of your authority to making written reports from time to time ?—I think there would be no objection; we do report.

30720. But I mean as frequently as they might ask for information ?—Yes. With respect to the formation of our asylums committee, if a member finds that the work is repugnant he drops off at the next appointment and lets somebody else take his place.

30721. Has the gentleman of whom you have spoken as your architect other work to do besides lunacy work ?— He has all the architectural work of the Riding. He has the schools, and that is why the work has been divided, since the Education Act has put on us all the schools in the Riding.

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30722. What else has he to do ?—County buildings, such as police stations, county offices, magistrates' rooms.

30623. Besides that he has to design and overlook the construction of these asylums costing several hundreds of thousands of pounds ?—That is so; of course he has a staff.

30724. I suppose it would be out of the question for the Lunacy Commissioners to say that he did not keep sending his plans and replying to them, owing to the great labours he has got, as quickly as they would like ?— If they did, I wish they would report it.

30725. Sometimes both people may blame each other ? —They might, but I am satisfied that our architect would be brought over the coals very quickly if it were reported that there was any delay in his office, because we provide him with ample staff, so far as we know.

30726. (*Dr. Donkin.*) With regard to the question of inspection of the asylums by the committee I think you said in answer to Mr. Greene that there were several medical men on the committee ?—There are.

30727. Is there any arrangement made so that at each inspection one member of the inspecting body should be a medical man ?—No, I do not think that the rota provides that a medical man shall be on each visit; I do not think there has been any design of that kind.

30728. So that it might occur that there might be several visits and no medical man ?—That is so.

30729. You think, in view of your advocacy of this principle, that inspection is sufficient when the monthly inspections are carefully done as you related; that is really enough without visits from the Lunacy Commissioners, or at least with very rare visits ?—I think so.

30730. Do you not think that the medical element is almost a necessity, or should be considered as necessary ?— I scarcely think so; it is very desirable, but I do not think it is imperatively necessary. As a rule the medical men attend to their duties very well, and as a rule they are in at the discharges.

30731. But everybody requires inspection, even the best medical superintendent. You think the inspection of an asylum would be quite sufficient, supposing there were several visits made by inspectors of no medical attainments ?—I think so, I see no reason to adopt any other view.

30732. So that in your view you do not regard the medical element as being very important in an inspection of hospitals for the insane ?—Not as being positively necessary.

30733. You would trust everything to your superintendent ?—Under the supervision of the committee. The rota Visitors see whether the medical superintendent is doing his duty.

30734. How can non-medical people see whether the medical man is carrying out his medical duties properly ? What means can they have ?—They have no means of investigating his method of treatment, nor do I suppose that the medical officers on our rota would attempt to interfere with his method of treatment.

30735. Nor make any suggestions, or ask questions at all ?—They would only ask questions about the patients, not as to the method of treatment, I think. I have never come across any such questioning.

30736. So that I may take it, after your expression of opinion that this inspection is enough, that it is left more to haphazard as to whether medical men ever inspect or not ?—That is so.

30737. I want to bring out what you mean with regard to the church; you quoted it as an instance of causing a good deal of delay ?—It did cause delay, of course, because of the dispute, but it was as much our fault as the Commissioners' as regards delay, with respect to the church, because we objected to the church and they insisted upon it.

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30738. I think in your answer to Mr. Greene you seemed to imply that the Commissioners could not help themselves; that it was necessary to have a church, and you found that out and so gave way?—We do not think that it is necessary; we only gave way because they would not pass the plans for the main building unless it was put in.

30739. You thought probably that you might convince the Lunacy Commissioners?—Yes, we showed them that at Menston, where we have no church, services were conducted satisfactorily to everybody, so far as we knew.

30740. You were quite aware that the Lunacy Commissioners could, if they pleased, have agreed with you and allowed you not to have it?—Yes.

30741. What was the cost of the church?—£10,000; and we consider that is a waste of the ratepayers' money under the circumstances.

30742. You had a large building for recreation which would have amply accommodated a congregation?—The whole congregation and more; and it is well fitted up in every respect.

30743. You are aware that in other countries they have large recreation rooms which are also used as churches and chapels?—Yes, and we have at Menston.

30744. I think, in your answer to Mr. Greene's question, it was rather understood that you thought the Lunacy Commissioners had no option but to insist on the church?—No, we think that the Lunacy Commissioners ought not to have interfered with the question of the church at all.

30645. (*Dr. Dunlop*). When Mr. Greene was examining you, you spoke of the incidents of the fire-shoots and these water closet doors; can you tell me how much time there was between the ordering of the fire-shoots and the ordering of their removal? Was it a matter of a few months or a matter of half a century?—I think it would be a matter of, perhaps, one or two years.

30746. Would you say two or three years?—Say two years; not more.

30747. At all events, ample time for a difference of policy to have arisen?—Yes.

30748. It is very legitimate indeed, is not it, to alter policies after the lapse of a certain time, and after acquiring certain experience?—Yes, or else our experience would be valueless.

30749. It rather appeared as if the Commissioners were utilising their experience in ordering the change?—I think so.

30750. What about the doors?—I never could understand the doors.

30751. How long elapsed between the order to have no doors, and the order to put up doors?—I think it would not be more than twelve months—probably about that.

30752. You have told us that it takes a long time to have these plans approved?—Yes.

30753. Presumably the order for no doors was given at an early stage of the plans and some years elapsed before the plans were brought into effect, and it was subsequently to that the doors were put on?—I do not think that applies in the two instances, because the epileptic block was an addition which was approved in a very reasonable time indeed by the Lunacy Commissioners, and the alteration of Stanley Hall was not a very long time after.

30754. (*Dr. Needham.*) You know that the epileptic block was approved in 1899?—Yes, I daresay it would be.

30755. (*Dr. Dunlop.*) Can you tell us when those doors were ordered to be put on?—I would not be positive as to the time at which the contra order was given.

30756. Perhaps you could append a note of these dates to your evidence when you come to correct it?—I think the county architect will know exactly.* My statement is certainly from memory, I could not judge. At any rate, the period seems short between the ordering in the first instance to be without doors, the passing of the plans, and the time when we were ordered to put them on. It seemed short; but time passes quickly, and I will not give a date.

30757. You informed us that your architect was paid by salary; does he get any commission in addition to salary?—No.

30758. Would you explain a little what you mean by this sentence "Whether the Lunacy Commissioners or Government Visitors are necessary is debatable"?—I mean that it is a debatable point with our committee as to whether they are necessary at all or not; their duties might be delegated to a committee as Visitors.

30759. I want to ask you how far you mean this to apply. Do you suggest that your committee should inspect lunatics in workhouses, for instance?—No.

30760. Or lunatics in licensed houses?—No.

30761. Or lunatics in hospitals?—No.

30762. So the Lunacy Commissioners, supposing for one moment that this duty of inspecting county asylums were taken away, would still have many other duties to fulfil?—Yes.

30763. So their existence is a necessity, and not debatable on those grounds?—On those grounds it would appear that it is a positive necessity, but from our point of view we do not grasp the other duties. We only deal with duties which come directly under our cognisance.

30764. It would meet your view if the sentence were rather differently expressed? It might be put in this way: "It is debatable whether the Lunacy Commissioners should be required to visit county asylums"?—That would meet our approval; that covers the ground.

30765. That is the opinion you wanted to express?—Yes.

30766. Personally you are satisfied that your committee is competent to supervise the work of a medical superintendent?—I would not say that; the work of a medical superintendent is one that I would not for a moment think the committee ought to investigate—some parts of his work I mean.

30767. I am talking about the medical work?—We could not, because we are not qualified to do it.

30768. The whole institution is a medical institution from beginning to end, is it not?—Yes.

30669. For the medical care and medical treatment of medical cases?—Yes.

30770. Surely when these millions of money are being spent in the country on these medical institutions they ought to have efficient medical inspection to see that the medical treatment is being properly carried out?—That is exactly what I say.

30771. You say yourself that your committee is incompetent to do that?—I should consider so.

30772. Therefore the only conclusion is that there must be some efficient expert Board of Visitors for the purpose?—I should agree to that.

30773. And that is the essential duty of the Lunacy Commissioners; or should be the essential duty of them?—The only point that I raise with respect to the Lunacy Commissioners in that respect is that they should have nothing to do with the architect.

30774. But as regards the medical supervision and the medical inspection of medical institutions that is a matter for a medical Commissioner and not for a Visiting Committee of justices of the peace?—It is not fit for a layman to attempt it.

30775. There is another point, because there is a large amount of Government money, central Government money, expended in the management of these asylums?—There is; they are contributors.

30776. A very large expenditure, something like a quarter of the whole expenditure?—Yes.

30677. Do you think that on that ground alone it is right that the Government should be satisfied by their own inspectors as to the way in which these institutions are conducted?—Personally, I agree.

30778. I think you will agree that as regards the visiting duty of the Lunacy Commissioners their existence is absolutely necessary and not even debatable?—Yes, as medical proficients.

30779. (*Dr. Needham.*) As regards the ox-stall water-closets and as regards the shoots, I suppose the opinions of the members of the asylums committee are not fixed opinions which never alter?—No.

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* Mr. Crowther subsequently wrote as follows:—

Swincliffe Villa, Birkenshaw,
May 6th, 1907.

DEAR SIR,

In reply to yours of May 1st I am sorry the dates have not been given earlier—in the Epileptic Block the Plans for w.c.'s without doors were sanctioned by the Lunacy Commissioners, July 25th, 1899, and the Stanley Hall Plans November 8th, 1899, and the Commissioners, G. H. Urmson, Esq., and F. Needham, Esq., recommended doors on their visit October 14th, 1902. Hoping this will met your requirements.—I remain, Yours truly, BENJ. CROWTHER.

P.S.—In both cases in 1899 we objected, they insisted on no doors—in 1902 they asked for doors for both Stanley Hall and the Epileptic Blocks.

H. B. N. Mothersole, Esq., London.

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30780. And you would not think much of the progressive character of the Commissioners in Lunacy, or any other public body, if they had opinions which never alter ?—No.

30781. Are you aware that between the Commissioners suggesting, as some of them at one time did, canvas shoots, and their rejecting them, a serious accident occurred at an asylum with a canvas shoot, which resulted in the death of an attendant on the spot; his boot tore a hole in the shoot and he was precipitated to the ground from 50 feet or so, and he was killed on the spot; therefore the Commissioners held that canvas shoots, however desirable they might be, were at all events dangerous in asylums, and they changed their policy ?—That confirms our opinion before they were put in.

30782. You may have been more appreciative of their dangers than other people were; but that was the cause of the change of policy ?—I accept that.

30783. As regards the consulting architect of the Commissioners in Lunacy submitting his own plans to himself, I suppose you are aware that one of the claims of the Lunacy Commissioners is that from their wide experience from visiting asylums and so on, and from other causes, several of the Commissioners have been used to asylum plans all their lives, and from their visiting asylums and comparing one with the other, they have become asylum experts ?—They should.

30784. Should have become asylum experts; does it occur to you that when the consulting architect of the Commissioners in Lunacy submits his own plans to the Commissioners, the Commissioners subject them themselves to a very careful and very minute scrutiny ?—I think they would do that.

30785. And that it would be an extremely difficult thing to get an outside architect to examine these plans who would have the same amount of experience and knowledge that the consulting architect of the Commissioners has got ?—I scarcely follow that.

30786. I mean to say that no other architect in the kingdom has got the same amount of experience of asylum buildings as is possessed by the consulting architect of the Commissioners ?—Possibly so. In that case why not appoint him the Government architect ?

30787. I am not taking any exception on that point; I think what you say about the undesirability of the consulting architect of the Commissioners being an asylum builder is very cogent, I think your arguments on that point are very cogent indeed, but I say, with reference to the submission of his own plans, that those plans would be carefully examined by the Commissioners, who are themselves experts; would not you think so ?—I think they would.

30788. Now as to the asylum which you took ten years to get through; may I just direct your attention to one or two figures ? The Storthes Hall asylum, the main building, was the subject of an interview with the Commissioners on January 14th, 1899 ?—Possibly, yes.

30789. On January 18th, 1899, as the result of that, sketch plans were submitted to the Commissioners ?—Yes.

30690. Mark the date, January 18th; on February 2nd the County Council and the Commissioners had an interview ?—Yes.

30791. On February 7th the consulting architect's report on the sketch plans was sent to you ?—Yes.

30792. On March 6th your architect had an interview with the consulting architect, and on May 24th the asylums committee had an interview with the Commissioners. No further action was taken by your council until October 28th, that is five months, when further plans were submitted, and on the 30th there was an interview between the Commissioners and the committee. On November 17th there was an interview between the committee and the Commissioners. On the 21st more plans were submitted. On December 15th a report was sent to you from the consulting architect upon those further plans which had been submitted. On January 10th your county architect made a rejoinder to that report. On January 30th amended plans were submitted. On February 2nd there was another interview with the Commissioners, and a few days afterwards plans were sent to the Home Office of part of the works, and on April 5th they were passed. That is about fourteen months ?—Yes.

30793. That is the main building ?—Yes, but before 1899 we had to have your approval of the site; we had to get a site and get your approval, and from 1899 to now is seven years.

30794. Quite so; may I just point out that in the "Yorkshire Post" of March 2, 1899, there is a letter from a civil engineer who greatly deprecates the building of the asylum on such a site, and that on March 22 there is another letter from "An Onlooker," who says that the site has been condemned as quite unsuitable for its purpose, and that there is a strong feeling in the neighbourhood that the various points which he mentions ought to be cleared up "(1) as to how the mistake made by the surveyor arose—a mistake which probably induced the Lunacy Commissioners to sanction the site at all, and (2) as to the reasons which effected so complete a change in the surveyor's views as to the adaptability of the site between the first offer of the site and the last." I only mention these things to show that there was in reference to the site a very considerable difference of opinion, and that the question of the site had to be considered very carefully, not only in consequence of the difficulty of the site to begin with, but in consequence of certain suggestions which were made that there were great difficulties about the site ?—That is so, if you will allow me to explain.

30795. Do you mind my finishing ? Colonel Spencer Stanhope pointed out the advantages of the site in January 1900, and said that the advantages were more than ever apparent. Mr. Alderman T. F. Firth spoke of the proposed expenditure on the asylum, and called it an appalling expenditure. "He asked their attention to the course followed by the London County Council. They had built three asylums, and in each case had employed an architect outside their own offices." That is to say they employed the Commissioners' consulting architect, at any rate in the building of their three asylums. "Surely it was possible for them to build an asylum cheaper in the West Riding than in the neighbourhood of London. He contended that they seemed to be proceeding on a more expensive scale than was adopted by the London County Council, and he advised that they should take a leaf out of the book of that experienced body. Mr. B. Crowther, deputy chairman of the asylums committee, said their plans had been carefully examined by the Lunacy Commissioners' architect, and before finally adopting the scheme they had visited other asylums. It was stated at the meeting of the finance committee that the cost per bed was so much; he did not think there was a single asylum in the United Kingdom erected and completed at a less cost than £309 a bed." Then he said "they must remember too the condition of building in the West Riding. At Dorchester, whose aslyum they visited, members of the committee found that there were bricks of a good red colour in abundance, and, whereas bricklayers in the West Riding were commanding 7½d. an hour, they were there paid 5½d. an hour. There were not many districts, in fact, where building was so costly as in the West Riding." It does not appear from that that at this particular time in 1900 you thought the Lunacy Commissioners were to blame for the great cost of this building. You seemed to think it was local causes which were responsible for the great difference in the price of the buildings as compared with the buildings erected elsewhere. As respects the Storthes Hall Asylum is it the fact, or is it not the fact, that the plans for the Storthes Hall Asylum were presented to the Commissioners in relays ?—Since the first, that is so.

30796. Contrary to the custom of the Commissioners, who like to have the whole plans before them to begin with, so that they may judge of them as a whole, they conceded somewhat to the wishes of the West Riding Asylums Committee, and allowed these plans to be presented to them in instalments entailing upon them a great amount of additional labour, and being not altogether satisfactory in many points ?—In the first instance you insisted on a general plan of our buildings, a block plan. The Lunacy Commissioners then agreed to accept instalments because of the largeness of the establishment.

30797. That is in reference to the ten years in building. I was talking about the main building before. Now we will just go to the Storthes Hall extension for 600 patients, which was estimated to cost £94,376. On July 7th 1905

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plans were sent to the Commissioners for the first time?—That is so.

30798. On August 16th they were reported on by the Commissioners' consulting architect and reductions were suggested; they were thought to be too expensive. On the 28th August the county architect reported that the expenditure in his opinion could not be reduced. I have a letter here in which he says so, if you like to see it. On September 14th a reply was sent to the consulting architect?—Am I to understand that the county architect said that they could not be reduced by an alteration of the plan?

30799. What was pointed out was that there were certain things in which there might be a reduction made, and the county architect reported that he did not think these reductions could be made. On September 14th his reply was sent to the consulting architect. On October 4th particulars from his report were sent to the county architect, and the estimate was reduced, in consequence of that, to the extent of £576. On October 17th the plans were sent to the Home Office. Therefore between the first submission of the plans on July 27th, 1905, only three months elapsed before the plans were approved by the Home Secretary. Would you call that very slow?—No, I am satisfied with that.

30800. Very well; we will take the farm buildings at Storthes Hall. On May 21st, 1906, plans were submitted with an estimate of £9834. In June 1906 simplification of the plans in the direction afterwards pointed out by the Board of Agriculture was suggested by the Commissioners on the first examination of plans, and it was not acquiesced in by the committee?—By our committee?

30801. It was not acquiesced in by your committee. Here is the letter, if you care to see it. The correspondence took place with your county architect. If your county architect says the committee do not approve of this and do not approve of the other, the Commissioners can only understand that he is acting under instructions, and that he is not making these statements on his own accord?—On the 21st May they were submitted?

30802. Yes; in June a simplification was suggested and was not acquiesced in. On July 19th, the simplifications mentioned, and the less cost were pressed for, and then changes were made in the plans, and on July 31st, that is two months from the beginning, the plans were sent to the Home Office. On August 4th a letter was received from the Home Office suggesting further simplification of the plans. On the 16th a reply was received frome the West Riding architect; on the 17th, the day after, a copy was sent to the Home Office. On September 4th the Home Office writes to approve the plans. On September 22nd, there was an interview between your county architect, the Home Office authorities, and the Board of Agriculture authorities, whose view had been taken by the Home Office, and modified plans again were, as the result of these, resubmitted to the Commissioners on October 22nd. On November 20th the consulting architect reported on this and his report was sent on to your county architect. On December 6th the new plans were sent to the Home Office and approved, and resulted in a saving of £1,500.

30803. (*Mr. Byrne.*) I have just had a note from the Home Office saying that they will be returned at once, probably to-day.

30804. (*Dr. Needham.*) I do not think your allegation that it takes ten years to build an asylum is borne out, at all events by the facts with reference to the various parts of an asylum. If there has been as much delay as you say, one ventures to think that a central department might without impropriety suggest that a good deal was due to the action of the local authority, or want of action of the local authority. I do not want to labour this matter, but you made certain charges upon which it is only fair you should have an opportunity of giving some sort of explanation. As regards the chapel, is it a fact that the plans for Menston provided for a chapel?—I believe it is.

30805. And that the provision of this chapel was sanctioned by the Secretary of State?—Yes.

30806. And that the committee did not carry out what would have been considered an undertaking, when the Secretary of State sanctioned the plans, that they would build a chapel?—The committee did not carry it out.

30807. Do you know whether they have carried it out or have not?—They did not carry it out because they considered that the recreation room was ample for the purpose, and it is used for that puprose.

30808. Might I ask, if that was so, why, when the plans were submitted to the Secretary of State, the committee did not go to the Secretary of State, and submit to him that a chapel was unnecessary, and that they did not ask his sanction for a chapel because they regarded it as unnecessary? Having accepted the Secretary of State's sanction to the building of a chapel, did not they feel themselves morally bound to carry out the plans as approved by the Secretary of State?—They ought to have been.

30809. You think they ought to have been?—I do.

30810. It was a little breach of faith?—It was a breach of faith, undoubtedly.

30811. And therefore, when it was proposed to build a new asylum at Storthes Hall, you might suppose that there would be a feeling in the minds of people who had to do with the plans, that as faith had not been kept in one case, faith would not be kept in another, unless the matter was made so obvious that there could be no departure from it?—That is so.

30812. And therefore that is the reason, you suppose, of the pressure with regard to the chapel at Storthes Hall?—I believe it was on account of Menston that the Lunacy Commissioners insisted on having the church, and on having a pledge that a church should be built.

30813. I suppose youare aware that the views of the Commissioners have always been that a chapel for an asylum should not be confined to Church people, Roman Catholics, Independents, or Wesleyans, but should be used for all religious denominations?—Yes, I think that is the view.

30814. And that they consider a chapel is as much a means of treatment as medical treatment in any other form?—Yes, that opinion of the Commissioners is of somewhat recent date; I do not say that they always held that opinion.

30815. If you refer to the old reports of the Commissioners you will find that they have been pressing that for a vast number of years, before ever I was a Commissioner; I have known of this as an old superintendent for a great number of years?—At any rate that is not acted upon.

30816. I do not want to tire you or ask questions which I need not ask you, but I should like to ask you about the expensiveness of the corridors?—For the ward space.

30817. You are going to have long expensive corridors at Storthes Hall, as you have at Menston?—More so.

30818. I venture to point out this to you: since I have been Commissioner I do not think I have ever gone to Menston once in company with any of my colleagues when we have not exclaimed when we have got into the Menston corridors, "What a frightful waste of money these corridors are; who is to blame for all this extravagance?" The embellishment of them, the lavish way in which money has been spent on them has excited, I will even venture to say, the indignation of the Commissioners, upon many occasions. I do not think it would have been likely to have excited their indignation if they had been responsible for it. For the embellishment of them certainly they were not responsible; I mean the flooring, the materials of which they are constructed, and the ornamentation. Then as regards the Storthes Hall corridors—and I suppose the same thing would apply to Menston, at all events it applies to Storthes Hall—are you aware that a large new London asylum which is now in process of being built for 2,000 patients, is to have no corridors at all?—I was not aware of it; I wish it applied to Storthes Hall.

30819. And that the committee of the London County Council had an interview with the Commissioners in which they expressed a wish to be allowed to try what the effect of an asylum without corridors would be, whether it would be workable or whether it would not; that they could reasonably build them afterwards if necessary; and that the Commissioners said, "Certainly, yes. If it is requisite they can be added at any time, but if you wish to try the experiment why not try the

experiment; we shall not offer any objection." Did you, during the progress of the enquiry into the plans of Storthes Hall, ever suggest to the Commissioners that you wished to try what an asylum without corridors would be like?—I do not think we ever did; I do not think the question of the corridors presented itself.

30820. It presents itself to you now in the shape of an accusation against the Lunacy Commissioners; why did it not present itself to you before?—I do not think it presented itself to the committee in the plans, but the moment it got into operation they saw the extravagance of it.

30821. Was not that an extravagance which was contemplated by them from the very beginning? Did the Commissioners originate the plans for Storthes Hall or did the local authority?—We think that the Commissioners insisted on this class of corridors to our architect.

30822. I tell you the London County Council did not think so when they applied to the Commissioners to ask whether they would sanction plans without them. They met with no opposition whatever; the Commissioners were quite willing to accede to their wish. Why did not the West Riding do the same thing? It seems to me it is a very unfair thing to blame a central department for certain things which you never give them a chance of saying they will do without?—The plans are submitted to the Lunacy Commissioners and their adviser, and then they have the option of rejecting or otherwise.

30823. Was it the part of the Commissioners in Lunacy to cut out the corridors altogether, and for you afterwards, when the asylum had been completed, to say "this place is absolutely unworkable because there are no corridors"?—I think it would have been a very good thing if the Commissioners had said: "The building you have suggested should be erected without corridors as a trial, as done by the London County Council."

30824. Your statement before this Commission is that the local authority consists of people who are striving with all their might and main to build things as cheaply as they can?—Yes.

30825. That the Lunacy Commissioners are filled with ideas of extravagance and will not let them build things cheaply?—That is the impression that we have had, rightly or wrongly.

30826. I am putting these questions with the object of getting your answers about the various points. If the local authority is so anxious to build cheap buildings, why do not they approach the Lunacy Commissioners and present plans for cheaper buildings, and wait, before saying that the Commissioners are in favour of extravagance, for the Commissioners to reject the plans of the cheap buildings, and say they do not like cheap buildings? Have you presented plans of one or two sets of cheap buildings to the Commissioners?—Yes.

30827. Did they make any objection?—None whatever.

30828. Did not they accept them with great satisfaction and pleasure?—Yes, that is so.

30829. To cost about £100 a bed?—Yes.

30830. At two of the three asylums?—Yes.

30831. At the third asylum you say something about ventilation? Was it not a question of light and air at the third asylum?—Yes.

30832. We insisted on more corridors and air space?—Yes.

30833. But there are no corridors in these buildings, are there?—Yes, in the continuation. The suggestion we make for Wadsley is the continuation of the existing building. That plan we consider is a simple one. You insist on more air space and I think wider corridors.

30834. More air space; we thought there was not enough air space?—We say that there is ample air space.

30835. That is a difference of opinion. I think I can refer you to a letter in which it was said that the Commissioners welcome with great satisfaction the introduction by the West Riding Asylum of a cheaper form of asylum construction?—Possibly, and I was pleased that you sanctioned the two, but I was sorry the Lunacy Commissioners did not sanction the third. The Lunacy Commissioners suggested, as an alternative, two buildings at Wadsley Asylum, in place of continuing the existing building. I think, as probably you will know, that the grounds do not lend themselves to that.

30836. No, they do not. I do not think we need discuss that, it is not of very material importance?—No, it is not.

30837. You say that the Lunacy Commissioners have an architect who sucks the brains of the local architect?—The local architects think so.

30838. You are aware that the consulting architect of the Commissioners is a man of the highest possible standing in his profession, with a very large practice?—That is so.

30839. And that he is a very able man indeed? Independently of being consulting architect to the Commissioners he is a man who stands very high indeed in his profession?—I should not have a single word to say against him.

30840. Is it requisite that a man of that position should endeavour to filch away the ideas of county surveyors and people of that kind who are obviously beneath him in professional position?—Not necessarily so, but if they have the idea it is just the same as if it were a fact. I have the greatest respect for your adviser, and I think he would make an admirable man for the position if he devoted the whole of his time to it. That is my only objection.

30841. It is only a question of whether that prevents local architects giving their best?—That is so.

30842. I assume from the statement and from your experience that you think your county architect has not given his best?—I should not like to say that, but I think he might have altered his plans vastly if it had not been that they were to be submitted to the adviser of the Lunacy Commissioners.

30843. You are not at all sure whether it is his best or not?—I think he would give his best.

30844. You are not satisfied that his best would be the best?—I am not; I think competition in this matter would be good, and bring out progressive ideas.

30845. I could take you through the Scalebor plans and the Wakefield Cottage blocks and the Wakefield Acute Hospital and the Menston Farm patients, and the epileptic block, Wakefield, and I could show you that so far from there having been delay in the examination of the plans and the sanction of them, all these various works have passed through the office in an incredibly short time. Take the cottage blocks at Wakefield for workers. On October 29th, 1898, the plans were submitted. On November 7th they were sent to the Commissioner's architect with a note, "These houses are for quiet working patients who will do the work at the new Acute Hospital; they should be cheap, for expensive accommodation is not required for such a class of patient." Those were the instructions given to the consulting architect by the Commissioners, when the plans were sent to him. On November 14th the consulting architect's report was received in which he suggested that modifications should be made and that buildings should be erected at less cost than had been suggested. On the 25th your county architect had an interview with the Commissioners, fresh plans showing a reduced cost were submitted, and on December 13th, the plans were sent to the Home Office and on the 5th approved, the cost being £139 per bed. That was two months. As regards the Acute Hospital, which was to cost £70,000, the plans were submitted on the 30th October, 1895. On the 6th November there was an interview; on the 26th fuller plans were submitted, and on December 5th there was an interview, and on February 5th there was another interview with the county architect, and on the 28th revised plans were submitted. On the 13th March, 1896, the plans were returned with suggestions as to greater economy. On the 20th a letter was received stating that the Committee did not see their way to the reductions. On the 23rd the Commissioners made a rejoinder and on June 25th the revised plans were submitted, and on July 7th the plans were sent to the Home Office and on the 11th they were approved. That is to say from October, 1895, to July, 1896, was occupied in considering plans of buildings to cost £70 000, which does not seem an extravagant time?—

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No, but my point is that if a Government architect had had the plans at first and then had met the local architect and the committee, instead of being sanctioned on July 7th they might have been sanctioned by December 5th.

30846. That is a matter of opinion?—Yes.

30847. As regards the Menston farm patients, on October 28th, 1897, plans were submitted of buildings which were to cost about £122 a bed. On November 1st a further reduction in the cost was suggested, and on the 8th your county surveyor wrote: "Probably a less figure than £110 a bed might be arrived at, although you would have common brick work, unplastered walls, most meagre buildings, more in accord with the old form of workhouse building, and I do feel that your board would not be wishful to adopt a retrogressive measure, and I feel sure in my own mind that the West Riding Council would not wish to embark on such a policy." On the 15th the Commissioners' suggestions for economy were maintained. In December the revised plans were submitted. On June 29th working plans were submitted; that is to say between December 3rd and June 29th, your county architect had the plans in his possession, and was preparing the working plans; there was no delay in the Lunacy Office. On the 29th June they were sent to the consulting architect, and on the 20th July he sent his report, and on August 19th they were sent to the Home Office and on the 24th they were approved at £120 a bed. I merely instance those to show there has been no delay as respects the central authority?—I may be allowed to say here that many of our asylums committee are of opinion, and have often expressed the opinion, that our architect was most extravagant in his views of expenditure in asylum work. I mention that to emphasise the desirability of the Government architect devoting the whole of his time, and coming down after he has gone through the plans on the spot and meeting the local architect and the committee, because the committee would certainly put their foot on any extravagance suggested by the local architect if they were appealed to by the Government architect.

30848. You are probably aware that the suggestions you have made with regard to the architect devoting the whole of his time to the work and having no private practice represent a matter which the Commissioners have themselves been urging upon the Government for a considerable time?—I was not aware of that.

30849. What you said just now makes me say that I take it you realise apparently that there may have been some little want of economical ideas in your local authority?—I am prepared to admit it. You do not ask me to make any remark or explanation, with regard to your first statement as to the site, and so forth, at Storthes Hall.

30850. Not unless you like. I do not attach any importance to the site. Mr. Byrne knows what an enormous amount of time has been wasted in the discussion of the site for another county in which the greatest difficulties have been interposed, and no amount of official celerity in any central department could have expedited the matter the least bit in the world?—I do not think it would interest you, but I might shortly explain that the sites committee found an admirable site——

30851. (*Chairman.*) I think it is hardly necessary to go into that.

30852. (*Mr. Byrne.*) You, of course, remember that under the Local Government Act, 1888, the Local Government Board approve loans for works on purpose for local authorities?—Yes.

30853. And the clause which gives them power to do so enables them to make such inquiries as they may think necessary. I would like to know what you, as a representative of an important local authority, think of the mode in which that power should be exercised. Do you think it should be interpreted as giving the Local Government Board power to make an entirely new and fresh inquiry, even if the inquiry is on a matter which belongs more to the jurisdiction of another department, or that their inquiry should be directed chiefly to the points of the financial advantages, the mode of raising the loan, the amount of it, and the general credit of the community which raises it, and so on?—I think more to the mode.

30854. Would it cause inconvenience to local authorities if that power were widely interpreted as enabling the Local Government Board to go into the whole question again?—I do not think it would; I think we should welcome any inquiry of that kind.

30855. For instance, if the Home Secretary had approved the site and plans of an asylum, the Local Government Board might, when they were sanctioning the £300,000, inquire into it all again?—They might say, "Before we will grant this we will hold a local inquiry." That is something on the lines that I want; the architect to come locally.

30856. You are aware that the Home Secretary has power to have a local inquiry if he thinks necessary, or any sort of inquiry?—Yes.

30857. You see no objection to two?—None whatever, I think we should almost welcome it.

30858. Is it possible, do you think, that local authorities have an impression, perhaps not very well founded on fact, which they can bring forward, that the views of the Lunacy Commissioners tend to a certain magnificence and expensive accommodation in an asylum, whereas in fact it is not so at all?—It is the fact that we have held such views.

30859. You will admit that you are not aware of any facts by which you can prove this allegation against the Lunacy Commissioners?—After the explanations of Dr. Needham I have not a word to say on that head.

30860. It looks as if that were a generally somewhat unfounded impression?—It almost looks to a certain extent as if it were unfounded.

30861. (*Chairman.*) Is there anything you would like to add?—I do not know that there is, unless you wish my views on the dealing with the idiot boys at Stanley Hall, or my views on the dealing with the backward and feeble-minded and epileptics.

30862. That part of our inquiry is closed.—I do not think there is anything else.

JOSEPH VICKERS-EDWARDS, Esq., called; and Examined.

Joseph Vickers-Edwards, Esq.

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30863. (*Chairman.*) You are architect to the West Riding County Council; will you kindly tell us how long you have been in that position?—I have been in that position for twenty-seven years. Part of that time, up to say three years ago, I was surveyor of main roads and bridges; but when the Education Act of 1902 came into force, the question of supervising all the schools (structurally), the repairs to the schools, and building of new schools, was put into my hands, and the care of the main roads and bridges was put into another department. I have some five asylums under my charge.

30864. Before 1902, as surveyor of the roads and bridges, did you have asylums?—Yes, I had all the public buildings then.

30865. You have been so kind as to give us a statement of evidence; may we put that on our notes?—Yes.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY JOSEPH VICKERS-EDWARDS, ESQ., COUNTY ARCHITECT TO THE WEST RIDING OF YORKS.

That he is the architect to the West Riding County Council at Wakefield, and that his connection with the West Riding County Council extends over a period of twenty-seven years, and he has under his control the maintenance and management of the Yorkshire Asylums in the West Riding as regards the fabric and the carrying out of all new buildings for lunacy purposes.

There are five asylums in the West Riding with a present total population of 5,655. The annual sum allocated for the maintenance and upkeep of the fabric of these asylums amounts to £20,000.

Deponent is called upon to design and complete all new

asylum buildings, alterations, additions, and repairs required in the West Riding.

Witness has erected the Menston Asylum with a population of some 1,780 patients at a total cost of £400,000.

Witness has also erected a large new acute hospital, with Cottage Homes, epileptic block, etc., in connection with the West Riding Asylum at Wakefield, at a total cost of £100,000.

Witness has also erected the Scalebor Park Asylum, Burley-in-Wharfedale, for private paying patients at a cost of £90,000.

Witness has erected and completed a new acute hospital, Cottage Homes, laundry residence, and laundry buildings with workshops, engine-house, and all appurtenances at Storthes Hall Asylum, near Huddersfield, to accommodate 322 patients, and has now in hand the larger portion constituting the completion of such institution. Roughly speaking, the Storthes Hall Asylum in its entirety will cost about £600,000, and will contain accommodation for 2,060 cases.

In addition to the above witness has erected large additions to other asylums.

Witness in the course of his experience has visited most of the asylums in Great Britain and has viewed asylums in Germany, and has written exhaustive reports thereon for the asylums committees.

Witness has large experience in asylum buildings, and such experience warrants him in coming to the conclusion that he is fully qualified to speak thereon with some degree of authority.

Witness is prepared to relate the vexatious delay which frequently occurs as the outcome of having to submit his plans to the Commissioners in Lunacy, entailing great inconvenience to the medical authorities at the various asylums where patients have often to be accommodated in limited space.

Plans of all new asylum buildings, large additions, alterations, and improvements are (after they have been submitted to and approved by our asylums committees) forwarded to the Lunacy Commission, who as a lay body pass their opinion upon these plans in conjunction with their consulting architect.

To witness's knowledge the gentleman occupying this professional position has been a London architect enjoying a large private practice in the erection of asylums. Witness has therefore come a great deal in contact with the present adviser and also his predecessor, covering a period of some twenty-seven years.

Witness can state that, as a matter of fact, these professional advisers, whilst acting in their capacity of consulting architect to the Commissioners, were also enjoying private practice in the designing of asylum plans.

Witness is also able to state of his own knowledge that plans drawn by the said professional advisers to the Commissioners were ultimately submitted to the Commissioners in Lunacy, and had therefore to be criticised and approved by the actual designer. The consulting architect, it will be seen, thus became the judge and adviser of his own work.

Witness can testify that this anomalous procedure became the subject of much discussion among the profession, and indeed at one time it was thought that the matter ought to be raised in higher quarters.

Witness himself feels that it was anything but desirable that a gentleman practising privately and occupying a high public position should be put in possession of all the latest ideas of asylum construction which could be used to the advantage of the gentleman practising privately, and would of course be at liberty to incorporate in his own plans the latest ideas of all the architects of county authorities.

Witness knows it to be a fact that asylum authorities have employed the Commissioners' architect in order to facilitate the passage of their plans by the Lunacy Commissioners.

Witness can state that the architect to the Commissioners in Lunacy has also been employed as assessor in competition schemes for asylum buildings, which plans would ultimately have to come before his notice.

In witness's opinion these facts assuredly point to the necessity for the establishment of an Architectural Department for Lunacy Buildings, the principal of which should not be allowed to indulge in private practice but should become a separate Governmental Department in the same manner as the Board of Education or the Prisons Department.

Witness further considers that it would be quite sufficient, in the event of new asylum schemes being promoted, if a local enquiry were held on the spot, when the adviser could meet the asylums committee and discuss the same and consider any variation from such plans as might be required.

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Witness and his committee have very often been harassed in the conduct of public affairs by the inexplicable delay which has taken place in the approval of plans.

Witness can state that plans have been sent for approval to the Commissioners in Lunacy and after months have passed, such plans have been returned to him with small and frivolous emendations. These plans have then to be returned to London, and again time has passed and delay taken place, causing considerable irritation and stoppage of work in the West Riding.

Considering the great pressing needs of lunacy in the West Riding in the need for asylum accommodation it will be readily understood that this is a serious matter.

30866. (*Dr. Needham.*) I see you say "you are prepared to relate the vexatious delay which frequently occurs as the outcome of having to submit plans to the Commissioners in Lunacy, entailing great inconvenience to the medical authorities at the various asylums where patients have often to be accommodated in limited space." You have heard the dates which have been read to Mr. Crowther with reference to the various buildings; has that modified your view at all?—No, not at all. I consider that the works we have done in the West Riding have been pushed forward with as much despatch as possible, and that when we have sent our plans and documents up to the Commissioners in Lunacy there has been delay.

30867. Your view is that, having despatched your plans up to the Lunacy Commissioners, and having discharged your part of the duty, the duty of the Commissioners is to accept your plans as you choose to send them, and that if there is any delay at all it is vexatious delay, while they are paying what they consider to be proper attention to these plans, in examining them and criticising them in detail, plans which involve the expenditure very often of hundreds of thousands of pounds?—I do not take your view of the question at all. As I say, it is your duty as well as mine to make the plans as perfect as possible.

30868. You will be good enough to suppose I am speaking to you now as a member of this Commission and not as a member of the Lunacy Commission?—Yes, I am trying to answer in the best way I can.

30869. If you will be good enough to answer me as a member of this Commission?—I answer you this, that we have endeavoured to the best of our ability to carry out all the wishes of the Commissioners in Lunacy, and to make our plans as perfect as possible.

30870. I say when you have done all this, and when you have sent your plans up, if there is delay, or if you still think there is delay after the dates which have been given, and which could be multiplied, is it fair to call it "vexatious delay" on the part of the Commissioners when they have to examine plans which involve the spending of very often hundreds of thousands of pounds?—When I say "vexatious delay," I mean that plans are sent back for very small things.

30871. They seem small to you?—Would you allow me to answer the question? I say that with all due respect to the Commissioners in Lunacy they are a very august body and difficult to approach, not like other Government Departments.

30872. Have you found it difficult to approach them when you have had so many interviews as you have had, apparently, according to the notes which have been read to Mr. Crowther? You seem to have had a vast number of interviews with the Commissioners; they do not seem to have been difficult to approach, from your point of view?—I have had very many interviews with the Commissioners in Lunacy after pressing for engagements

30873. As regards the consulting architect, you are aware, of course, that all the asylums in your county, with the exception of two, have been built when a different person was consulting architect?—Mr. Howell was consulting architect when Menston Asylum was built.

30874. Was there any such imputation against Mr. Howell as you make against the present consulting architect?—I am not saying one word against the present consulting architect.

30875. What you are saying is that the consulting

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architect practically sucks the brains of the local authorities?—No, I do not say so. I am arguing against the principle.

30876. It is not a matter for you to decide, what the principle should be. What you have to do is to come and tell the Commission what the practice has been, not what the principle is. The Commissioners will judge as to the principle?—I am trying to explain my views; I am going my own way to explain them. If his Lordship in the chair considers it necessary to pull me up I imagine he will do so. I suppose as regards what has been done ten or twenty years ago, circumstances have wonderfully changed, and I think it is a recognised fact in this country that judges or experts in lunacy and so forth, when they are put in the position of judges, should not be in competition with other architects of asylums, and that they should not be the judge and jury of their own work. If the present professional man submits his plans to the Commissioners in Lunacy, then it is only fair to the other professional men that he should be judged by another professional expert upon the same terms as the other men are.

30877. Is that a matter with which the other architects have anything to do?—I find that all the architectural profession are extremely strong upon that point. It has been discussed at the Royal Institution of British Architects.

30878. You say: "Witness is also able to state of his own knowledge that plans drawn by the said professional advisers to the Commissioners were ultimately submitted to the Commissioners in Lunacy, and had therefore to be criticised and approved by the actual designer." You are, of course, aware, as Mr. Crowther said he was aware, that the Commissioners are themselves experts in the matter of asylum architecture, and that at all events they are able to criticise the plans up to a certain point, not to the point of structure, but as regards design and so on, so that the consulting architect is not really and truly the judge and adviser of his own work, as you say?—I pay great respect to the opinion of the Commissioners in Lunacy and their knowledge of lunacy buildings, but they are not trained experts in building construction.

30879. I have said so. You talk about the present consulting architect, that he gets possession of all the latest ideas of asylum construction which could be used to his advantage, and he would be at liberty to incorporate in his own plans the latest ideas of all the architects of county authorities. You are referring, in making that statement, to a gentleman of the widest experience and the highest standing in his profession. I do not know whether you are imputing to him conduct which seems to you very creditable; it seems to me very discreditable?—I am not imputing any motive at all. I say the principle is there; the man could do it.

30880. (*Mr. Byrne.*) The last West Riding Asylum was not very cheap—£300 a bed at Storthes Hall?—The Storthes Hall Asylum will cost £270 a bed when it is completed.

30881. That is rather a lot, is not it?—No, it is not.

30882. Do you think it is the minimum price for a first class asylum?—No. A certain great authority known as the consulting architect to the Commissioners in Lunacy in reading a paper before the Royal Institution of British Architects said that from his vast experience he found that £300 per bed for buildings *per se* was a fair figure to work upon, and he drew the attention of architects to that. I thought that very valuable evidence.

30883. Do you share that opinion?—No, I do not; I think £250 to £270 a bed should be a fair limit. Menston Asylum which has been quoted to-day only cost £265 per bed.

30884. Another Yorkshire asylum, Wakefield, of course was built a long time ago, and that cost just over £200?—You cannot form any opinion by what Wakefield cost.

30885. You are aware, are you not, that the average cost of asylums set down in the last return is very much lower than even the figure you mention; it is only £224?—No, I was not aware of that.

30886. Have you seen any of the institutions of the Metropolitan Asylums Board, such as Leavesden?—No, I have not seen Leavesden.

30887. May we take it as your settled opinion that something over £250 is the necessary cost of a big asylum?—I think, with care, you ought to build an asylum for a trifle over £250 a bed.

30888. I think it is too much, and I will invite you to try to think so too; if you look at the London County Council asylums which have been recently built, practically there is not one that reaches anything like £250, and most of us think they are far too gorgeous?—What are the repairs upon them afterwards?

30889. Some of them have done very well, I understand, some of them not so well?—I have seen several of them; the ceilings were falling and the woodwork was all coming to pieces, and I should say the repairs would be enormous, from what I saw.

30890. Speaking from your expert point of view, is that on account of the undesirable cheapness of the work, or is it because the work has been scamped and the council defrauded?—No, I would not use the word "defrauded."

30891. Is it because the County Council have been having too cheap an article which has turned out bad; that is to say, they have got the article which they ordered; or have they not been supplied with it?—I say the jobs have been starved.

30892. And that it would have been to the public interest and would have tended to economy in the long run, if more money had been spent on them?—Yes, with care.

30893. (*Dr. Dunlop.*) Do you think that this controlling power of the Lunacy Commission in the matter has definitely led up to extravagance?—There have been times when the Commissioners in Lunacy have paid their visits to asylums and made suggestions for things which were altogether unreasonable.

30894. In whose opinion?—In the opinion of the Visiting Committee; and may I say the requests have been adjourned.

30895. The real point I want to get at is this: there are certain institutions which you have seen designed and carried out more or less under the control or advice of the Lunacy Commissioners, and there are other institutions in the West Riding which have been carried out without the control of the Lunacy Commissioners; can you give us any idea of the comparative cost?—I do not know what you refer to.

30896. There is the Inebriate Reformatory at Cattall; can you tell us how much that cost per bed?—That was carried out on the instructions of the Home Office. At the present time there are only forty inmates. It was originally designed for 250 cases with a large administrative, and that will work out ultimately at a cost of £242 per bed.

30897. About £10 less than your asylum figure?—Yes, something like that.

30898. But the building is actually less than an asylum, is it?—Yes.

30899. You are quite confident as to that?—Yes.

30900. You refer in your statement to the Lunacy Commissioners as "a lay body"?—I use the word to imply that they are not experts in building construction.

30901. You will allow that they are experts regarding the requisites for a lunatic asylum?—Yes.

30902. It is hardly a lay Board?—I should still call it a lay Board as regards experts in building construction.

30903. (*Mr. Burden.*) In regard to Dr. Dunlop's question just now about the Cattall Inebriate Reformatory, could you tell us what Cattall actually cost?—Not at the present time.

30904. Would £43,400 be anything like the figure?—That would be including land, furniture, and everything.

30905. What is there provided for in that £43,000?—There is an administrative that would carry 300 cases. Then there is the necessary laundry plant and administrative, and blocks erected for eighty cases. Then there are laying out of the grounds, new lodges, and irrigation and sewage works, and the furnishing and equipment thereof.

30906. The eighty cases would be in four buildings if

I remember rightly, four cottages, each of twenty ?—What we call cottage Homes, and twenty cases subdivided again into tens.

30907. Is there any superintendent's house ?— Ample quarters are provided for the superintendents in the administrative.

30908. How many other officers are there in the administrative block besides the superintendent ?—I can hardly answer that straight off. I did not know I was going to be examined on that point.

30909. Is there a receiving house ?—Two receiving houses.

30910. For how many cases ?—For four.

30911. And is there a refractory block ?—Yes.

30912. Independent of the four cottages ?—Yes.

30913. And an infirmary independent of that ?—Yes.

30914. Has that been put up since the opening ?—The infirmary ; they call it the infirmary or receiving ward.

30915. Is there a water tower ?—There is a water tower and electric light station.

30916. What did the electric light plant cost ?—What is the object of these questions ?

30917. I want to compare the cost of Cattall with the cost of the asylums ?—If I had known that, I should have been prepared to give evidence upon it, but I cannot speak off-hand. If I said £2,000 it might be £1,300 or £1,400 ; I cannot keep all the figures in my mind.

30918. Could you tell us what the cottages cost each for the twenty persons ?—No, I cannot off-hand.

30919. Perhaps you can tell us how many more persons you could accommodate on the site ?—220.

30920. What would it cost to erect the buildings for those 220 people ?—About £80 a bed.

30921. Then we may take it that each cottage has cost £1,600, as they hold twenty, and £80 is the price ?—That would be about it.

30922. So that institution has cost practically the same as your asylums ?—There will not be much in it.

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30923. How does it come about, if the Cattall institution has cost the same price, and the Lunacy Commissioners have nothing to do with Cattall, that the Lunacy Commissioners are responsible for the heavy cost of the asylums? —You cannot possibly make any comparison between a Home for inebriates on the basis of Cattall, and a large asylum with its heating plant and ventilation, and sewage irrigation works, and electric light, connecting corridors, large administrative and other accessories too numerous to mention. You cannot possibly do it.

30924. (*Dr. Needham.*) In other words, an asylum must cost more, you mean ?—Yes, the asylum will cost more. The reduction in the cost of the asylum comes in the number.

30925. (*Mr. Burden.*) Surely if that is so, if the asylum is to cost more, that is an argument in favour of the Commissioners rather than against them ?—I do not follow that.

30926. (*Dr. Dunlop.*) There is a piece of information you wish to give about the Scotch asylums ?—I say this, that if the asylums of this country were erected upon the principle laid down at Bangour, near Edinburgh, or on the system of the new one at Aberdeen, upon the segregated system, each Home being self-contained and self-administrative almost, I think that your buildings would be cheaper.

30927. (*Dr. Needham.*) Are you aware that the Bangour Asylum, at the lowest estimate, will cost considerably over £400 per bed ?—You are taking in the cost of the land and the cost of that £14,000 railway.

30928. No, I am not taking the cost of the whole thing ; it was expected to cost £600 a bed, but on the most moderate computation it will cost considerably over £400 a bed ?—I have had figures placed in my hands by the authorities at Edinburgh that it only cost £270, and the buildings were not finished, and when everything was finished they hoped to bring it down to £230. Those are the figures I obtained on a recent visit there.

30929. (*Chairman.*) Is there anything you would like to add ?—No.

T. S. Clouston Esq., M.D., called ; and Examined.

30930. (*Chairman.*) For the last thirty-three years you have been Superintendent of the Royal Asylum, Edinburgh ?—Yes.

30931. And before that you were Medical Superintendent of the Carlisle Asylum for ten years ?—That is so.

30932. So that you have knowledge, not only of the lunacy administration in Scotland, but also in England ?—Yes.

30933. Have you also, of recent years, visited asylums much in England ?—To a considerable extent I have seen typical institutions all over England.

30934. Would you explain to us the chief difference between the English and the Scotch Lunacy Law ?—The original Scotch Act of 1857 was passed after a Royal Commission's Report on which an English Commissioner sat as one of the members. That Act was founded undoubtedly on the English Act of 1845. The chief differences were that in England three of the six paid Commissioners were barristers, while in Scotland the paid Commissioners were medical men. In Scotland also —and this has turned out to be an extremely important matter—there was provision made for two deputy or assistant Commissioners. The other members of the Scotch Lunacy Board are two unpaid lawyers, one of whom is a sheriff in Scotland, not sheriff-substitute but sheriff, who is a judge of good position, practising at the Scotch Bar in addition to his judgeship ; and there is another lawyer. The Chairman has hitherto been a county gentleman, a layman.

30935. What is the work of the deputy Commissioners ; are they Visitors, just the same as the Commissioners ?—They do not visit institutions, hospitals for the insane ; they only visit single cases.

30936. Boarded-out cases ?—Boarded-out cases whose property is under curatory.

30937. With regard to your experience of the Lunacy Commissioners in England you would say that their work was extremely valuable in assisting the superintendents of asylums, would you not ?—Exceedingly.

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30938. I think you would also say that now they are not in a position, by reason of their numbers, to give as thorough an inspection as you think advisable ?—That is my belief, and that is rather founded on the mere fact that they now have twice as much to do as they had in 1873 with only the same number of men to do it ; and it seemed to me, therefore, that they must now be undermanned.

30939. Is it not the case also that the proportion in Scotland, of Commissioners to Insane, is very much higher than it is in England ?—It is so. We have two paid Commissioners to inspect altogether 18,000 insane people, but out of that 18,000 there are, at least, about 3,000 who are under the inspection of deputy Commissioners ; so that you may take that 3,000 off the 18,000, and the actual work of the Commission is chiefly confined to the 15,000 ; but I may say that the Commissioners take the work of the deputies sometimes ; they go and take a district, the Commissioner going instead of a deputy.

30940. On the other hand, you cannot use that as an argument for an increase of the English Commissioners, because it would be impossible to have less than two Commissioners in Scotland, in case one fell sick ?—That is so, two is a minimum naturally ; at the same time I do not think we are over-manned with two Commissioners.

30941. You attach great importance to the efficient inspection of the lunatic ?—I do, enormous importance. I think that from the nature of the disease under which he labours he tends generally to be neglected, and you must have some kind of higher authority to look after him properly, and that authority I think should be medical.

30942. With regard to this—what I may call temporary —certificate, which you have in Scotland, would you explain that to us ?—We have in the original Lunacy Act in Scotland a clause which comes in the middle of one of

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the sections that empowers any registered medical man to give a certificate, as we say in Scotland, "on soul and conscience"—a kind of solemn certificate that his patient is afflicted with a certain disease. You do not require to put anything mental in your certificate at all. You usually put something in reference to mental disturbance, but you do not use any of the technical terms. You do not say he labours under mania, melancholia, or dementia. You say that he labours under some mental disturbance, or that he has certain nervous symptoms, with mental depression; something of that kind; you put that in, but the certificate says the malady is "not confirmed." This is the very gist of the whole thing; you cannot do it in a case which you know to be incurable; it must be for the purpose really of cure, "and I consider it expedient with a view to his recovery that he should be placed," and we specify the house in which the patient is to be kept "for a temporary residence"—a time not exceeding six months. That has existed since 1857. For some surprising reason it has not been used to the extent that I should like to see it used, and to which I teach my medical students it ought to be used, but it is used to a very considerable extent. I am not aware that any bad result has ever occurred from its use. There has been certainly no scandal, and I think it has been of great service to patients in that condition, and a great solace to their relations.

30943. One of the reasons why I wanted you to explain that certificate to us is because of your view of the necessity of inspection; ought any such cases to be notified to the Commissioners?—That is a point I am afraid on which there might be differences of opinion. I myself—and I believe I speak for most of the authorities in Scotland—think not, that it is specially mentioned in the certificate that it is not confirmed, that it is with a view to recovery, and we prefer to look on such a case as being one of ordinary head disease or brain disease. We believe that this certificate is very much more effectual for the object for which it was placed here, that is for the object of recovery and temporary confinement, because it is not notified to any lunacy authority whatsoever; in fact it is a private certificate about which no one knows anything. There is no record kept of patients in that condition, and we believe that is a good medical idea, of treating such a disease just as typhoid fever could be treated, or pneumonia or anything else, but that this gives the necessary security for no abuses occurring; in fact it is the doctor who is the inspector. If any abuse did occur, then the professional reputation of the medical man who gave the certificate would be at stake, therefore he takes care that it is not liable to abuse.

30944. As a matter of fact, do patients who are dealt with in this manner go to houses inspected by the Lunacy Commissioners, or to private houses?—Entirely to private houses.

30945. (*Dr. Dunlop.*) One point regarding the six months' certificate; if a lunatic is going to be placed in a doctor's house for six months' treatment can that doctor sign a certificate?—He cannot.

30946. It has to be done by an independent doctor?—By an independent doctor.

30947. When you were talking about the duties of the deputy Commissioner you did not mention as part of their duty the supervision of curatory or Chancery cases?—I did not, I forgot.

30948. You might add that?—They supervise such curatory cases only as are out of asylums, the Commissioners supervise those which are within asylums.

30949. In that way our deputy Commissioners do a great deal of work that is done by the Lord Chancellor's Visitors in England?—I think so, but I do not know precisely what the Chancery Visitors do.

30950. Regarding the deputies visiting the lunatic wards of poor houses, it is a fact that Commissioners also frequently go to these?—They do.

30951. It is not entirely left to the deputies, the Commissioners also visit?—Visit the larger poor houses.

30952. I think you hold very strong views as to the medical aspect of asylum treatment and asylum inspection?—I do.

30953. In the statement drawn up by yourself, I find the following words; do they express your views in the matter: "It seems to me that while the laws for the care of the insane originated in a great philanthropic impulse guided by the late Lord Shaftesbury, and while abuses of all kinds and ignorance gave a special prominence to the legal aspect of insanity fifty years ago, that now the medical aspects of the whole subject as a disease to be treated and cared for, are the natural lines on which progress should be made"?—That is my view.

30954. Very strongly?—Very strongly indeed.

30955. It is the principle upon which you act, and you are of opinion that the English Lunacy Commission should be built upon it?—Undoubtedly, all Lunacy Commissions.

30956. Holding that, and holding your view of the importance of medical inspection, do you think all classes of lunatics should be efficiently and medically inspected?—Undoubtedly.

30957. Do you think, for instance, that workhouse lunatics should be visited?—I think they ought to be inspected; I think probably more so than institutions. The spirit of a workhouse is not quite a medical one, therefore the lunatic in the workhouse is more apt to be neglected.

30958. So to speak, the lower the class of the asylum the greater the need for inspection?—Yes.

30959. Are you aware that some workhouses where certified lunatics are kept are only visited by the Commissioners once in three years?—I am not.

30960. I can tell you that is a fact; could you criticise it?—I think it is wrong.

30961. It is absurdly little?—Undoubtedly; it seems to me to be too inefficient an inspection. No one probably would be stronger on that point than the English Commissioners themselves.

30962. Do you think the visitation of other authorities, such as the inspector of the Local Government Board or the inspector of the local authority, the Guardians or the County Council, would be in any way equal to the visit of a skilled Commissioner?—No, but undoubtedly they are extremely important in preventing abuses and keeping things up to a reasonable administrative mark.

30963. They are very good in their way, but they should not replace this central Government inspection?—I do not think so.

30964. In England some of the asylums and licensed houses are visited six times a year, while the county asylums are only visited once a year by the Lunacy Commissioners; do you think that is right? Do you know any reason why one class of lunatic should get so much more government inspection than the others?—I do not.

30965. How often in the year do you think it absolutely necessary for every lunatic to be visited in this expert manner?—When you ask a question of that kind I cannot answer definitely. There is no actual rule, but I should say twice a year would be a reasonable amount of inspection and visitation.

30966. When you were in Carlisle Asylum I think you only had one statutory visit?—Yes.

30967. Did you think, yourself, that was sufficient to satisfy the Lunacy Commissioners in regard to what was taking place in your asylum?—I accepted the situation. Honestly, I do not think I thought much about it; I accepted what was provided.

30968. In view of the thirty years' experience you have had since, you would much prefer twice a year to once a year?—For the sake of the insane it forms a more efficient protection.

30969. And from the superintendent's point of view?—On the whole it keeps us up to the mark rather better.

30970. You rather welcome inspections; you do not dislike them?—I do not now, at all.

30971. Can you give us any idea—I have asked several other witnesses too—what is the rate at which inspection should be made?—That also does not admit of any precise answer; I can only speak from experience. Supposing you have private patients of a somewhat educated class I would put down something like 200 in one day as being really all that one man can inspect of that class. Judging by my experience in regard to the more uneducated classes, many of whom are less Inteilligent, more demented, probable from 350 to 400 a day I

would say is very nearly enough for a man to inspect thoroughly. I know that efficient inspection, even of that amount, is an exhausting process for a man to go through in a day's work.

30972. It is a very fatiguing duty, is it not ?—A most fatiguing, irksome duty.

30973. An inspector cannot go on many hours doing it efficiently ?—I do not think he can be as fresh at the end of the day as at the beginning.

30974. In taking asylum patients as an average, you would estimate about 400 as the maximum number that should be visited in a day ?—Supposing you have 400 absolute dements, few of whom can speak to the Commissioner at all, and who are in a good institution and manifestly well looked after, I would not say that a Commissioner could not look after somewhat more than that, but I would say not a great deal.

30975. You never find such a state of affairs in any institution, do you ?—Possibly not; it is a question of degree.

30976. Taking the average population of an asylum 400 a day is enough ?—I think a man does a very good day's work if he inspects thoroughly 400 patients a day.

30977. If you were to hear of two Commissioners going into an asylum together at 11 o'clock in the forenoon, and before three o'clock in the afternoon having completed the annual visitation of between 1,500 and 2,000 lunatics, would you criticise that by saying that it was too short to serve a practical purpose ?—I should be lost in admiration of those two gentlemen.

30978. What is your opinion regarding the double visitation—the legal and medical ?—That is a point as to which I never could see the advantage. Even when in England that was one of the things which always excited my criticism. It always seemed as though it were a throwing away of energy.

30979. It may have been very necessary in the early days when there were possible abuses and legal points to be inquired into ?—It seemed to me that it was a continuation of the sort of scare which took place, and strongly excited public feeling, which Lord Shaftesbury's efforts produced in the country, but that has passed away and therefore it is a state of matters which is no longer required.

30980. In those days, sixty or seventy years ago, asylums were more or less prisons ?—Most of them were, I am afraid.

30981. How would you describe them at the present moment ?—All hospitals, all arranged with a view to the cure of the disease. Some parts of the best asylums are so absolutely hospitals nowadays that you might walk through them and not know that you were not in a general hospital.

30982. Do you think the total change in the institutions, the different class of asylum which exists now from what existed sixty years ago, is ample reason for dropping legal visitation and insisting on medical inspection for a medical institution ?—That is my personal opinion.

30983. Have you any experience of English continuation certificates; I suppose not ?—No.

30984. Have you any knowledge of these nursing Homes in England which receive lunatics without any form of certificates or supervision ?—I have not. We have some such in Edinburgh and in other parts of Scotland, which practically do the same thing; not many, but there are some. We usually sign the certificate, the six months' certificate, for our patients in that case.

30985. In practice you have heard of the existence of these institutions, have you not ?—I have heard remarks that such exist in England.

30986. Only remarks, you have no personal knowledge ?—I have no personal experience whatever.

30987. Have you formulated any conclusion in your own mind as to the necessary medical strength of the Lunacy Commission in England to do its duties thoroughly ?—Of course I have never been a Commissioner, I have never had the inspection to do, and it seems rather presumptuous for me to give any opinion, but I do not mind being asked such a question. The conclusion I have come to is that if the Commissioners were increased 50 per cent., say to nine visiting Commissioners with two deputies, it would probably be found an enormous improvement on the present system.

30988. Nine medical inspectors and medical Commissioners you think would be sufficient to generally supervise the 115,000 in asylums ?—Without saying that they would be sufficient, they certainly would be a great deal better than the present number, and if the dual inspection were also abolished, if the Commissioners visited one by one, that would better utilise the power of the Commission.

30989. You advise two deputy Commissioners ?—I would say two to begin with.

30990. Are you aware of the fact that there are some 5,000 boarded-out pauper lunatics scattered all over the country ?—Yes.

30991. These should be inspected, should they not ?—They should, undoubtedly.

30992. Two could not look at that number so widely distributed ?—I am rather founding my opinion on our Scotch experience; two deputies in Scotland inspect 3,000. Possibly energetic young men might do a little more than that.

30993. It is a larger country ?—But there are no such places in England as the Hebrides and the Orkney and Shetland Islands, where you have a whole day's journey to see one patient.

30994. Would it meet your views if two were appointed to begin with, to be increased afterwards if necessary ?—I think that would be reasonable.

30995. I think you hold some views that the powers of the Commissioners should be increased in certain ways ?—I think the powers of the Commissioners should be increased in certain ways.

30996. Would you name them to us ?—I think, for instance, that the powers of the Commissioners should be absolute in regard to size of asylums and in regard to the plans of asylums. They should have more power than they have now. I would give them also greater powers in certain matters of internal administration such as breaches of discipline on the part of the officers of institutions, and would give them some power over the higher officers, if they found a bad state of matters existed.

30997. Power to dismiss them ?—Leading to dismissal. Such direct power that the Visiting Committee could not disregard it. Give them in the statute such power that it would not be a mere personal recommendation but that they would be performing a statutory duty in making such recommendation.

30998. If you were to give the Commissioners such wide powers as to regulate the size of asylums, would you give the local authority an appeal against the Commissioners ?—I think everybody ought to have an appeal against every public authority; an appeal is most gratifying to human nature, it produces a certain sense of satisfaction, even if you lose it.

30999. To whom do you suggest this appeal should be ?—A great many of us in the medical profession would like a Health Minister appointed—an appeal to him.

31000. But failing that ?—The Home Secretary.

31001. I think you have already stated that the days when legal inspection was necessary are past and it is medical inspection that is wanted, but are there legal duties to be performed in the central offices of the Commissioners ?—I look on those as of extreme importance; I am not an anti-legal man in my opinions, no one appreciates I think more than I do the advice and assistance of a well trained lawyer at a board. I have always, in our institution at Morningside, gone for a highly educated lawyer as our chairman, and better chairmen I have never seen than some of our lawyers have made, and I like at least one or two other highly educated lawyers. We have a professor of Scotch law in the University of Edinburgh, we have a professor of civil law, we have a W.S. and we have a solicitor, all on our board of management, and all those I highly approve of. But the training of a lawyer of any sort, even a barrister, makes him, I do not say unfit to follow the kind of medical experimental idea that we require, but he is averse from it, he is conservative, and he hesitates about sanctioning the kind of experiment which a doctor naturally carries out in his medical work; therefore, I think the doctor is the man

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to inspect an asylum, because the patients are all in a state of disease and it comes natural to him to understand them.

31002. Holding these views in regard to an inspection, you also hold the view that the legal man is of importance at the head office of the Commission ?—Extreme importance. No Commission of this kind could be better served than by having a legal paid chairman, and I think they might have another legal Commissioner ; there are all sorts of inquiries into scandals and abuses and accidents ; I do not think anybody is equal to a good lawyer for investigating those things.

31003. You have views as regards the age retirement of Commissioners ; do you think that is work which elderly men can do ?—The chief point with regard to age retirement is that it is a very exhausting piece of work physically and mentally ; it is not like a judge sitting on a bench, it is not like a sedentary occupation ; I think a certain age limit would probably be for the good of the insane.

31004. Would you approve of the sixty-five age limit, the same as there is in the Civil Service, or would you extend that ?—I would extend it to seventy ; get as much experience as you can. They do not come into the work young.

31005. You would say it should be extended to seventy, subject to a medical certificate of fitness ?—That might be an invidious certificate to give.

31006. Have you any views as to whether the Lunacy Commissioners should be all resident in London, or whether they should be resident Commissioners in different centres in England ?—I do not know that I have sufficient knowledge to give an opinion worth anything on that point, but there is no doubt whatever that some kind of territorial arrangement, if carried out without impairing the general efficiency of the Commission would probably be a good thing ; at all events it would be worth trying as an experiment, that one man should be really attached to one district for two or three years, so to see whether the intimate personal knowledge of his patients, and of the officials in the asylums, which he thereby obtained, would do some good ; I do not say, permanent attachment ; from our experience in Scotland it seems to me that some such arrangement could be made without impairing the general administrative efficiency of the Board. It probably would be worth while trying.

31007. You are rather inclined to the view that greater familiarity and acquaintance of one Commissioner with the institution is preferable to less familiarity and less acquaintance of a larger number of Commissioners ?—It seems to me that it produces a certain confidence on the part of the officers and the patients if this gentleman knows us well. He is able to take the working of the institution into account, he is more friendly, he can go up and address his patients as Mr. So-and-so ; he remembers them from the last visit, especially if the visits are made twice a year.

31008. Have you any opinion as to the advisability of the English Lunacy Commission remaining under the Lord Chancellor ?—I have a very strong opinion that this is the remains of an ancient custom under which the Lord Chancellor was the guardian of the property of the insane, but there is no element of reason in it now, according to present ideas.

31009. Do you think the management of lunatic asylums is really a legal matter, which falls under the Law Courts, with its chief, the Lord Chancellor ?—It does not seem so to me in any respect. There must be some reason for it, but I could never see one iota of principle why the Commissioners should report to the Lord Chancellor.

31010. You think it ought to be part of the ordinary civil administration ?—Yes.

31011. Under the Home Office ?—Yes ; or better still, a Minister of Health, if we could get one.

31012. A department of its own ?—Yes, covering the whole of the health and physical conditions of the citizens.

31013. You are emphatically of opinion that it is no longer necessary to be under the Lord Chancellor ?—Undoubtedly. It is a remnant of an antiquated practice.

31014. What is your opinion as to the existence of three visiting lunacy authorities in England, the Chancery Visitors and the Commissioners ?—I do not know what the Chancery Visitors do, so I cannot express an opinion on that point. I do not know what their function is, or the scope of their visit.

31015. Is there, conceivably, any form of supervision that the Lunacy Commissioners cannot give regarding lunacy matters ?—I may be quite wrong, but, as I understand it, the Chancery Visitors say that they represent the patient himself, that the patient pays them, that they are there on his account, and that they specially represent the patient himself because they are paid out of his estate. That I understand is the general proposition ; I am not really able to express an opinion on that point.

31016. I think I have heard you express a view to the effect that it ought to be the duty of the Lunacy Commissioners, in their annual report, specially to draw attention to new modes of treatment ?—I would make that statutory. I am quite sure that if it were made a statutory duty they would welcome it ; it would be a very important thing that every year one section of the Blue-book should be devoted to improvements in the treatment of the disease as a disease, and administrative improvements and otherwise. We all should like to see what new things had been done during the twelve months. It would stimulate the Commissioners, and I know it would stimulate medical officers of asylums. They would be very anxious indeed to appear in that section of the Blue-book.

31017. You give us a recommendation that this is a most desirable improvement ?—Yes, and it ought to be made statutory.

31018. I believe you are interested in the matter of asylum laboratories ?—Yes.

31019. How does that subject affect the Commissioners' duties ?—Pathological laboratories are for the investigation of the disease we call insanity, both during life and after death. It is an important matter, and I will give you our experience in the North in this respect. We felt that no single institution could get up a laboratory of sufficient thoroughness, therefore we met together, the medical officers of the asylums, and we agreed that we would make an attempt to establish a common laboratory for Scotland. We had no statutory power, and not only had we no statutory power, but we rather wanted to keep it unstatutory, away from our official management, and at last we succeeded in getting up a most efficient laboratory, and that was very largely by the efforts of the Scotch Commissioners in Lunacy, who came and visited us and inspected us, and left a report which we printed and sent round to all the local authorities; and I doubt whether we could have succeeded without the help of the Scottish Commissioners in this most important part of the work of our institutions.

31020. You would suggest, on the strength of that, that it should be the duty of the Commissioners to take an interest in, and keep *au fait* with, what scientific work is being done ?—Undoubtedly ; but I think the most important thing is to make it legal for an institution to contribute towards a joint laboratory. It would do good to the smaller counties. Yorkshire might be able to get one of its own, and so might Lancashire ; the smaller counties could not, and it is very stimulating to have a good laboratory to which one can go. I understand that the opinion of counsel was taken and it was found to be illegal for a Committee of Visitors in England to make such a contribution. I think that is an enormous pity ; it could easily be made legal, and that is the first thing to be done.

31021. Are you of opinion that the Lunacy Commissioners should have some say in the appointment of medical superintendents ?—I would give them a veto, to prevent absolutely bad appointments.

31022. You would not let them make the appointments ?—No, I would give them a veto.

31023. Would that be a valuable power ?—It might, in some cases.

31024. It is a legitimate function ?—Yes.

31025. Would you apply the same veto, or supervision, to the matter of assistant medical officers ?—I do not think I would ; I would leave it in the hands of the committee and the superintendent.

31026. Do you think the duties of the assistant medical officer are sufficiently recognised just now ?—I think not. Now that the whole system has been evolved, and institutions have become larger, I do not think they have a sufficiently reliable *status*, and they have no proper statutory position. I think the assistant medical officers should, in any future legislation, get a statutory position as regards *status* and duties. I think they are of the highest importance, and they ought to have some statutory recognition.

31027. Have you any information to give as to the training of nurses; should they be regulated or approved by the Lunacy Commissioners ?—The nurses are the right hand of the doctors, and for the individual patients one of the most important items, as regards his happiness in life and his cure. If that is so, I think it also ought to be, in some way or other, under the control or suggestion or encouragement of the Lunacy Commissioners, as indicated by a clause in the new statute.

31028. Only one other point, that is the matter of discharge by the Lunacy Commissioners: do you think the Lunacy Commissioners should have power to order a patient out of an asylum, when they themselves are satisfied that that patient is better ?—I do not think so. It might be interesting to the Commission to hear that in Scotland we have five kinds of discharge, one is—and that covers nine-tenths of all the cases—by the medical superintendent; he discharges as it were "off his own bat"; when he thinks a patient has recovered he discharges him, he sets aside by that act of his the sheriff's order under which the patient is placed there. That is the chief thing. The second is in the case of an unrecovered pauper patient whose relative requires to go to the parish council, and he can get him discharged in that way, but the medical superintendent has a veto if the patient is dangerous. A third is that all private patients can be removed by their relatives, except that there also the medical superintendent has a veto if he gives notice to the procurator-fiscal. Then there is a mode of discharge which is not very well known, I think. Every patient in an institution in Scotland who is under certificate has the right to ask for an examination by two independent medical men. The Lunacy Commissioners must approve of the particular medical men; if the report is that the patient has sufficiently recovered, they do not require to say that he is recovered, but "sufficiently recovered," then they can order his discharge. The fifth mode is that the sheriff of the county, or the sheriff-substitute, can do the same thing, only the sheriff has no such power of selecting the doctors. Those are different methods of getting patients out of institutions.

31029. The ordinary way is by the medical superintendents discharging the patient ?—Yes; but he has no power to discharge an unrecovered pauper patient, and very properly, because that patient must be looked alter by somebody else. It is doubtful whether he has a statutory power of discharging an unrecovered private patient unless he can certify that he has "sufficiently recovered." By the way, there is a sixth method. If we do not certify all our patients at Christmas who have been three years with us, as being suitable for an asylum, they are discharged *ipso facto*. I never, however, heard of a patient being so let out of an asylum.

31030. (*Dr. Donkin.*) With regard to the last question you were asked, is it, in your opinion, at all a common thing in Scotland, this great facility for discharging; are patients let out by the superintendent who are not recovered ?—Sometimes they are. If they are not dangerous, I would say, "why not" ?

31031. You do not think it leads to any bad results ?—I do not think it does. I do not think it is a danger.

31032. I take it from the general tenour of your answers to Dr. Dunlop that you think it a very important thing in a properly constituted lunacy committee, or other authoritative body, that much attention should be given to encouraging scientific work, the medical aspect, the diagnosis and treatment of insanity ?—Beyond a doubt.

31033. You regard that view as one which requires emphasis ?—It does, in my judgment.

31034. One or two questions about this certificate, in connection with incipient insanity, because that undoubtedly is a very important question. I understand that this certificate may be given by one medical man and another medical man may take his patient into his house ?—That is so.

31035. And no one else in the world know about it ?—Absolutely nobody, except the relatives of the patient of course. It is for six months only, for cure only.

31036. I am assuming that. One sees undoubtedly the enormous advantage of such a procedure, but supposing in a populous country like England, that this should "catch on," and no doubt it would very largely, would you see any danger of improper things happening, scandals happening which do not happen in Scotland; I do not mean to say that Scotland is less likely to fall into those errors, but I mean owing to the large numbers in England ? To give one medical man facility for shutting up a person for six months, and for no one to know about it except a friend, is a big power ?—It is a big problem. No doubt there are dangers connected with it. When you come to consider it, especially when you have relations consulting a doctor on the disease of insanity, occurring acutely, in the case of a man holding an important position, it is of the utmost importance that he should not be certified or known to be insane. If you have this kind of feeling in the public, as you have, that they would almost do anything rather than have a patient certified, the risk of treating without certification is one worth running.

31037. I agree in every way with you. I have for years had the opinion that some such procedure as you have described is greatly wanted, but what I was leading up up to is this: do you think it would very much lessen the advantages of the procedure, if it were obligatory to notify privately to some Government authority that such a patient is being kept ? The word "insanity" need not be mentioned, and I do not press the question whether it should be notified to the Lunacy Commissioners, though they no doubt would be the best authority ?—Such a question as that depends entirely upon the feeling of the particular country. If the existence of such a power in England were to weaken the confidence in the medical profession, or in the treatment of insanity, then such a private notification as you have mentioned without mentioning the word "lunacy" would be advisable. If the doctor were obliged to notify this to an authority which does not publish a Blue-book, then I think the objection to notification would be very much diminished.

31038. Would you agree that any attempt at certifying the patient or certifying the house, would be very bad ?—Exceedingly bad. Nobody who puts himself or anyone belonging to him, in the position of having a short mental attack, but would agree with me that this is a most humane procedure.

31039. (*Mr. Byrne.*) What practical powers of coercion are given by such a certificate to the person in whose house the patient resides ?—No statutory power, but you assume the power of coercion, if you call it coercion; I would prefer to call it such control as is necessary for the treatment of the case; you assume that that exists because of the existence of the certificate.

31040. As regards the persons who are certified, is it done generally with their own consent and because they assent to it as a reasonable thing ?—Not usually; I have sometimes. If a patient gave consent, I do not think I should sign such a certificate, as a general rule; he would then be an ordinary boarder with a friend, paying for it out of his own pocket.

31041. They are mostly so bad that they think they are under coercion, although they are not really ?—They are mostly affected in mind in such a way that they require control.

31042. And they think they are under legal control ?—One must assume that. Naturally you do not discuss that much with a patient.

31043. That is what I want to get at; I want to find out the sort of people to whom it is applied ?—I have applied it to all sorts, from peers of the realm down to paupers.

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31044. Yet you have not applied it to anyone with their consent ?—I am not prepared to say that I have not talked with a patient ; you usually try to persuade him to go as much as possible on his own consent, to save trouble, and to get a feeling of confidence.

31045. Supposing you said to him, " It will be very much better for you to stay with Doctor So-and-so for six months," and he says " I am not insane, I am no more insane than you are, I am not going " ?—I say " We have under the Scotch law a procedure under which, without calling you lunatic or mentioning the word 'insanity,' we can take charge of you and cure you even against your will by detaining you for six months."

31046. You then, so to speak, threaten him with this procedure ?—I have done it for the patient's own advantage.

31047. If he still resists, you actually carry out your threat, so to speak ; you sign the certificate ?—Yes.

31048. Then his relations take him and put him in a carriage and drive him off to this place and there he is detained ?—Yes.

31049. Practically the success of the experiment depends on the ignorance of the public as to the legal powers which it gives ? If I were incipiently insane, you could not try that dodge on me, could you ?—If I had much interest in your recovery I should do so without hesitation.

31050. You could not make me think you had any control over me so long as you could not go further than saying that the person into whose house you sent me had control over me ?—I should quote this Act as giving me absolute control.

31051. (*Dr. Dunlop.*) Would it not be useful to read the section ?

31052. (*Mr. Byrne.*) I have got it : " Is afflicted with so-and-so, but that the malady is not confirmed and that I consider it expedient with a view to his recovery that he should be placed in such and such a house."

31053. (*Dr. Dunlop*). That is the certificate, not the words of the Act. The person is received as a lodger or a boarder, exactly as they receive any other person ?—The schedule which I quote, which is the form of certificate, is at the end of the Act.

31054. (*Mr. Byrne.*) At any rate in practice these people are just as much detained against their will as lunatics under certificate ?—They are. One of them has threatened me with an action at law. I said, " Very well, go to work and we will have it tried."

31055. I am asking you these questions in order that we may have a description of the sort of people to whom it applies and then I want to ask you whether, in spite of this, you are quite satisfied that no inspection of these people should be allowed, no outside inspection ?—I think anything like lunacy inspection would defeat the real object of the clause.

31056. It is because it would be lunacy inspection that you object to it ?—Yes.

31057. If the Government had at their disposal a doctor in the neighbourhood who is not known as a lunacy expert, would you object to his inspection ?—I should not object if that would give more satisfaction and more confidence to the public ; certainly everything depends on that.

31058. Because it is quite clear from your description that the whole procedure is one based on force ; it is carried out against the will of the person ?—Yes.

31059. And might conceivably lend itself to very grave evils ?—Yes, undoubtedly.

31060. The sort of evils which were alleged to be common before certification in its present form was adopted ?—Yes, but it is done by a medical man, and you have his professional reputation at stake, if anything wrong occurs. That is an enormous matter.

31061. That would apply equally well to a lunacy certificate ?—Yes.

31062. I suppose your answer to that would be that there never have been any substantial scandals, even under the lunacy certification ; much less this certification ?—We have had one in Scotland in forty years ; one action at law in forty years.

31063. Now for one other matter ; you have expressed the opinion that for a well-equipped modern mental hospital for rate-paid patients something like £250 a bed is required ?—That is my opinion.

31064. As you use the words " mental hospital " you mean an asylum for curable patients ?—Curable and incurable.

31065. The ordinary mixed hospital ?—Yes.

31066. You would not think the asylum cost could be substantially reduced by building on a different scale for the congenital and acute cases ?—I think if you eliminated those from the question you would have to spend more on the curable part.

31067. (*Dr. Needham.*) You talk about visiting and inspecting about 400 pauper patients a day ; do you know that in some wards in English asylums there are something like 200 patients in each ward ?—I have heard so.

31068. What sort of inspection are you going to give them ; walk round the ward with them sitting on benches closely round the ward ? What personal inspection of each patient can you give, or what good would it be, seeing that four-fifths of them are probably people who would not ask a question in six months ?—In the first place I would deprecate the existence of such a ward.

31069. Absolutely ; but there they are ?—If they are there.

31070. I have known a ward with 200 patients ?—Each patient must have some special mental peculiarity. The effect of having a little time and that kind of thing, of the Commissioners has it, is of importance—a little time to think, to see if anything can be done.

31071. What is the value of it to the patient or the value of it to the public ? Assuming this is a case of gross dementia, what is the value of it to the country, and what is the value to the individual, of the close personal inspection of a Commissioner—as a lunacy expert, I mean, of course ?—I think there is one value, and I think it is rather an important one. I think the Commissioner going into such a ward as you describe, if he had the time—I do not think they have the time—if they had the time to spend half an hour or more in that ward, I think it would have a very good effect on the doctors and nurses to see that although these people were demented, yet the Commissioner regarded them as human beings capable of requiring attention. It takes away the sort of degraded and neglected feeling which some nurses are liable to acquire.

31072. How many can you see at a time ?—You can go round and see them. I can scarcely imagine 200 adult dements together none of whom could answer questions. That is quite impossible.

31073. Certainly, but only a small percentage of them could ?—Something, I think, should be made of them. Those are a class that specially tend towards degeneration and give us more responsibility to keep them up to a certain height than any other. An English Commissioner once said to me, " One of our tests of any asylum is how it looks after its dements."

31074. I am not in the least saying it is undesirable that close personal attention should be paid to every patient. I am not suggesting that it is at all desirable that people who are degenerating should be allowed to degenerate, very much the reverse ; I am not suggesting that those wards should not be visited from any single point of view, not even from the point of view of economy, but I simlpy want to get your point of view as to what the advantage would be if more time were able to be spent, as unfortunately it is not at present, in those wards ?—I think there would be an advantage ; for instance, in doing one's medical visit I sometimes on purpose stay longer in a ward or day room where the worst class of patients are, once in a while, and ask the nurses questions about them to show that I have not ceased to take an interest in them individually

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31075. As regards the direct power which you would give to the Commissioners, how about the local authority? Do you think if you gave more power to the Commissioners and altered their position from being the advisory people that they are now, and made them mandatory people, that it would be an advantage; would not the local authority rebel against them?—It depends whether it is an educated local authority.

31076. You must form a judgment whether local authorities in England are educated?—You can depend on the Commissioner being a man who knows his work, and knows the nature of his work and is able to do it. I would not allow the local authority to do wrong things in regard to the insane. I would give the Commissioners power of interference.

31077. Would the country give the Commissioners power to interfere with the local authority when the country is trying to give the local authorities more power every day?—It is impossible to say. I ought to say with regard to the English system that there is one matter in which I consider you beat us in Scotland; that is that you appoint a rota of the local committee to visit the institution every month. I always looked upon that as being a most valuable thing, when I was in England, as giving me the power of educating my committee up to my own views of managing the asylum; it was the best education they got, though it sounds rather egotistical to say so.

31078. As regards local Commissioners, do not you think local influence and local narrowness would be against that system?—I am not sure as to that point. The idea is a new one.

31079. Do you not think they would come with more freshness from a central point than if they lived in the district?—They would, but would they come with greater knowledge?

31080. Would the little tattle of the locality be helpful or hindering?—It would be a large division of 5,000,000 or 6,000,000 of inhabitants; it would not be local in that sense. I think it is worth experiment. I am not strong on the point. The administrative difficulties are obvious, and I am not sufficiently well up in the working of the Commission to say much about it.

31081. You know that the rules of all asylums provide for the duties of the assistant medical officers, and that these rules have been sanctioned by the Secretary of State in each case?—That is so. I am rather complaining of his want of statutory position, and his general position in the hierarchy of the government of the asylum. Nowadays, especially in large institutions, the senior assistants, the heads who have been there, let us say over a year, should be a little more considered, they are so very important.

31082. You would give them a statutory position?—Yes.

31083. The only other question is as regards the conjoint laboratory; you are aware that attempts have been made to establish joint laboratories in England in connection with asylums?—Yes.

31084. And that the Commissioners strongly favour that?—I am aware of that.

31085. But that they were not able, for administrative reasons, to be carried out?—I understood that for legal reasons it was thought that local authorities could not contribute.

31086. It might be, but it was for administrative reasons; they could not provide them for that purpose?—We have done it in Scotland, why should not they do it in England if they have legal power?

3 087. Because of the administrative reasons; it may be legal administrative reasons; it may be reasons why they could not combine?—It reacts favourably on asylums; our Scotch assistants are constantly coming to the laboratory and spending a day there; it does much good.

3 088. It is desirable?—No doubt it is most desirable.

31089. The English Lunacy Commissioners quite agree with you?—I know they have done their very best.

31090. (*Chairman.*) Is there anything you would like to add?—Nothing.

SAMUEL BROOKS, ESQ., J.P., called; and Examined.

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31091. (*Chairman.*) You are Chairman of the Surrey County Asylums' Committees; would you tell us how long you have been Chairman?—In March 1892 I was appointed to the Brookwood Committee and in March 1897 I was made Chairman thereof.

31092. You have been so kind as to give us a statement of your evidence, may we put that on our notes?—If you please.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY SAMUEL BROOKS ESQ., J.P., CHAIRMAN OF THE SURREY COUNTY ASYLUMS COMMITTEES OF "BROOKWOOD" AND "NETHERNE."

I have no objection to offer to the present necessary qualifications for appointment to the Commission in Lunacy, which appear to me to be, as regards the personnel a satisfactory arrangement.

There is given me no sufficient time in which to ascertain what duties and powers were conferred on the Commission at its creation in 1845 or whether those duties and powers have been gradually extended and amplified by the action of the Commissioners themselves and without statutory authority. Be this as it may, I am of opinion that the functions of the Commissioners should be revised and limited to those matters which are more particularly concerned with the medical, domestic, and hygienic conditions under which lunatic patients are detained in public asylums.

These revised powers should *exclude* the supervision and control of schemes and plans for the erection of new asylums and the alterations and extension of those already existing; all such proposed works being submitted for examination and approval to the Home Office or similar Government Department; for the reason that local authorities do now, and for the purposes of all such works, would continue to engage, the very best professional architectural and constructional skill and experience, which are not and cannot be expected to be, attributes attaching to legal and medical attainments.

Further, the authority of the Commissioners to initiate, limit, and dictate, the conditions under which one local authority may contract with another similar authority, for the temporary accommodation of lunatic patients, should in my opinion be annulled, subject, as before suggested, to the submission of any such proposed contract to the approval of a Secretary of State.

In my opinion the present system of supervising lunatic is inadequate and I recommend the formation of lunacy inspection districts. These might be constituted by the adoption of county boundaries, and each district consist of one county, or of two or even three counties combined, according to the number of asylums and licensed houses for the reception of lunatics, embraced within the area.

A medical inspector should be appointed to each district. His primary duty should be to visit and inspect the lunatic establishments and see that all medical and sanitary measures were adopted for the treatment and comfort of the inmates. I suggest that the visits should take place at uncertain times but at least once in every three months, and that the inspector should report to the Central Authority.

He should have the power to serve notices on committees and proprietors or managers to remedy deficiencies, and provide necessary requirements.

The Central Authority, say Lunacy Board, might with advantage form a special department of the Home Office and consist of a Medical Chief and his Medical Deputy and two or three other qualified members with an efficient office staff as required. Probably a legal member of the Board would be a useful addition.

A direct appeal by committees or managers to the Central Authority should be embodied in the regulations.

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31093. (*Mr. Byrne.*) You recommend that as regards the approval of schemes and plans of asylums the work might be taken away from the Lunacy Commissioners with advantage ?—That is my view.

31094. You have had some experience, both of a new asylum and of additions to asylums, in Surrey, have you not ?—Yes.

31095. Have you had any events occur within your own experience which make you think it would be an improvement and an economy to have plans not submitted to the Lunacy Commissioners ?—I do not think I would like to go quite so far as that. The view in my mind was that the absolute approval or disapproval of plans ought not to be left to the circumstances now prevailing ; that is to say two Commissioners see the plans, and it impresses itself on my mind that when they have made up their minds, there is no appeal. If you appeal, I believe the process is to the Home Department. The Home Secretary and the Commissioners, I presume—I only speak from what I am given to believe—are asked what they think about this appeal, and we get no *locus standi* whatever, we are not asked to attend, either through the Chairman of the Committee or the Visiting Committee itself, and explain.

31096. You may take it from me that the local authorities do attend frequently in my experience. At the Home Office there have been several instances in which the local authorities have attended and represented their views to the Secretary of State and have been able to make those views prevail on account of the urgency of their local circumstances ; so there is an appeal to the Home Secretary ?—I am afraid it is not the general opinion that there is such a process available.

31097. You see it in the newspapers ?—Yes. [*Witness subsequently sent in a note to the effect that his answer should have been in the negative.*]

31098. Have there been any cases in which your authority would have liked to appeal to the Home Secretary against the Commissioners ?—Yes.

31099. What was the nature of them ; was it connected with plans of buildings ?—Yes, the extension of buildings for the Brookwood Asylum.

31100. Will you tell us what the point was ?—We had intended as a committee to appoint some well-known and competent architect to design the plans for an extension. Certain circumstances happened at a meeting of the county council, and the present county surveyor, in consequence of the fact that his father was the architect of the old Brookwood Asylum, and he was very much engaged on the work, felt that he would not like other hands to have any finger in that. It was purely sentimental, but as a consequence, knowing him to be a very competent architect—he is a Fellow of the Royal Institute —and as he had expressed his willingness to undertake the work, we gave it into his hands. He designed these extensions on the principle of giving everything that should be, both constructionally and from the sanitary point of view, sufficient and efficient ; and for economy's sake he proposed that this extension block, the female block, should be placed north of the old existing block. When these plans were submitted to two of the Commissioners in Lunacy, so far as I am aware, no exception was taken to the plans except the aspect. The objection was that the ideal aspect had not been observed in drawing these plans, and therefore they could not be approved. It was pointed out that to have adopted the ideal aspect would have involved a very large increase in the cost of these buildings ; but still there seemed to be no inclination to accept that as sufficient explanation, and it was pointed out that there are a large number of men with competent incomes who cannot afford to insist on that ideal aspect, that they must accept that which is before them, and if they want to build a house there are some other considerations besides ideal aspect, there is prospect, and so on ; but when a man is to rent a house, it may be a large rental, and he cannot insist on a certain aspect, and that in this particular instance it meant economy to a large extent ; but, however, the pressing of that view was of no use whatever; it was insisted on that these plans must be altered to get this ideal aspect. Accordingly they were so altered and the outcome of it was that instead of building these extensions for about £65,000 to £75,000, it involved an outlay of £90,000.

31101. (*Dr. Needham.*) How long since is this ?—Those extensions were commenced in August, 1900; they were completed and handed over to the committee in December, 1902. I have got the county surveyor to prepare me a little plan which shows exactly the condition of things at that particular time. I will hand this plan in, it shows the old existing buildings. (*The plan was handed in. Vide next page.*)

31102. Have you got any correspondence with you on this matter ?—None whatever.

31103. Which asylum was this ?—The Brookwood Asylum.

31104. (*Mr. Byrne.*) In that case did you appeal to the Home Secretary against the decision of the Lunacy Commissioners ?—I believe not.

31105. But you protested to the Commissioners, in the manner which you have described ?—Through Mr. Howell. These plans, if my memory serves me right, were sent in and this objection was raised, and then an appointment was made, I believe, between Mr. Howell on the one side and the two Commissioners on the other. He met them and pointed all these things out to them, but without success.

31106. Did the alteration of the aspect of the building in this case involve any serious changes of an expensive nature in the asylum ?—It did. The principal arguments against placing the extension buildings as they are now with the south-east aspect, were, first, that in order to do so we must pull down our chapel. I use the word "chapel" as it is generally used by us ; I mean the church. I do not make any distinction between the two terms in this connection, church or chapel. We always call it "chapel" We had to pull down the old chapel, and we had to find another site and build a new one.

31107. How long had the chapel been built ?—Probably that was erected when the old Brookwood Asylum was first put up. I cannot say ; that is about thirty-five years ago.

31108. Was it a costly operation, pulling down the chapel, and rebuilding it elsewhere ?—Yes, I could not say at the present moment what it cost, but probably about £8,000 or £9,000. Then the utilising of the existing drainage of Brookwood had to be abandoned, and a new scheme altogether for these blocks had to be adopted.

31109. (*Dr. Needham.*) Was the old chapel adequate in size for the requirements of the asylum ?—At the time it was.

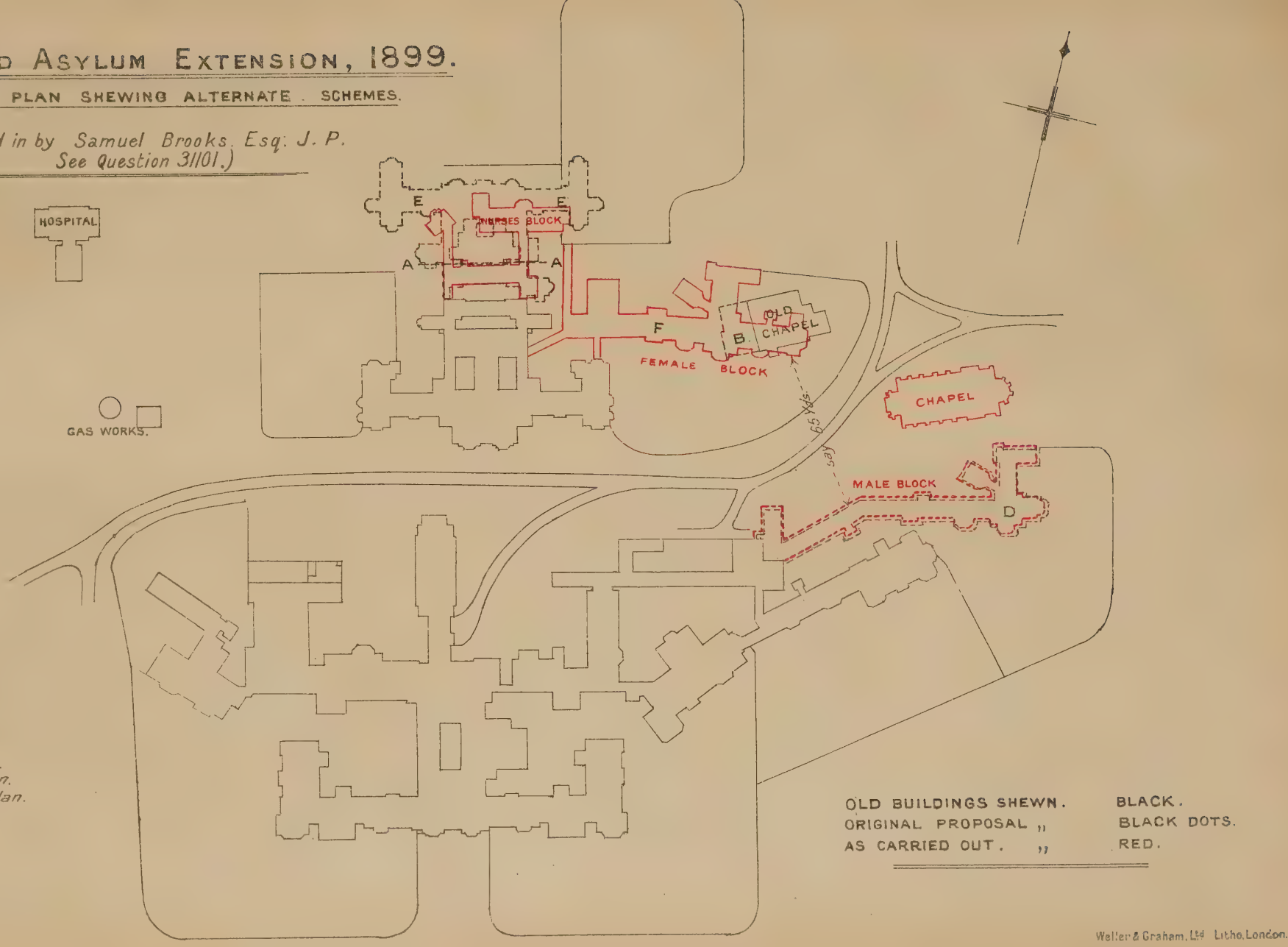
31110. It does not look to be more than half the size of the new one ?—There is an addition to it, you will observe, in the sketch plan.

31111. (*Mr. Byrne.*) Under your proposal, you think that the Home Office, with adequate architectural advice, with an adviser who could meet you and confer with you, would probably not do such things as that ?—As I have put it so, it is a very simple statement, but I would enlarge rather upon that. May I illustrate it by something else ? Let us assume a municipal authority, and that they are going to embark on a sewage disposal scheme. They employ a competent man to draft this scheme, they get their plans out, and get an approximate estimate. Then they say : "This is going to cost say £20,000 to £25,000. We want to go to the Local Government Board to get sanction to raise the money." The Secretary of State at the Local Government Board does not trouble himself about these plans, I presume. The Local Government Board appoints a competent inspector, who goes minutely into this scheme of sewage disposal, and he goes down to the site, if it be necessary, and he holds a public inquiry. The promoters of the scheme appear on the scene, and advocate their views ; those who are in opposition to it are also entitled to appear and explain why their opposition has been aroused. The Local Government Board Inspector hears both sides, and reports to his department and the sanction is given, or certain alterations are suggested ; but my point is that there is

BROOKWOOD ASYLUM EXTENSION, 1899.

SKETCH PLAN SHEWING ALTERNATE SCHEMES.

(Handed in by Samuel Brooks, Esq: J. P. See Question 31101.)



REFERENCE.

A–A. *Large drain.*
E–E. *Original plan.*
F. *Amended plan.*
D. *Male block.*
B. *Old Chapel.*

OLD BUILDINGS SHEWN.	BLACK.
ORIGINAL PROPOSAL ,,	BLACK DOTS.
AS CARRIED OUT. ,,	RED.

Weller & Graham, Ltd Litho. London.

ample opportunity for the promoting authority to advocate the course which they propose to adopt; they are listened to, and there is the report of a competent man who has no interest in the one direction or the other, and upon that the Secretary of State will take action. I suggest that some system of that kind is desirable. Whether it be justified or whether it be not justified (and I should assume myself that it is not altogether justified) still there is a feeling abroad that plans for asylums and extensions and alterations come before two Commissioners, and that is all.

31112. But perhaps the Commissioners went down and conferred with you on this matter, did they not?—No.

31113. Did they simply, in London, having this plan submitted to them, say "that is a wrong aspect, we will not permit it?"—Yes, "we will not approve it."

31114. "You must pull down that chapel and turn the whole thing round"—did they say that?—That I believe is the case.

31115. (*Dr. Needham.*) Are you aware that all the plans which appear before the Lunacy Commissioners are considered by the whole Board?—No, I did not know that.

31116. Will you take it from me that that is so?—Certainly.

31117. (*Mr. Byrne.*) You described to us what is the ideal method, namely, that there should be a local inquiry, where the criticisms on both sides should be brought before the inspector?—Yes; I am aware that the Commissioners are guided by the advice of a thoroughly competent professional architect. I feel sure, if I may say so, and I am an architect myself, that there is no better man than Mr. Hine; they could not employ any man more worthy of their confidence, but still there is the prevailing feeling that that is not quite the system. In my own judgment it would be far better to have a salaried officer.

31118. A Government architect?—A Government officer.

31119. Who should be compelled to acquire full and complete knowledge of asylum construction all over the civilised world, we will say, so as to be able to give the best advice?—Yes.

31120. I notice that in your statement you say you consider the existing method of supervising lunatics is not adequate. I think you heard the evidence given by Mr. Crowther from the West Riding. I asked him to explain how the local authority supervised the working of their institutions; would that description apply to your asylum?—Yes. My committee meets twice in every month. Of course I am there very much more often. The constitution of that committee is this: they are seventeen in number, and thirteen of them are appointed to what is called an inspecting sub-committee. Of course every member of the committee, also, when opportunity offers, does inspecting, but it is the duty of this inspecting sub-committee at every meeting of the Board to go round the asylum. It is impossible for these thirteen to adequately inspect an asylum so detached in its buildings as Brookwood and with about 1,400 patients there, on one committee meeting day, but they do portions at each meeting, and they go to some other part of the building the next meeting, so gradually they become acquainted with all the persons, and they know all about the asylum and the way it is administered, and in all cases they are accompanied by either the medical superintendent himself or by one of the medical staff, so that they are able to acquire any information as to treatment and so on.

31121. And the general arrangements?—And the general arrangements.

31122. Does that careful inspection apply also to what I may call the legal aspect of the detention of the inmates, namely, keeping proper books, inspection of warrants, orders, or certificates, under which they are detained; do the visiting committee see to that?—Not the inspecting sub-committee; those are the duties of general committee, the Visiting Committee as a whole.

31123. Will you kindly tell us in what way they carry out that duty?—When the committee arrive in their board room the medical case books and all other books which contain information, such as water consumption, gas, and every other detail in its own book, are laid upon the table, and it is the duty of the chairman to see that one or more members of the committee go and inspect those books.

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31124. And thoroughly examine them?—Yes.

31125. Not merely look at them?—No, examine them; and if there is anything that strikes them as requiring explanation, they mention it. Then the superintendent is asked about it. With regard to the certificates of admission of patients, one member is told off to go carefully through them and see that they are in order. Of course the medical superintendent has already admitted them as patients.

31126. So this is a check?—Yes; we see that the formality has been complied with. The value of it is another thing.

31127. To sum up this: before the Lunacy Commissioners come to your asylums to inspect them at all, they are already both conducted by competent persons, and have been efficiently inspected by a considerable number of gentlemen interested in the matter, and having the duty as local authorities. That is so, is it not?—That is so, but I do not consider that is sufficient.

31128. That is the point I want to bring out. You think even the most careful local supervision does not in any way get rid of the necessity for having a competent, careful, and thorough inspection?—That is my view. The Visiting Committee is not a permanent body so far as the individuals are concerned. They are being changed tolerably often. At any rate once in three years they are reorganised, and one has to bear in mind that there is a great public who ought to be safeguarded in these matters, and however excellent may be the work of my committee. and of the staff there now, it is human nature sometimes to be a little bit slack and to get into a groove, and I think for the protection of the the patients themselves and the satisfaction of the public there should be a very competent inspecting staff entirely outside the particular asylum; in fact Governmental inspection, that is my view.

31129. For what reasons do you recommend that the approval of contracts for the reception of your county patients into other asylums should be submitted only to the the Secretary of State and not to the Commissioners?—That view of mine has arisen because of recent difficulties we have had with the Commissioners in Lunacy with regard to the terms, that is to say the conditions, under which another asylum is allowed to receive our patients. There used never to be such difficulties as have arisen lately. Now when we want for a temporary purpose to board out a number of patients in another asylum, we are met with such stringent restrictions. Only the other day in the case of York City, the Secretary of the York City Asylum wrote to us that in consequence of the delay the matter must fall through, and it arose out of what we call the stringent clause with regard to visiting.

31130. I do not think we need go into this point?—May I just say this, that we have had and still have contracts with other asylums in which this stringent clause does not come in.

31131. On the other hand you will admit that experience must show itself in occasional alterations in practice?—Yes, my point is that this is a temporary measure. It is a matter of urgency and we are driven to it, and if the Reception Committee say "well, we are willing to accept your patients without this stringent clause," it seems rather hard upon the Visiting Committee, who do not know what to do with this over-crowded condition.

31132. But still there really is in fact not much difference between giving the approval of such contracts directly to the Secretary of State and giving them to the Secretary of State acting upon the advice and recommendations of the Lunacy Commissioners, because he would consult them in any event; they know most about the circumstances?—Yes, I only point out these matters, feeling

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sure that this Commission will thoroughly weigh these matters and advise accordingly. May I add one point about asylum building? When Mr. Howell sent me this sketch plan, I did not ask him this, but he wrote a letter to me. He wrote on December 7th, and said "I send you a small sketch plan showing the proposed buildings submitted to the Commissioners in Lunacy and the plan as amended by the Commissioners, so as to avoid the female day room facing north. The male block was designed facing south, and was passed as originally planned. I may add that I staked out the female blocks in many ways so as to avoid the chapel, and satisfied myself that the only practicable way of building them to meet the requirements imposed was to place them as they now are. I am still of opinion that the original plan (although not quite so good as the amended plan) was good enough. The asylum committee and the medical officer thought so too. Anyone can now easily judge how the wards would have looked by going into the nurses' block, which is on the site of the wards, and has nearly the same aspect." The nurses have to put up with the north aspect. This I think probably is important: "Had we been allowed to carry out the original plans, we could have used a great deal more of the old drainage scheme, we could have adapted the hydrant mains, we could have kept the old chapel, saved long lengths of corridor, and had the buildings much more compact and simple. I believe myself that, given a free hand, efficient asylums could be built at much less cost than the modern asylums, but the wards would have to be designed the most economical size to construct as well as to administer, and every building and fitting would have to be of the very simplest and most inexpensive character. I illustrate my meaning by taking such a fitting as a bath. In an ordinary inexpensive house a bath is fitted of enamelled steel, costing complete with fittings about £7. A modern asylum bath of glazed stoneware with the largest best quality gun metal fittings costs just about three times as much. Undoubtedly the asylum baths look nicer and can be used more quickly. The question is, would not the cheaper baths be good enough?" May I say, on that question of cost, that at the new Netherne Asylum, I venture to say a thoroughly competent architect could have given all that is needful, both from a sanitary point and other important points of view, at a reduction of 20 per cent. at the least.

31133. What is it going to cost?—We put it at the present moment at £300,000.

31134. How much per head?—I forget what it worked out at.

31135. (*Dr. Needham.*) What is the number of patients?—We are building now for 960. Eventually it is to accommodate 1,200. In that instance there is teak being used for flooring, which will cost over £4,000. Other flooring could have been used, and have saved at least half the money.

31136. The Commissioners did not make you do that, did they?—No. That blame is not on the Commissioners, I admit that, but this is the tendency in modern asylums. Then there is this extravagant cost in the day room, pitch pine dadoes 4 feet high, grooved and tongued with moulded capping and small moulded rail beneath, and moulded skirting, most expensive work. I hear very often that it is the wish of the Commissioners that this expensive work shoud be put an end to. They advocate more inexpensive though efficient construction, but I can never see where it is enforced; it is a crying evil.

31137. (*Chairman.*) If the Commissioners had more control over the buildings perhaps they could be built cheaper?—If it would lead to that, it would be a very great boon to the rate-payers. I say, and I speak as a trained architect, that that asylum should be built at a reduction of at least 20 per cent.

31138. (*Dr. Needham.*) You know that the teak flooring, the moulding, and the things of that sort, do not appear on the plans?—No.

31139. They only appear on the specification?—Yes.

31140. If the Commissioners were able to carefully investigate all specifications, I suppose they would be able to put a stop to that?—Some authority seems to me imperative to control that sort of thing.

31141. To look into all the details?—Yes. I do not think a local authority should be allowed to spend money in that way.

31142. (*Dr. Dunlop.*) Coming to another subject, I notice that you lay great stress indeed on medical inspection?—Yes.

31143. Have you any opinion to give as to the continuance of the legal inspection of asylums?—I do not think it is of value. Of course the legal mind is quite capable of acquiring a very intimate knowledge of the condition of patients and their surroundings in the same way as a member of the Visiting Committee, but it is a form of apprenticeship before the Commissioner has attained to that ability.?

31144. It is essentially a medical matter, and requires training for its efficient carrying out?—I think so.

31145. Another matter on which you lay some stress is the establishment of district boards?—Yes.

31146. The whole country of England is a very large community is it not?—Yes.

31147. Do you think it is possible for the Commissioners to be in close touch, to know what is doing in this very large country, with the large number of lunatics and asylums?—Not in any detail; I do not think it is. They are not sufficiently strong to do the work.

31148. Do you think it would be better to have one or two Commissioners intimately acquainted with what is doing in one district or one community, than to have less intimate knowledge by a larger number of Commissioners?—I do. That was rather in my mind when I suggested something on the lines of county medical inspection. For my own county, Surrey, for sanitary purposes it is divided up into districts. There is a medical officer of health in each one of those districts. He has to look after the health of the community, sanitary matters, outbreaks of fever, and so on. Over all is the county medical officer. He has reports from these district medical officers, and so on. It seems to me that that would be a very good method to adopt, to have county inspectors over your lunatic asylums, and of course, as I say, it might be one county, or more, under one inspector, according to the number of houses, but he would be in constant touch with those and with the medical staff, he could come when he chose, and I do strongly think that one visit a year is utterly useless. It is merely a visit to collect statistics, on the off-chance of seeing something as you walk downstairs or pass through a ward. There is no time for these gentlemen to give to it, once in twelve months.

31149. Your prolonged asylum experience makes you conclude that it is of the utmost importance that the Visiting Commissioners should have intimate acquaintance with the asylum and with the staff?—Yes.

31150. With that object, one visit a year is useless?—Yes.

31151. And for that purpose the constant change of Commissioners spoils the utility; you want the same man going round?—I think it is desirable, because they would have an intimate personal knowledge of the asylums they undertook to visit.

31152. The ideal Visiting Commissioner should have intimate knowledge?—Yes, for a time at any rate; I think for a year or two. Then probably it might be convenient to change to another locality.

31153. If you hold that view, would you refer to the first paragraph in your statement and tell me whether you insist on that or would like to modify it?—You mean where I say, "I have no objection to offer to the present necessary qualifications."

31154. Yes; your views are that the Commission should be very essentially a medical body from the inspecting point of view and should be much more medical than legal?—Yes.

31155. And in your opinion the constitution of the Commission should be altered accordingly?—Yes, for these visiting purposes.

31156. (*Dr. Needham.*) As regards contracts with other authorities for accommodation, you say there used not to be a difficulty?—No.

31157. You are aware that the difficulty is accentuated by the fact that the difficulty of finding room has very much increased?—Yes.

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31158. And that the difficulty of finding suitable persons to send away has very much increased ?—Yes, very greatly.

31159. And that it is a terrible injustice to patients and their friends that they should be removed to long distances from their homes so that they cannot be visited by their friends ?—Yes.

31160. And for these reasons it is necessary that the Commissioners should make very careful inquiry with reference to any temporary accommodation being provided for aliens, that is to say for people from other districts, in addition to which of course the Commissioners have got to see that the accommodation is sufficient in the receiving asylum, and they have also to see that the delay in providing the proper accommodation in the sending asylum is not a delay which is a continuing one, but is a delay which the asylums' committee are trying to overcome ?—Yes.

31161. Just a word about the baths; as a matter of fact the Commissioners, I may say, do not press at all for Stourbridge baths ?—No, I think not.

31162. They are quite willing to accept the enamelled iron baths ?—I am very glad to know they are.

31163. And a large number of asylums are fitted with them ?—Yes, and for the purpose they are very much better than the others.

31164. You are aware, with reference to medical inspection, that the Commissioners do see that all medical and sanitary measures are adopted for the treatment and comfort of the inmates, as far as they can ?—Yes.

31165. And that they do visit at all events at uncertain times; they give no notice of their visits ?—Yes.

31166. Their visits are surprise visits, you know, of course ?—Yes; only the times are so far apart.

31167. Do you think that the Commissioner should have power to serve notices on committees to remedy deficiencies, or provide necessary requirements ?—Yes.

31168. Do you think the local authorities would be satisfied to accept that ?—I think so.

31169. Would not they think it arbitrary and think it interfered with their autonomy ?—All that my remark has reference to is what the medical Commissioner sees when he visits the asylum—whether he sees that there is anything deficient from the sanitary point of view.

31170. Do not the Commissioners constantly make recommendations bearing on those points in their reports which they leave at the asylums, which are published in the Blue-book ?—Yes, they do, undoubtedly, but my point is that the visits are so rare. I am speaking of the asylum with which I am concerned—Brookwood; they are so far apart, twelve months at least, and when the Commissioners come down they have not time to inspect adequately.

31171. In other words they have not time to do their work ?—Quite so.

31172. They want strengthening;—Yes; either strengthening or another system.

31173. They want some strengthening of the system, whether it is a strengthening of the individuals or not ?—Yes.

31174. What you were referring to on the question of the aspect of buildings was the extensions ?—Yes.

31175. The Commissioners seem to have said they had made a preliminary examination of the plans, but "they desire to know the average annual increase, the present position of the water supply, whether the asylum estate does not afford sites for additional buildings, admitting of day rooms with south aspects, nearly all the day rooms shown on the plan facing north, which is most objectionable. The Commissioners think it would assist them to have an interview with the doctor and the county surveyor and would be pleased to see those gentlemen. Mr. Howell should bring them a plan of the asylum estate showing the position of the existing building." Then Mr. Howell attends accordingly. The Commissioners expressed strong objection to sanctioning the proposed plans on the ground that the majority of the day rooms faced north and they suggested reconsideration and that probably the site of the female block on the east side of the present building would do, also that the proposed male block should be recast so as to provide for southerly aspects for the day rooms. There is no question about the water supply ?—The water supply was a trouble at Brookwood for a long time.

31176. "The Commissioners most strongly object to the proposed arrangements of the buildings by which the day rooms, with few exceptions, would face the north, those female blocks being further deprived of sunshine by the projecting wings on the east and west, and they think that it could be provided by a different arrangement." Then there was another interview and so on. Then there was a meeting at which Mr. Howell was present and discussed plans in addition and certain defects were pointed out.

31177. (*Chairman*). We may take it that Mr. Brooks' account was substantially correct.

31178. (*Dr. Needham.*) Yes; it is the question of expense in which I was rather interested. Mr. Howell, in 1899, says he estimates the cost of the new male and female blocks, new chapel, quarters for the assistant medical officer, new nurses' block, general bathroom and other works shown on the accompanying plans for the sum of £53,000; I thought you said £90,000 ?—The £90,000 was the final expenditure. The final expenditure, according to the plans as first submitted, would be from £60,000 to £70,000.

31179. It is £53,000 after they have been discussed. At the meeting of the Surrey County Council held at Kingston on Tuesday, the Asylums Committee recommended the acceptance of the tender of £87,000 for the erection of new wards at Brookwood Asylum to accommodate 340 new additional patients; this tender was £27,000 in excess of the estimate; so that it does not appear to have been the action of the Commissioners in Lunacy which increased the cost from £53,000 to £90,000, but it seems to have been a deficiency in the estimate ?—No, the increase depended wholly upon the change in the plans.

31180. No, he recommended the acceptance of a tender of £87,000. This was in excess of the estimate. This estimate which I have read to you was an estimate after all changes had been agreed upon and made ?—No, the £53,000.

31181. Yes, here it is ?—That is not correct.

31182. Here are the things. I read to you the estimate just now. On the 10th June those plans with the estimate of that £53,000 were sent in to the Secretary of State and were approved by the Secretary of State, therefore that refers to the amended and revised plans, and the difference between the cost and the estimated cost is £20,000 which was a mistake in the estimate ?—I am quite sure there is an explanation of that which I am not prepared to give to-day. I have taken this great care that when the secretary of my committee was instructed to write to the Home Office on this very matter, about the cost being £20,000 and upwards in consequence of the alteration of the plans, I said, "now do not make any mistake, I am satisfied, go and see Mr. Howell, and have it from him, that there may be no mistake at all about it," Before I came to-day I personally went to Mr. Howell and I said, "Now Mr. Howell, what are the figures; I have committed myself to the statement that in consequence of the alteration in the plans we have had to expend at least £20,000 more, is that correct, can you justify that statement." He said "Yes, I can, and it is correct." At this moment I cannot explain more.

31183. I can only give you the dates. The date on which Mr. Howell said the estimate was £53,000 was the 27th May. On the 10th June, that is thirteen days afterwards, these plans, the very plans, were approved by the Secretary of State at the estimated cost of £53,000 and it was only when the tender was sent in that it was discovered that the cost was going to be £27,000 in excess of that cost; the estimate had been an incorrect estimate. It stated so in the newspapers at the time. I have a cutting here before me.

31184. (*Chairman.*) There must be some misunderstanding. We quite understand that you cannot off-hand explain it, and it might be convenient if you could send us a note which could be attached to your evidence ?—I should like to do that because this is something which requires an explanation.

31185. Is there anything you would like to add to your evidence ?—I think not.

Samuel Brooks, Esq., J.P

10 Dec. 1906.

(The Witness subsequently sent in the following letters, which were submitted to Dr. Needham, whose comments thereon are appended.)

Park Corner,
Redhill, Surrey,
December 13th, 1906.

The Secretary,
Royal Commission on the Care of the Feeble-Minded.

Brookwood Asylum Extensions.

SIR, Herewith I enclose a letter addressed to me by the County Surveyor in reply to one I sent him on Tuesday, following my evidence given before the Royal Commission on Monday last.

I may add that it is within my knowledge that the additional cost involved by the change of site was very carefully gone into at the time, and it was clearly demonstrated that apart from other extra works referred to in the County Surveyor's letter, it amounted at the least to £20,000.—I am, Sir,

Your obedient servant,
SAMUEL BROOKS

County Surveyor's Office,
County Hall,
Kingston-upon-Thames,
December 11th, 1906.

Brookwood Asylum Extension Estimates, 1899.

DEAR SIR,—Mr. Reed has shown me your letter dated the 10th inst. It is correct that my estimate for the original sketch plans was £42,000 and that my estimate after my interview with the Commissioners in Lunacy was £53,000 but this increase in no wise represents the actual extra cost of the revised plans. From time to time as the drawings and specification were being prepared I was instructed to include many and large extra works, such as a large electric lighting installation, the centralisation of the boiler power, including the provision of two large chimney stacks and large new boilers, alterations to the drainage scheme, hydrant mains, etc. Undoubtedly a large proportion of the cost of these extra works would still have been incurred if the original plans had been passed. Some of these works, however, could have been avoided altogether. All would have been less expensive with a smaller and much more compact building, and I am still of opinion that the alteration of the position of the female block involved an additional expenditure of £20,000.—I am, Dear Sir,

Yours faithfully,
FRANK G. HOWELL.

Samuel Brooks, Esq.,
Park Corner.
Redhill, Surrey.

Lunacy Commission,
66, Victoria Street, S.W.
December 15th, 1906.

Memorandum by Dr. Needham.—Brookwood Asylum Plans.

December 9th, 1898.—Sketch plans of proposed wards submitted to Commissioners.

December 15th.—Interview, when strong objections were expressed to the majority of day rooms having only a north aspect and a better site and modifications of plan were suggested.

January 24th, 1899.—A letter received by Commissioners from Clerk to Visiting Committee with reference to the above, accompanied by revised plans, showing *inter alia*, removal of present chapel, which, it was said, "stands on a very favourable site for a ward and airing court, and the chapel itself is a very low building, being only 15 feet to the wall plate. It was originally built for 250 patients. It has already been enlarged to accommodate nearly 500, *and, if retained, would have again to be extended to give seats for* 840. The convenience of the site obtained by the removal of the old Chapel *more than compensates*, it is thought, *for the difference in the cost between an entirely new Chapel*, and the extensive additions to the existing Chapel, which, when enlarged, would always be an inconvenient building."

January 31st, 1899.—Further interview and some minor modifications suggested, none of them extensive or costly. The plans now showed a new house for the assistant medical officers, a nurses' block for twenty-four nurses, with matron's quarters, a new chapel, general bath-rooms with twenty baths, none of these suggested by the Commissioners, and alterations of the drainage. The Commissioners saw no reason to dissent from any of these proposals, and leave was given for working drawings to be prepared.

May 27th.—Working drawings were submitted, and an estimate amounting to £53,000.

May 30th.—At an interview the County Surveyor informed the Commissioners that there was a suggestion that electric lighting should replace gas, and he was informed that the Commissioners had no hesitation in expressing approval of this system of lighting *but would not urge its adoption where* gas was already in use." It was also pointed out to the Commissioners that, as respects the asylum water supply, which had been defective, Mr. Eaton, the Engineer, had been consulted, and had recommended the construction of reservoirs and other works as to which the Visiting Committee had recommended the County Council to sanction their expenditure of £10,000.

June 7th, 1899.—Plans sent to the Home Office with an estimate of £53,000.

June 10th.—Plans approved by Secretary of State.

May 12th, 1900.—*There are no more papers until May 12th*, 1900, *when there is a cutting from the "Hampshire Observer" stating that the Committee of the Surrey Asylum at their meeting recommended the acceptance of a tender for* £87,000 *for the erection of new wards at Brookwood Asylum. "This tender was* £27,000 *in excess of the estimate.*"

July 16th, 1900.—A contract was sent from the asylum direct to the Secretary of State and referred by him to the Commissioners.

August 3rd, 1900.—The Commissioners returned the contract to the Home Secretary pointing out that the works comprised new wards for 348 patients, a new chapel, new quarters for the assistant medical officers, and for nurses, etc., general bath-rooms, installation of electric light, two new chimney shafts, and sundry alterations, all of them detailed in the specification, with bills of quantities and prices. The Commissioners observe that "as is now so frequently the case, the contract price considerably exceeds the estimate."

September 6th, 1900.—The contract was approved by the Secretary of State.

There are no other papers in the Commissioners' Office with reference to any works at the Brookwood Asylum, between December, 1898, and September 6th, 1900, except with reference to kitchen alterations at a cost of £1,400, the plans of which were approved on January 18th, 1900, and lavatory alterations at a cost of £400, the plans approved on April 6th, 1900.

No plans appear to have been submitted for electric lighting installation, or chimney shafts, or water reservoirs, but the cost of all of them may have been included in the contract of September 6th, 1900. Of this, however, there is no evidence in the papers.

SIXTY-FIRST DAY.

Thursday, 13th December, 1906

PRESENT.

The Right Hon. The Earl of Radnor (*in the Chair*).

W. P. Byrne, Esq., C.B.
F. Needham, Esq., M.D.
H. D. Greene, Esq., K.C.
C. E. H. Chadwyck-Healey, Esq., C.B., K.C.
The Rev. H. N. Burden.
H. B. Donkin, Esq., M.D.
J. C. Dunlop, Esq., M.D.

Hartley B. N. Mothersole, Esq., M.A., LL.M., *Secretary.*
E. A. H. Jay, Esq., M.A., LL.B., *Assistant Secretary.*

Ernest William White, Esq., M.B., M.R.C.P., M.R.C.S., called; and Examined.

31186. (*Chairman.*) I think you have been in practice for a great number of years, and have made a special study of questions of insanity?—I have.

31187. You have been so kind as to give us a statement of your evidence, may we put that on our notes?—Certainly.

Statement of the Evidence Proposed to be Given by Ernest William White, Esq., M.B., M.R.C.P., M.R.C.S.

I am a Graduate in medicine of the University of London and Member of the Royal College of Physicians of London. I have been Professor of Psychological Medicine at King's Coll. London, since 1890, and was seventeen and a half years Medical Superintendent of the City of London Asylum, and prior to that for nine and a half years Senior Assistant Medical Officer of the Kent County Asylum at Chartham. I have had in all thirty-two years' experience in the specialty and am a Past President of the Medico-Psychological Association.

Regarding the Lunacy Commission I am of opinion that it is totally inadequate for the proper discharge of the duties attaching to it. This I think is now generally admitted, owing to the number of patients with which it has to deal having more than doubled since its constitution.

The paid Commissioners on the Central Board should be increased by three additional medical members. The medical members should be in relation to the legal members in the proportion of two to one. The Chairman of the Commission should be a legal member, and there should be a specially qualified architect permanently attached.

From my experience the duties of the Visiting Commissioners have been as efficiently performed as time would admit, but the enquiries into the complaints of patients have been too perfunctory from this want of time, and with the limited Commission the knowledge of individual cases is with a few exceptions impossible. On their visits to public asylums the Commissioners for many years saw each patient and ticked off the name on their book-list. Now they count the number in each ward on entering and interview only those patients who specially desire an interview or whom they desire to see. The Visiting Commissioners' day's work, when on circuit of the public asylums, is exceptionally severe, and when I think of their multifarious clerical and other duties I am surprised that they are able to accomplish what they do.

Vastly improved methods are *urgently needed* for *supervising locally* the certified insane in single care, and the uncertified so called borderline cases in private houses and nursing Homes, a large proportion of which cases ought to be certified. Abuses and even cruelties have come to my knowledge in connection with the care and treatment of the latter class, some of which I have cited in a paper read before the Medico Psychological Association in February, 1903, "On the Care and Treatment of Persons of Unsound Mind in Private Houses and Nursing Homes," which was duly published in the *Journal of Mental Science, Lancet, British Medical Journal*, and *Medical, Press and Circular.*

"Extracts from Paper on the Care and Treatment of Persons of Unsound Mind in Private Houses and Nursing Homes." 1903.

Ernest William White, Esq., M.B., M.R.C.P., M.R.C.S. 13 Dec. 1906.

"Certified single patients are taken for profit by needy practitioners, decayed ladies, etc. The official supervision of these custodians is limited. How can we guarantee in all cases humane treatment by nurses; also proper food and environment at all times? We must remember that the best mental trained nurses remain in the asylum service or become attached to the better nursing institutes of the metropolis. Therefore we have not always the most reliable people in charge of the patients under consideration. On the contrary, it is an absolute fact that in a great number of cases the nurses in charge have not had any mental training whatever; frequently they are hospital-trained nurses who are sent out by institutions to whatever case may turn up. I have heard also of asylum laundrymaids posing as mental nurses on the books of such institutions."

Uncertified Single Patients.

"The Lunacy Commissioners' Returns show a very small annual increase of the private insane relatively to the rate paid. Why is this? The answer is not far to seek. It is that the law is evaded in the case of many of the private insane. I believe hundreds of insane patients of the upper and upper-middle classes are at the present time under care and treatment without being certified, in the various counties of England and Wales, not to say the Channel Isles and near the Continent. What happens is this:—A member of a family, probably with neurotic inheritance, develops mental symptoms. The parents dread certification, and because of the so-called "stigma of insanity," avoid as long as possible the alienist physician being called in, but consent to a "nerve specialist" being consulted. To the neurologist the patient is taken; he duly prescribes and advises. After a short time the symptoms become more pronounced and home treatment is impossible; the patient must go away. Then the assistance of the needy gentlewoman is sought, that she may undertake the remunerative care of the insane person; or a nursing Home is selected, with which some practitioner in a suburban or rural district is connected. The neurologist sees the case from time to time in consultation. He considers himself well qualified to treat this form of disease, and in the interests of humanity (as he tells us) is accessory to an evasion of the law. Ultimately, in many instances, owing to an exacerbation of the symptoms (some attempt at suicide or homicide, etc.), certification becomes imperative, and to a recognised institution for mental diseases the patient is sent. It is from these cases that many of us have to glean our recoveries, and a difficult task it is at so late an hour in the day of disease."

"The want of official supervision is perhaps the most serious of the disadvantages of uncertified single care, for I have heard of inhuman and cruel forms of personal restraint which have been used upon

Ernest William White, Esq., M.B., M.R.C.P., M.R.C.S.

13 Dec. 1906.

these unfortunate patients, even since the passing of the Lunacy Acts, 1890–91, and is not this what we should expect with no official supervision? In 1893 we sent two nurses to a well-known southern seaside resort for a private patient, who had been acutely insane, but uncertified, for seven weeks. The nurses found the patient roped by the wrists and ankles to the four corners of the bed. She was in a filthy state, and she had been tied down for days. Men had been called in to assist in the roping process. The patient's wrists and ankles were much marked, bruised, and abraded. The hospital nurses in charge of the case were afraid of their lives, but upon our nurses clearing the room and removing the ropes, the patient accompanied them without a murmur, and gave no trouble on the journey.

"I have heard of another lady being roped to a bedstead like a monkey to a pole, with just sufficient rope to allow her to attend to the calls of nature.

"We recently admitted a lady who for months had been at a seaside resort with a caretaker, in whose house a room had been fitted up as a strong-room, with iron bars in place of the lower panels of the door. An occasional peep at the patient was taken through the 'grille.' This, I presume, was supposed to be curative treatment under single care. The physician who was an eye-witness in the last two cases is present to-day, and will verify my statements with fuller details. Let there be no disguising the fact, mechanical restraint of an advanced type is often resorted to with uncertified patients in single care by unskilled nurses and heartless caretakers. We, who know how the excited patient frets and struggles even to exhaustion under mechanical restraint, and how fearfully it reduces the prospect of recovery, must raise our voices in no uncertain strain, in the interests of suffering humanity, against any relaxation of the law which will open the gates any wider to such barbarisms."

All nursing Homes should be registered and officially inspected, as should be, as far as possible, all private houses in which border-line cases are received.

I have consistently since 1884 advocated in the Medical Papers the appointment of Deputy Divisional or District Commissioners for England and Wales. (*Lancet*, December, 1884, *Journal of Mental Science*, *Lancet* and *British Medical Journal*, 1903.) These officers should know individually every insane person in single care and every presumably insane person in the divisions or districts to which they are attached and report thereon directly to the Central Commission. They should only visit the public asylums, registered hospitals and licensed houses in their divisions or districts to carry out any preliminary investigation of any case or cases desired by the Central Board, such investigation to be completed if necessary by a member or members of that Board. The regular visits should be made by Lunacy Commissioners as at present, or by a single medical Commissioner for the smaller institutions.

These deputy, divisional or district Commissioners should each reside in the centre of their division or district. They should be elected from their experience in the specialty and should receive salaries of £750 a year each with travelling expenses. The post might be a stepping stone to the full Commissionership, but this should not necessarily follow. With these limited duties I think six should suffice for England and Wales.

In the past the Lord Chancellor's Visitors and the Commissioners in Lunacy have been appointed by the Lord Chancellor. I would suggest that in future the medical Lord Chancellor's Visitors—Commissioners and deputy, divisional or district Commissioners should be nominated by a Board composed of representatives from the universities of England and Wales to give territorial representation, and from the Medico-Psychological Association, an Association of some 700 medical practitioners engaged in the specialty.

From my experience at the City of London Asylum, where we had 265 private patients in January, 1905, and amongst them several who were visited by the Lord Chancellor's Visitors in Lunacy, I am of opinion that the patients were always given ample opportunities, at the interviews, of expressing any wish or airing any grievance or complaint, and that the duties of the Lord Chancellor's Visitors were properly performed. It has occurred to me, as it probably has to others, that the duties of the Lord Chancellor's Visitors in Lunacy are light in comparison with the onerous duties of the Commissioners in Lunacy, and the amalgamation of the two departments would, I think, certainly be a step in the interest of economy.

From my experience of lunacy inquisitions, with and without juries, I am of opinion that the duties of the Masters in Lunacy have been efficiently discharged. I speak, of course, only in so far as I have been brought in contact with these officials.

Medical men connected directly or indirectly with licensed houses are disqualified by Sections 158 and 165 of the Lunacy Act 1890 for the posts of Lord Chancellor's Visitor in Lunacy and Commissioner in Lunacy. This disability is a hardship, and it would be to the interest of the public service if they could be made eligible by undertaking to sever such connection before entering upon duty.

31188. (*Dr. Dunlop.*) I think your opinion is that the present Lunacy Commission is incapable, from numerical weakness, of undertaking all its duties efficiently?—It is.

31189. Can you tell us anything about these duties? Could these duties be cut down, or should any of them be extended? Are you aware that the Lunacy Commissioners visit certain licensed houses, the Metropolitan licensed houses, six or eight times a year?—I think that is far too frequently. I think there is no necessity for that. I could give you a reason which shows it to be anomalous; in the City of London Asylum in which I was, we had 265 private patients, and although they were private patients and were in a Metropolitan asylum, they were only visited once a year by the Commisioners, yet in the Metropolitan licensed houses the patients are visited six times a year.

31190. Are you aware of the difference in inspection between licensed houses and county asylums; the licensed houses are not visited by justices and the county asylums are?—I thought they were visited by Visitors appointed by the justices—the licensed houses.

31191. (*Dr. Needham.*) Not the Metropolitan licensed houses?—I did not know that.

31192. (*Dr. Dunlop.*) Does the visit of several justices of the peace replace that of a skilled expert Board of Commissioners—is it equivalent? Would you like their official inspection done by the Commissioners?—I think, of course, a visit by the Commissioners is far more efficacious than a visit by a justice of the peace can be.

31193. In your opinion, is six to eight times a year in one case too many, or is one a year in the other instances too few? Would you like to see one reduced and the other increased?—For many years I was in association with public lunacy in county and borough asylums, and I am satisfied that one is sufficient for those asylums. Whether it would be sufficient for licensed houses I am not prepared to state.

31194. Do you think once a year is quite enough to enable the Lunacy Commissioners to be knowledgeable of all that is taking place in an asylum?—I think it is, with the means at their command.

31195. You would not advise an increase of that?—Not for the county and borough asylums, but I think the six times a year is redundant for licensed houses.

31196. With regard to the inspection of the insane in workhouses, have you any knowledge of that?—No knowledge at all.

51197. Are you aware, as a fact, that some of them are only inspected once in three years by the Commissioners? Would you call that sufficient inspection?—If they contain a large number, as some of them do, of the chronic insane, I should not consider it sufficient.

31198. But when there is only a small number?—Not sufficient.

31199. Further on you suggest the inspection of single-care cases; surely that principle would apply to efficient inspection in the workhouses?—Certainly.

31200. You say once in three years is not sufficient?—Is not sufficient.

31201. Is it quite insufficient?—Quite insufficient.

31202. Another class of lunatics are the boarded out lunatics, so called quarterly lunatics—on the quarterly list; should they be inspected by the Commissioners, or have you any views as to their inspection by the Commissioners?—I think they should be seen by the Commissioners and inspected, certainly.

31203. With what frequency ?—Once in twelve months, I should think, would suffice.

31204. Is that an urgent necessity ? Have you seen any of these cases ; do you know the way they are taken care of their in own homes ?—No.

31205. With regard to the Chancery patients, you are aware that they are visited by the Chancery Visitors, those in the asylums included ?—Yes.

31206. Do you think these visitations are necessary ?—I do not, because they are often seen by the Lunacy Commissioners on their visits ; they get a double visitation—there is overlapping.

31207. There is a redundancy ?—Yes.

31208. In fact if they are visited the same number of times as other lunatics, it would amply suffice ?—Amply suffice.

31209. All lunatics require supervision and care ?—Undoubtedly.

31210. The distinction between Chancery patients and other patients either indicates that one is insufficiently cared for, or the other too much ?—Undoubtedly.

31211. Regarding new duties suggested to be put on the Commission, you are very emphatic regarding the necessity of inspecting private and nursing Homes where lunatics are kept ?—I am.

31212. You do not suggest that all nursing Homes should be inspected by the Lunacy Commissioners ? For instance there are nursing Homes where there is nothing done but surgical treatment ?—But if the Lunacy Commissioners had a suspicion that there was an insane patient in a nursing Home, they ought to have power of entrance.

31213. Every nursing Home where a mental case is dealt with ?—Or where a presumably mental case is.

31214. What is your opinion regarding the frequency of these visitations, the amount of inspection they do require ?—I am very strongly in favour of local Commissioners, that is to say, divisional Commissioners, so many for certain divisions of the country, where they must reside in the centre of their duties. They would be in more active touch with the patients of that division, and they could more easily supervise any presumably insane cases.

31215. Shall we approach the matter by first of all considering the amount of duty to be done, and then the other matters ? These nursing Homes require efficient inspection ; can you say how often they should be inspected ; is it once a year or more ?—I think they should be inspected once in three months.

31216. The patients as a rule do not remain in the same institution for more than three months ?—Certainly not.

31217. At least every three months you think they should be inspected ?—Yes.

31218. Are these Homes to be licensed or recognised in any way ? How are the Commissioners to know of their existence ?—I think they should all be registered.

31219. The surgical nursing Homes, the medical nursing Homes, and the mental nursing Homes ?—All three should be registered.

31220. And open for frequent inspection ?—Yes.

31221. Do you see any difficulty in arranging that ?—I do not.

31222. What about doctors' houses ? Doctors receive a good many resident patients ?—They also should be registered, if they receive mental cases

31223. Not if they receive surgical cases ?—That does not apply. If you asked me outside this Commission, I should say surgical cases too ; but from our point of view we are only dealing with mental cases.

31224. Would you put this duty of the registering of nursing Homes, including surgical ones—I put that as an extreme—on the Lunacy Commission; is it part of the function of the Lunacy Commission ?—No, it is not.

31225. How would you regulate that ?—I would give the Lunacy Commissioners supervision of those receiving mental cases and all nursing Homes receiving mental cases should be registered as such.

31226. Definitely as such ?—As such.

31227. The visitation of boarding-out and single cases and nursing Homes would add greatly to the duties of the Commission ?—Undoubtedly.

31228. Let me hear your conception of how these duties should be met ?—I think that if you appointed a certain number of deputy, divisional, or district Commissioners who had to reside each in the centre of their district, you could have these duties properly discharged by them. I would not give these deputy, divisional, or district Commissioners any power of interference in the regular duties now discharged by the Commission in county or borough asylums or registered hospitals or licensed houses, but their time should be devoted, as I have said in my statement: "These officers should know individually every insane person in single care, and every presumably insane person in the divisions or districts to which they are attached, and report thereon directly to the Central Commission. They should only visit the public asylums, registered hospitals, and licensed houses in their divisions or districts to carry out any preliminary investigation of any case or cases desired by the Central Board, such investigation to be completed if necessary by a member or members of that Board." That is in the event of any complaint reaching the Central Board at any time about any ill-treatment or anything of that sort in the institution; then they should have power to use their local Commissioners to make the preliminary investigation of the case, and if necessary they should themselves complete the inquiry.

31229. Your idea is that only the deputy or assistant Commissioners should reside locally and that the full Commissioners should reside in London ?—Yes.

31230. Have you considered the matter of decentralising the London Board, and having principal Commissioners living in large districts, having one principal Commissioner living in the different centres with Commissioners under him ?—I do not think that would work well. I think it is absolutely necessary that the Commissioners should be in touch from day to day as far as possible.

31231. From day to day ?—Several times a week; they have, I believe, now weekly meetings at the London Board.

31232. Do not you think a fortnightly meeting, or a monthly meeting, would suffice for the general meeting, and let the principal district Commissioners attend these meetings; what is the objection to such a scheme ?—I have no serious objection to such a scheme, but I had not thought it out in that way. My own scheme was that of retaining the Central Board with certain additions, and having deputy, district, or divisional Commissioners to do the other duties devolving upon them.

31233. When you talk about deputies, of what size would their districts be, and what number ?—I should divide the country up into six or eight divisions, one for the north, one for the east, one for the west, one for the midlands, and one for the south-east, and one for the south-west, and so on.

31234. That would be really 20,000 certified lunatics under the inspection of each, and a lot of outside work as well ?—If you have the central work done for the public and private asylums as at present, it only leaves 500 or 600 cases in each division for the deputies to supervise.

31235. Even allowing for the increased duties ?—Yes.

31236. That is a very small estimate, is it not ?—That is judging roughly, as I take it, at the moment ; judging on the return of the private insane ; that does not take into consideration the feeble-minded or the cases uncertified, that is going on the official insane.

31237. That is about three or four times 600 ?—Yes.

31238. Are you aware of the fact that there are about 5,000 boarded-out paupers alone ?—I was dealing with the private insane.

31239. But there are the boarded-out paupers ?—That makes a very great difference.

31240. That would add to your number ?—Yes.

31241. Probably six would not be sufficient ?—Probably it would not be sufficient.

31242. Would you attach one deputy to each district ?—One deputy to each district.

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31243. Make one man personally responsible for a county or a division ?—Yes, personally responsible.

31244. (*Dr. Needham.*) In your fourth paragraph you say : " Vastly improved methods are urgently needed for supervising locally the certified insane in single care, and the uncertified so-called borderline cases in private houses and nursing Homes, a large proportion of which cases ought to be certified." I think no one can fail to agree with you in that, but how is it to be done ; how are you to get to know of these cases ?—You can only get to know of them by the appointment of these divisional or district Commissioners whose duty it would be to gain all the information in their power regarding any presumably insane person in the division or district.

31245. Do you not think that local people would become a little narrow and local, and do you think that if the area of their locality were as large as it must necessarily be there would be any advantage which does not at present exist ? I am not talking about any disadvantages of having assistant Commissioners or deputy Commissioners, but I am addressing myself solely to the question of their being local persons ; would not the disadvantage of their being local, rather do away with any value which might attach to them ?—No ; I think that by being local they would be brought far more in active touch with those cases than they would be by being central.

31246. For instance you would have the whole of Wales under one, probably ?—Yes.

31247. Would he know very much about the outlying parts of Wales ? There might be hundreds of nursing Homes in Wales about which he would know nothing at all ? —I take it it would be his duty to ferret out all those cases of nursing Homes ; to make himself acquainted with everything in the district.

31248. He would be a local detective ?—I do not say he would do it absolutely by himself, he would use all the means in his power to become acquainted with every detail concerning the insane, or presumably insane, in his district.

31249. It has been suggested that there should be five of these centres. If you took the whole of England and Wales and divided it into five centres, you would put one man in Yorkshire, say, which is as large as Switzerland ; would he, living in a particular part of Yorkshire, know what was going on in another part of Yorkshire, in large centres of population or scattered country districts ?—He would be far more likely to know it than if he were living in London.

31250. Would he, do you think ?—Undoubtedly.

31251. Do not you think that people whose business it is to know, and whose business it is to complain of, what you may call nuisances which are caused by the presence of people who ought not to be in such places, would complain to the central body constantly ?—I do.

31252. Do you think they would complain much more to a local person who is living not very much nearer to them than people in London ?—I think they would be far more likely to complain to a local person, more particularly as this person would be frequently travelling through their districts.

31253. You say in your statement, " medical men connected directly or indirectly with licensed houses are disqualified," and so on. You are aware that the Commissioners have taken that view themselves and have represented it to the Lord Chancellor ?—Yes, because I went up to the Lord Chancellor myself with a deputation from the Medico-Psychological Association on the subject.

31254. As regards the uncertified single patients, you say that the want of official supervision is perhaps the most serious of these disadvantages under which we labour. You give a number of instances; how are the Commissioners, or how is anybody, to get to know of these cases unless they are communicated to them ? They have no means, nobody can have any means, of finding out these cases ?—The only way, of course, in which you could get to know these cases, would be through local information.

31255. Local detectives ?—Certainly.

31256. You have the police?—The police you would have; and I fancy, myself, that if you had these local centres you would gain far more information in that way than you can at present.

31257. I see these cases were brought to the City of London Asylum ?—They were.

31258. All of them ?—No, not all of them ; the first and third cases came to us, the second was only reported to me.

31259. Was any inquiry made about those cases by the Commissioners, do you suppose, at the time, from the places from which they came ?—I do not know.

31260. I suppose you are aware that whenever copies of certificates are sent to the Commissioners, and it appears that the patient has been living in some house uncertified, inquiry is always made as to the circumstances in which a person evidently insane was allowed to remain in a house without being certified ?—Yes.

31261. Whenever the Commissioners have an opportunity of prosecuting, they always prosecute in cases of that kind ?—Yes, I believe so.

31262. I assume that in these cases the same process was undergone ?—I imagine so.

31263. What do you mean when you talk about the neurologist, as opposed to the mental physician ?—A neurologist is a medical man who treats peripheral diseases of the nervous system, and who has not had a training in an institution for the insane ; who has not been trained in psychological medicine.

31264. If I mention the name of a neurologist, an eminent physician, do you think he is not competent to deal with mental cases ?—I do not think he has had that practical experience in the care of the insane which should qualify him to deal with mental cases, any more than the mental physician would deal with peripheral diseases of the nervous system.

31265. As regards what Dr. Dunlop asked about the visitation of licensed houses and of asylums, the visitation of licensed houses, I suppose you are aware, is frequent, because the Metropolitan licensed houses are visited by no other officials than the Commissioners, but the provincial licensed houses are visited by the magistrates four times a year and by the Commissioners twice ; county asylums are visited of course at least every two months, generally once a month, by the committee, and once a year by the Commissioners ; the triennial workhouses are visited of course frequently by the inspectors of the Local Government Board. Having regard to all those facts have you any qualification to make in what you have said in reference to the visitation ? Do you think the county asylums ought to be visited oftener than once a year ?—No, I think that is sufficient.

31266. Do you think the Metropolitan licensed houses should be visited less frequently than they are now, seeing that they have no other visitation ?—I think they would do with less visitation.

31267. How often do you think they should be visited ? —I should think three or four times, instead of six.

31268. They are visited eight times altogether ; they are visited six times statutorily ?—I would reduce the eight to four, or the six to three.

31269. And triennial workhouses, where perhaps you have got four, five, or six, or ten imbeciles ?—That could be easily done, if you appointed the divisional or district Commissioners, by the district Commissioner once a year.

31270. But seeing that those patients are visited regularly by the Local Government Board inspectors, is not that adequate, with an occasional visit from the Commissioners ?—Yes, I should think it is.

31271. As regards the registration of nursing Homes, how are you going to differentiate between those Homes which should be registered by the Commissioners, and those Homes which should be registered by another authority, because in a large number of these Homes they do not profess to take mental cases, but they do take in cases which are borderland cases and which very often develop into mental cases ; how are you going to guard against that ?—They should all be registered.

31272. By whom ?—I suppose you could not have a joint registration.

31273. If you bring the Lunacy Commissioners in at all can you have a joint registration without a sort of implication that mental cases are taken in all the Homes ? Would it not be rather difficult to avoid that ?—It would recognise the possibility of their being taken in all the Homes ; which possibility exists.

31274. Of course there are Homes and Homes?—Yes.

31275. I mean to say some of the nursing Homes are as much above suspicion as anything can possibly be?—Certainly.

31276 They would never think of taking any other but an ordinary medical or surgical case; would it be quite fair to them to make them have to be registered under the Lunacy Commissioners?—I think you would have to treat them all alike.

31277. For instance, could not you have the Home Office or the Local Government Board registering?—That would be a matter of arrangement, so long as they were registered and officially inspected.

31278. You have no special suggestion to make?—I have no special suggestion as long as they are registered and officially inspected.

31279. (*Mr. Byrne*) I should like to ask one or two questions in pursuance of what Dr. Needham was saying with regard to the practical steps to be taken for bringing those private houses and nursing Homes under the supervision and control of the lunacy authority; I mean about the detective and inquisitorial powers you would give. What would you suggest in that way; for instance, you mention the police at the present moment; the police are at present useless, they do not report any cases to speak of, do they?—No.

31280. Would you impose it as a statutory duty on the central authority to find out how many such houses there were?—Of course that is imposing a very serious duty.

31281. Exactly; but you have recommended it?—I think it should be done, in the interest of the public.

31282. Many other important witnesses have agreed with you on that point. Taking it for granted it has to be done, how would you set about it; what would you recommend the Commission to advise in the way of change of legislation; should we make it the duty of the lunacy authority to ascertain the facts as far as they could be ascertained?—I think so.

31283. Would you put a heavy pecuniary penalty on anyone wilfully obstructing them in their necessary inquiries or investigations in that matter?—Most certainly.

31284. Would you make it the duty of public officials of various sorts, including the police, when called upon, to give them information?—I should.

31285. Would you give them the power of entry into houses, on a reasonable belief that those houses were being used for the purposes alleged?—Most certainly.

31286. Do you think the public would, on explanation, see the necessity of steps of that nature being taken, and would agree with the penalties?—I do.

31287. Do you think it would, as far as your experience enables you to judge, lead to an intrusion on privacy that was not justifiable in any considerable number of cases?—I do not.

31288. In other words, you see no harm in it?—No.

31289. You would recommend those steps?—I should.

31290. Is there any other step you think would be effectual?—I think the point of the local, district, or divisional Commissioner will be a very important factor as going towards that end; the end of discovery of these places.

31291. At the present moment it is no one's interest to give these people away?—It is not.

31292. If there were a scandal discovered, an instance of cruelty, one or two persons who heard about it would say, "Oh, how dreadful," but they would not take any more practical steps?—That is all that would occur.

31293. Therefore you think we should recommend legislation?—I do, undoubtedy.

31294. There is one other point; you are in favour, I gather from the remark you have read this morning, of a single central lunacy authority for all classes of defectives?—I am.

31295. Would you give this authority practically exclusive jurisdiction over lunatics in workhouses, or would you leave them under the Poor Law?—I should be inclined to leave them under the Poor Law.

31296. To the extent of relieving them entirely from the inspection and criticism of the central lunacy authority? Although they are maintained by the Poor Law, would you say that the Lunacy Commissioners must inspect them and must direct the method in which they are to be kept, and all that sort of thing?—I think, being insane people, the Commissioner should certainly inspect them, but I would leave their general control under the Poor Law, because most of those cases are quiet dements, and they do not require that careful official inspection which acute cases do.

31297. So that you see, as things are worked now, no very practical objection to that very large number of lunatics and suspected lunatics and partial lunatics being excluded from the central authority?—I see no objection.

31298. Might I take it you agree that they are well looked after now?—I think so. I have not heard of any serious complaint in regard to the lunatics in workhouses at any time.

31299. Members of this Commission, in visiting workhouses, have found, not only in the wards assigned for imbeciles or lunatics, but among the ordinary wards, lunatics of various ages, and sometimes of objectionable behaviour and character, mixed up with the ordinary inmates, sometimes in the company of the young inmates; have you ever seen anything of that?—I have heard of that, and I think that is very wrong.

31300. You know that has been going on for more than half a century? If you take it that it is going on now, you know it was going on in 1847 from the report at that time, and then it was considered a great evil, and descriptions of it were written in that report which might be written to-day. Do you think that what I am stating is a fact?—I have no evidence, but I have heard reports of that nature.

31301. If it is the fact, you would recommend an alteration?—Most certainly, I should recommend the most careful classification

31302. I will not press you about the fact. Supposing those facts as reported in 1847 practically exist at the present moment, would that at once make you advise that the central lunacy authority should have greater power than it has over these pauper lunatics in workhouses?—It would, undoubtedly.

31303. (*Dr. Donkin.*) With regard to the questions Mr. Byrne has just been asking, would your remarks apply to any case of incipient insanity sent with a view to recovery to a medical man, or to any care?—Certainly, yes.

31304. You do not specify that here, nor when you speak of uncertified single patients, but I mean in view of the possibility of arrangements being made for the reception of incipent cases, you would say that they should be notified to the local authority?—Yes, I have strongly supported that all along.

31305. Should they be inspected by the lunacy authority?—Certainly; notified and inspected.

31306. Should they be inspected every six months, say, or how often should they be inspected?—I am strongly in favour of the clauses which were in the Lunacy Bill of 1900, which was introduced by the Lord Chancellor with respect to these incipient cases.

31307. Would you say how often, in your own opinion?—I do not think those certificates should be extended beyond six months.

31308. But how often should they be inspected during that six months?—If possible a Lunacy Commissioner should see the patient once or twice.

31309. Should the house in which these patients are received be registered or certified?—Most certainly.

31310. In every case?—In every case the house should be registered.

31311. Do you think, or not, that the certification and registration of the houses, the notification to the authorities, and the inspection once or twice by the Lunacy Commissioners, might to some extent lessen or minimise the advantage supposed to be derived from the treatment proposed?—I do not think so at all.

31312. You do not think it would bring in the element of publicity which is so much to be avoided, in the opinion of so many?—I do not see that there need be an element

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of publicity. I take it this certificate would be kept within the four walls of the Commission, the patient would not be under definite certificates, but the patient would be notified.

31313. Not a definite certificate of insanity, but a notification that they are being confined; that their liberty is being curtailed?—Yes.

31314. You are aware that very strong opinions have been expressed by some authorities, particularly those who know the working of the law in Scotland, that inspection or certification would be very undesirable; some admit that notification might be desirable, but nothing further than notification?—I think that would be wrong.

31315. You hold a strong opinion against that?—I hold the strongest opinion against it.

31316. I suppose this is the point upon which you wish to insist most in the evidence which you offer?—It is.

31317. Might I ask a question about the early part of it? Although you have spoken about the increased number which you advise should be on the Central Board of the Lunacy Commission, or whatever the body is called, you have said that the medical members should be in relation to the legal members in the proportion of two to one; that the present Commission should be increased by three medical members? you would say that if it were increased to twelve it should be eight medical and four legal?—Certainly.

31318. What functions do you think should be performed by the legal Commissioners?—I think the function of inspection as regards buildings, and the carrying out of the legal part of the law as it affects the insane. There are, of course, many legal matters which the legal members of the Commission would be most qualified to undertake.

31319. With regard to the visiting, have you thought that out? You have said it rather dogmatically, if you will excuse me using the word, without giving any reasons why there should be two to one?—I think the smaller asylums should be done by the medical Commissioner, and the visiting of the larger asylums should be done by one medical and one legal; therefore it would necessitate the proportion being two to one, because the duties are far more largely medical than legal.

31320. What object do you think there is in the special legal visit; would you say that inspecting buildings was a legal matter?—No. Of course in the ordinary visitation the medical Commissioner who visits as a rule, inquires more carefully into the condition of the patient, and very frequently the legal Commissioner goes round and inspects the institution and goes into details of that sort.

31321. Could not that be equally well done by a medical man or a layman?—Certainly.

31322. Supposing the Commission should be increased very much more largely than you suggest, supposing wider functions were given to the central supervising authority, would you still hold the view that they should be two to one?—Two, or more, to one. I did not like, in making that statement, to interfere too much with the legal element, about which I do not pretend to know.

31323. You did not wish to make a very prominent matter of it?—No.

31324. One more question which is on a minor point: you said in answer to Dr. Needham's question "What is a neurologist?" that a neurologist is one who treats peripheral diseases of the nervous system?—I should have said "central and peripheral."

31325. You add the word "central"?—Certainly.

31326. Then I have nothing more to say, but I was going to ask whether a neurologist is one who treats peripheral nervous diseases, a psychologist one who treats lunacy?—He treats the mental side only.

31327. Supposing you had said that—I think you did say so to Dr. Needham—would you say that was the distinction between a neurologist and a psychologist, that the neurologist is one who treats peripheral disease of the nervous system, and a psychologist is one who treats insanity? What you said left an impression I did not wish to leave unchallenged?—Quite so.

31328. You would correct it by saying that the neurologist has to treat the central and peripheral nervous diseases?—Yes.

31329. In other words, he might be in a full sense the most accomplished psychologist?—Not in our practical sense, not having had training in an institution for the insane.

31330–1. Are not there many accomplished psychologists who might also be called neurologists in the full sense of the term? Is not the brain included in the central nervous system?—Most certainly, but when you come to diseases of the periphery I do not think psychologists would attempt to deal with those in any liberal way.

31332. (*Dr. Dunlop.*) In your statement you gave an example of neglected cases and of the evil effect which results from unlicensed houses, is not that so?—It is.

31333. Are those cases exceptional or frequent?—I do not think they are very frequent. I admitted, during the time I was at the City of London Asylum, some 880 private insane patients, and of course many of those were transferred from other institutions. The exact number I admitted from those nursing Homes, or from single care, I am not prepared to state, but I came across several instances similar to these, and these were the most flagrant.

31334. When you talk about several, are you familiar, let us say, with twenty altogether, in your personal experience?—No, I do not think I can say that I am.

31335. Ten?—Yes, perhaps ten.

31336. In how many years?—We began admitting private patients in 1892, and I left in January, 1905.

31337. About ten cases in thirteen years?—Yes.

31338. Fortunately they are of rather rare occurrence, are they not?—I hope so.

31339. Quite bad enough to be a serious evil, but somewhat rare?—Yes.

31340. (*Dr. Needham.*) Have you any personal experience to indicate to you that there are, scattered about the country, a very considerable number of nursing Homes or places in which weak-minded people are shut up and deprived of their liberty?—I believe there are; I have heard of them.

31341. And as to whose treatment there is considerable doubt?—Yes.

31342. Have you any personal knowledge?—Of individual cases, no—not cases that I could state.

31343. Places where people of weak mind, from one cause or another, are shut up and forcibly deprived of their liberty, or deprived of money, which is tantamount to it, and are therefore shut up as in prisons; do you believe there are many such places?—I believe there are.

31344. But you have no personal experience?—I could not quote an instance at the present moment.

31345. (*Dr. Dunlop.*) You have never been inside such an institution?—No, I have not.

31346. (*Chairman.*) Is there anything you would like to add?—There is nothing further.

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31347. (*Chairman.*) You are the Secretary of the British Medical Association?—The Medical Secretary.

31348. How long have you been Medical Secretary?—For four years.

31349. Would you tell us what number of members the British Medical Association has?—About 20,000 in all; 15,000 in the United Kingdom.

31350. All over the country?—All over the country.

31351. You have been so good as to put in a statement of evidence on behalf of the British Medical Association; may we put that on our notes?—Yes.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN ON BEHALF OF THE BRITISH MEDICAL ASSOCIATION BEFORE THE ROYAL COMMISSION ON THE FEEBLE-MINDED WITH REFERENCE TO QUESTIONS AFFECTING THE COMPOSITION AND POWERS OF THE BOARD OF COMMISSIONERS IN LUNACY.

In the evidence given on behalf of the British Medical Association it is desired to make clear that, as a body representative of every section of the medical profession, the Association has given attention rather to those broader considerations upon which medical practitioners

in general, and not only those who have special experience of the care and treatment of persons of unsound mind, are in a position to advise.

The inquiries upon which the conclusions of the Association are based have, nevertheless, been conducted by committees which included experts, and the British Medical Association has been in constant correspondence and co-operation with the Medico-Psychological Association, with which body it is in general agreement on the subject.

The British Medical Association would make the following general recommendations :—

1.—*New Classes to be brought under the Supervision of the Commissioners.*

That the reference to the Board of Commissioners in Lunacy should be so extended as to bring within the official duties of that Board the central supervision of every variety of unsoundness of mind, whether designated "feeble-mindedness," "insanity," or under any other description, and that, pursuant to this principle, the following conditions of infirmity should be specifically placed under the supervision of the Commissioners :—

(*a*) Habitual vagrancy.
(*b*) Habitual inebriety and drug habits.
(*c*) Unconfirmed mental disease.
(*d*) Feeble-mindedness and imbecility, including the special educational provisions for feeble-minded children.

The following cases of lunatics at present excluded should also be brought under the supervision of the Commissioners in Lunacy, namely—outdoor pauper lunatics, criminal lunatics, and Chancery lunatics.

2.—*Composition of the Commission.*

Corresponding to the above change in the range of duties of the Lunacy Commission it would follow that the post of Chancery Visitor would be abolished.

The number of Commissioners should be increased by the appointment of additional medical Commissioners.

Assistant or Deputy Commissioners should also be appointed who could, under the orders of the Board, discharge some, but not all, of the functions of Commissioners.

3.—*Statutory Provisions for Increase.*

The statutory provision for increase of the Commission should not specify the number of Commissioners, but should confer power upon the Lord Chancellor to increase the number of Commissioners as and when, on the recommendation of the Commission, he may deem this desirable.

In support of the foregoing recommendations the British Medical Association would submit the following considerations :—

(1) *As to the extension of the scope of the Commission :*—It appears to the Association generally desirable that there should be one central department charged with the supervision of matters which from the medical standpoint, whatever differences there may be in degree, are in nature homogeneous.

The reference of this question to the Royal Commission on the Feeble-minded affords an opportunity for a systematic review of the whole matter, and on such an occasion no considerations of traditional arrangements or other than demonstrably grave practical difficulty should, the Association would submit, be allowed to stand in the way of the operation of the general reform which is advisable, namely, that the public provision for the care of persons suffering from unsoundness of mind, whatever its degrees or varieties, should be controlled by one central authority.

(2) Considering the application of this principle in detail to the classes enumerated in the general recommendation, the Association considers that unnecessary complexity is introduced into the care of persons found to be insane by the present distinction, as regards supervision, between two classes of persons whose care and treatment is carried on in establishments of the same kind, namely, lunatics so found by inquisition, on the one hand, and lunatics certified under the Lunacy Acts on the other hand.

(3) The Association would emphasise (*a*) the frequency with which persons who have been enrolled in one class of the mentally enfeebled, pass into another, and also (*b*) the necessity for continued surveillance of the conditions under which those who have once been recognised as mentally enfeebled continue to live, especially with regard to the responsibility for their safety and safe conduct.

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The very numerous cases which appear now as habitual drunkards, now as criminals, now as certified lunatics, or again as habitual vagrants in and out of the workhouse and the prison, need only be referred to in illustration of the point (*a*).

Evidence of (*b*) is afforded by the frequency of instances of the sexual misuse of young adults who have been recognised in childhood as mentally enfeebled, by the readiness with which men or women who have once been inmates of a lunatic asylum, are carried in to a fresh outbreak by the contributory influence of the sub-lunatic character of their relatives to this result, and by the difficulty of safeguarding the habitual drunkard.

(4) The Association does not consider it necessary to dwell further upon the considerations in favour of bringing feeble-minded persons of all kinds under the supervision of the Lunacy Commissioners, as this matter has received such careful consideration from your Commission under the terms of their original reference.

(5) It is necessary to enter at greater length into the reasons for extending the duties of the Lunacy Commission to include the supervision of case of unconfirmed mental disease of persons suffering from habitual inebriety, or drug abuse, and habitual vagrants.

(6) The Association, during the year 1905, made, through a committee, a renewed special inquiry into the question of the care and treatment of cases of unconfirmed mental disease, a subject which some years ago received the attention of the Association in conjunction with the Medico-Psychological Association, and upon which both these bodies made representations to the Lord Chancellor.

Generally, the Association considers that provision for this purpose could best be made by extension to England and Wales of a provision similar to that of the saving clause contained in Section 13 of the Lunatics (Scotland) Act, 1866.

The general principle underlying the recommendations of the Association on this subject is that it is desirable that persons suspected to be suffering from mental disease should not, so long as the disease is unconfirmed, be placed under the same conditions of close supervision as those who can be definitely certified as of unsound mind, but, nevertheless, that it is desirable that provision should be made for a modified form of surveillance. Leaving aside questions of care and treatment, which are understood not to fall within the scope of the reference to the Commission, this would mean bringing within the cognisance and general control of the Lunacy Commission persons who were not definitely certified as being of unsound mind, and in whose interests it would not be desirable that the ordinary inspection requisite for certified lunatics should be carried out.

For the information of your Commission, in order to indicate exactly what duties it would be proposed to assign to the Commissioners in respect of such patients, the following clause is cited, which the Association propose to bring to the notice of the Lord Chancellor with a view to its possible inclusion in any Lunacy Acts Amendment Bill which he may deem proper to bring before Parliament at an early date.

"*Temporory Care of Cases of Unconfirmed Mental Disease.*"

"(1) If a medical practitioner certifies that a person is suffering from mental disease, but that the disease is not confirmed, and that it is expedient, with a view to his recovery, that he be placed under the care of a person whose name and address are stated in the certificate for a period therein stated, not exceeding *six months*, then during that period the provisions of Section 315 of the Lunacy Act, 1890, shall not apply.

"(2) The certificate must not be signed by the person under whose care the patient is to be placed.

"(3) Where a medical practitioner signs any such certificate, he shall, within one clear day after signing it, send a copy of it to the Commissioners

"(4) The person who receives a patient under any such certificate shall, within one clear day after receiving the patient, give notice to the Commissioners of his reception,

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and of the name and address of a medical practitioner who undertakes the treatment of the patient, who may be the person under whose care the patient is placed. If the patient dies, or the residence of the person receiving him is changed, within the period mentioned in the certificate, the person receiving the patient shall within two clear days give notice of the death or change of residence to the Commissioners.

" (5) He shall also, within two clear days after the expiration of the period mentioned in the certificate, or if he ceases to have the care of the patient at an earlier date, then within two clear days after that earlier date, send a report to the Commissioners stating whether the patient recovered, and, if not, in what manner he was dealt with when the person making the report ceased to have the care of him under the certificate.

" (6) If default is made in sending any notice or report required by this section, the person in default shall be guilty of a misdemeanour and be liable to a penalty not exceeding *twenty pounds.*

" (7) If before the expiration of the period mentioned in the said certificate it shall appear to the person in whose charge the patient is, if a medical practitioner or the ordinary medical attendant of the patient, that an extension of the said period as hereinafter provided is desirable in the interests of the patient, then such medical practitioner shall, not less than one week before the end of the period, send to the Commissioners in Lunacy a report on the mental and physical condition of the patient.

" Subject to the transmission to the Commissioners of such report as aforesaid, another certificate may, before the expiration of the period mentioned in the original certificate, be given for a further period not exceeding three months, provided that no patient shall in respect of the same attack of illness be detained under this form of certificate for more than nine months in all, and provided that after the expiry of these certificates no further certificates under this section shall be given in respect of the same patient within six months from the date of the expiration."

(7) With regard to the care of persons suffering from habitual inebriety and drug habits, the Association, as the result of a very careful consideration, has arrived definitely at the conclusion that the placing of such persons under care and control should not be made dependent, as at present, upon any previous criminal procedure, but that the whole procedure should be made analogous to that under the Lunacy Acts, with suitable modifications in recognition of the fact that the persons in question are not insane, though suffering from moral infirmity.

It is unnecessary in the present statement to enter into detail as to the provisions which the Association would suggest for care and treatment of such cases, it being sufficient to say that in the opinion of the Association the general supervision of such persons should be assigned among the duties of the Lunacy Commission.

(8) Concerning habitual vagrants, the experience of the many members of the Association who have acquaintance with Poor Law work demonstrates that the fundamental defect, in those who are in and out of the workhouse in brief alternating periods, is a mental one, and has convinced them of the need of special treatment, training, and discipline. From the frequent appearance of individual vagrants in other classes of the mentally enfeebled, it seems clear that their control should be under the general supervision of the Lunacy Commission.

Alterations in Constitution of the Lunacy Commission.

(9) Even apart from the increased duties which it is now suggested should be assigned to the Commissioners in Lunacy, the Association had previously come definitely to the conclusion, as the result of its inquiries, that at least two additional medical Commissioners should now be appointed, and it is understood that this proposal is generally approved by those conversant with the matter. The Association, however, deems it expedient, in such a matter, that the number should not be fixed rigidly by statute, as when further change is found desirable it may be unduly delayed by the mere practical difficulty of obtaining legislation in the permanently congested state of Parliamentary business. The Association considers that in a matter of this kind full power may well be delegated to the Lord Chancellor, acting upon the advice of the Commissioners in Lunacy.

(10) With respect to the appointment of Assistant Commissioners, the Association recognises that such appointments may be rendered necessary by the considerable increase in the duties of the Commissioners themselves which appears to be contemplated. The Association concurs, however, in the opinion which it is understood the Medico-Psychological Association will represent before the Royal Commission, namely, that while the visit of an Assistant Commissioner may count for legal purposes as the visit of a Commissioner, nevertheless the periodical statutory visitation of asylums by Commissioners should not be delegated to the Assistant Commissioners.

The British Medical Association would also represent that the persons who are appointed Assistant Commissioners should be possessed of considerable experience of such a kind as is now required in the case of those appointed as Commissioners, and that the salaries offered should be such as to attract medical practitioners possessed of such experience and of other necessary qualifications.

(11) The Association recommends that the present disqualification for becoming Commissioners in Lunacy, imposed by Sections 158 and 165 of the Lunacy Act, 1890, on certain medical practitioners for a limited time, should be removed.

31352. (*Chairman.*) You have to suggest two forms of certificate which have been prepared, I suppose, by a committee of the Association ?—Yes. The first is for cases of unconfirmed mental disease. It says : " Form of medical certificate in cases of unconfirmed mental disease suggested as a schedule to any Lunacy Acts Amendment Bill dealing with the subject. I., L.M., a registered medical practitioner duly qualified under the Act (specify this Act) hereby certify that C.D. (name and designate the patient) is suffering from (state the nature of the disease) and that the malady is not confirmed, and that I consider it expedient, with a view to his recovery, that he should be placed (specify the house in which the patient is to be kept) for a temporary residence of (specify a time not exceeding six months)." That is based on the schedule in the Scotch Act on the same subject.

31353. There is also one with regard to habitual inebriety and drug habits ?—Yes. It is a question whether there should be any certificate in the case of habitual inebriety ; but my committee think there should be a medical certificate where it is proposed to detain patients on account of drug habits. " Form of medical certificate to be used in cases of (habitual inebriety and) drug habits, suggested as a schedule to any Bill dealing with the subject. I, L.M., a registered medical practitioner hereby certify that A.B. (name and designate the patient) is addicted to the habitual use of (specify the substance) and that it is expedient that he be placed under the provisions of the (here name this Act)."

31354. Will you kindly tell us how the committee was formed which drew up these certificates ?—The committee which drew those up was a small sub-committee appointed this year to carry out the recommendations of a much larger sub-committee which sat last year. I have here a list of the larger committee, the members of the present smaller sub-committee being indicated by an asterisk :—

*Buist, Dr. R. C., (late Chairman of the Medico-Political Committee), Chairman, Parochial Medical Officer, Dundee, Obstetrician to Dundee Royal Infirmary.

Armit, H. W., Esq., Medical Practitioner, Member of Staff of Lister Institute.

Brown, Dr. R. Cunyngham Brown, Deputy Superintendent, Parkhurst Prison.

Carswell, J., Esq., F.F.P.S., Physician to Mental Department, East District Hospital, Glasgow.

Clark, Andrew, Esq., F.R.C.S., Surgeon to Middlesex Hospital, late Chairman of Council, B.M.A.

Dawson, Dr. W. R., Medical Superintendent, Farnham House and Maryville Private Hospital for Mental Disease, Dublin.

*Douglas, Dr. W., Member of Council, Medico-Psychological Association.

Hyslop, Dr. T. B., Resident Physician, Bethlem Royal Hospital.

*Langdon Down, Dr. R. L., Normansfield, Hampton

Wick, Physician, National Association for Welfare of Feeble-minded.

*Macdonald, Dr. J. A., Chairman of Representative Meetings, B.M.A.

Macdonald, Dr. P. W., Medical Superintendent, Dorset County Asylum.

*McManus, Dr. L. S., Medical Practitioner.

Mercier, Dr. Charles, Proprietor and Medical Superintendent, Flower House, Catford.

Newington, H. F. Hayes, Physician and Joint Proprietor, Ticehurst Asylum.

*Straton, C. R., Esq., Medical Visitor to Visiting Justices, Workhouse Medical Officer, Wiltshire.

Weatherly, Dr. Lionel, Superintendent, Bailbrook House Private Asylum.

31355. (*Dr. Donkin.*) The first question I wish to ask is one arising out of this matter of the proposal to have a certificate for unconfirmed mental disease. I do not know whether you heard the questions I asked Dr. White on the matter ?—Yes.

31356. Has it been considered by your committee; are you prepared to give a corporate opinion as it were, how far these places in which patients of this kind might be received should be certified, notified, or inspected ?—The committee which considered the matter last session had before them the Bill introduced into the House of Commons by the Attorney-General dealing with this matter (the Lunacy Acts Amendment Bill), in which Bill was a clause providing for visitation by the Lunacy Commissioners. The committee after very careful consideration recommended that the latter part of the clause which dealt with that subject should be deleted, that is to say, in their opinion it was not desirable that those patients should be visited by the Commissioners in Lunacy in the same way as ordinary mental cases.

31357. (*Dr. Needham.*) Was there a draft Bill in the House of Commons ?—Yes, the Attorney-General's Bill.

31358. What I wanted to get at, for the information of the Commission, was, what is the opinion, if any, of the British Medical Association on behalf of which you are giving evidence, as to these questions of notification, certification and inspection ?—That they should be notified and certified, but that they should not be regularly inspected or, if inspected, this should not be carried out by the Lunacy Commissioners in such a way as to bring to the mind of the patient the idea that he was being treated as a lunatic.

31359. You mean by "certificate," such a certificate as is proposed should be made ?—Yes, a special form of certificate.

31360. How is that certificate to be made operative ?—I think that is contained in our statement; it becomes operative on the certificate alone.

31361. Without reference to any justice ?—Yes.

31362. That is exactly the same, practically, as obtains in Scotland ?—Exactly.

31363. You would have the fact notified to the Commissioners, as you say here, or notified to the lunacy authority ?—Yes.

31364. And no other notice taken of it, unless that lunacy authority thought proper ?—Yes, may I explain ? Of course I can only give evidence as to those matters which were actually passed by the committee. I can only give official evidence; but the chairman of the committee, Dr. Buist, who was chairman at the time the report on this matter was drafted, will give evidence later, and will be prepared to speak of certain modifications arising from the present position.

31365. I may take it, it has not been contemplated to certify the house ?—Except so far as that might be required under the proposals for registration of all nursing Homes and similar institutions, if the Nurses Registration Bill were carried.

31366. With regard to the general evidence which is tendered here, it may be taken that these are the well-considered opinions of the members of the Association who have given their attention to the matter ?—Yes; the evidence given here is based upon the report of the committees which met last year, and which were carefully considered by the Council and Representative Meeting of the Association. On the other hand the committee found it necessary, in giving evidence before this Commission, in order to complete the evidence, to elaborate certain points beyond what was contained in the previous reports, and the chairman will give evidence on those matters.

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31367. I see that recommendation includes a very large addition to the duties of the central lunacy authority ?—Yes.

31368. Which is assumed to be the Lunacy Commission ?—Yes.

31369. A large number of these additional duties, such for instance as this question of unconfirmed mental disease, feeble-mindedness, and inebriety, and drug habits, require very essentially medical supervision ?—Yes.

31370. And a considerable amount of knowledge on the part of the authorities ?—Yes.

31371. And yet I observe, throughout this statement, that it is assumed that the lunacy authority, however it may be increased in numbers, is of necessity apparently still to remain under the Lord Chancellor. Is that the opinion of the British Medical Association ?—That question has been dealt with by the Association in another aspect in proposals upon which they have asked the Prime Minister to receive a deputation, namely, the reorganisation of the Local Government Board so that it should be the Department of State dealing with all questions of health, and they have proposed that all the Departments at present under the Privy Council, the Home Office and other Departments, dealing with questions of health, should be brought under that Board; the Local Government Board being such because it has control over local authorities, who have so much to do with sanitary matters in this country, that it should be practically the Department of the Minister of Health, and that other Departments which deal with health should be transferred to that.

31372. So that it is not to be taken that the British Medical Association assume that the Lord Chancellor is going to take the whole of the additional supervision or to command the additional medical duties which they propose should be undertaken ?—No. In preparing this statement the Association did not realise that any question of that kind arose; therefore they made no reference to it.

31373. They rather assumed that things would go on as they are ?—Yes; but on the general question the opinion stated by me has already been pronounced by the Association, and I can speak to it officially.

31374. It would seem rather, on the face of it, that unconfirmed mental disease, inebriety, and drug habits, are to be all controlled and investigated, and that the body which does so should be almost exclusively, or very essentially, medical ?—Yes.

31375. Therefore it might be equally well to put it under some other Government Department than the Lord Chancellor ?—Yes, some Government Department charged with the control of all matters of health.

31376. There is one small point; in the first part of your statement you say: "The following classes of lunatics at present excluded should also be brought under the supervision of the Commissioners in Lunacy"; for Commissioners in Lunacy we should read "lunacy authority" ?—Yes.

31377. "Namely outdoor pauper lunatics, criminal lunatics, and Chancery lunatics"; criminal lunatics are under the supervisionof the Commissioners in Lunacy ?—Are they entirely ? My committee were under the impression that in certain cases they were not.

31378. Yes all criminal lunatics are now under the inspection of the Lunacy Commissioners ?—My committee were not aware of that.

31379 (*Mr. Byrne.*) Are we to understand that these recommendations in the memorandum of the British Medical Association include putting under the control of the central lunacy authority, whatever that may be, the lunatics and persons of defective mind in workhouses as well as those in private asylums and at large ?—Yes; that all cases of mental disease should be under the supervision of the central lunacy authority.

31380. Why does the Association lay stress on having a medical certificate for such an obvious fact as that so and so is a victim of the drug habit ? You know of course

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that victims of the drug habit are treated by magistrates and by their own voluntary submission, in the same way as victims of the alcohol habit?—Yes.

31381. It is understood that the words "intoxicating liquor," within the meaning of the Habitual Drunkards Act, include intoxicants of every description, so long as they are all fluid?—Yes.

31382. People are not certified for such a thing now; why should they be?—At present they can enter Homes by their own free will.

31383. And by committal also?—By committal after conviction. The Association proposes to do away with the necessity of any previous criminal procedure and any consent on the part of the patient.

31384. That is the object; to remove the criminal procedure and to put them in under a medical certificate?—Under restraint; and then it is suggested that the medical certificate will be one safeguard for the patient. At present the patient has the two safeguards, either of his own consent, or of the previous criminal procedure. If you propose to interfere with his liberty without the previous conviction, the medical certificate will be an additional protection for him.

31385. It is only for cases where a man is to be put into detention against his will and without legal proceedings?—Yes.

31386. With regard to the unconfirmed mental diseases certificate, the Medical Association were no doubt aware of the practical effect of such a certificate, that although it does not say so, it justifies, or is held to justify, the use of force in carrying off and detaining a person who is so certified?—Yes.

31387. It has all the effects of an urgency order which only lasts for three days und then has to be carefully supplemented?—Yes. Those points were realised. There has been the Scotch experience, and the matter has been studied for about ten years by the British Medical Association.

31388. Have they any statistics as to the number of cases in which it has been used in Scotland?—I have not any statistics here.

31389. Has the Association had any?—We had Dr. Carswell.

31390. We have had him too; he does not know. Is there anyone who does know to what extent this procedure has been used in Scotland?—I do not think we have had any evidence on that point.

31391. We may take it that your approval of it was based on the reasonableness of it, and on the absence of proved cause of complaint?—Yes, and that there is a very short period of detention, and that any abuse would be capable of being inquired into.

31392. If it were going to be abused, six months would be quite sufficient. You would not call six months a short period of detention if this procedure were used by wicked persons for wicked purposes. It would be time enough to get rid of a lunatic's property, would it not?—Yes; but experience shows there is a deterrent which prevents abuse.

31393. There is no visitation and no reporting?—No.

31394. (*Dr. Needham.*) Did your committee form any decided opinion as to whether the notification to the Commissioners was desirable in all these cases?—Yes.

31395. Did they think it was essential that there should be notification?—Yes. They provided particularly for that.

31396. Yes, I quite understand that; they had no indecision about it?—They were definitely of that opinion, that the cases should be notified to the Commissioners.

31397. Knowing that in the Scotch system, from which they took their idea, no notification exists?—The point was fully discussed at the committee, and the committee came to the conclusion that in England, at any rate, there should be notification.

31398. Did they come to the conclusion that, although these cases should not be visited as a matter of course by the Commissioners, yet if the Commissioners had reason, in consequence of anything that came to their knowledge, to think there was something wrong, they should have the power of visitation?—The evidence on that point is that they struck out from their own draft proposals the portion of the Attorney-General's Bill which gave the Lunacy Commissioners power to visit if they thought fit.

31399. If it came to the knowledge of the Commissioners that the patient was not being well cared for, or anything was going on which ought not to go on, the committee thought that still the Commissioners should not be allowed to visit?—I think if the question had arisen of visiting the house, as distinct from visiting the patient, or if any means could be devised by the Lunacy Commissioners of inspecting the patient without his knowing that his visitor was a Lunacy Commissioner, that might alter their opinion. The whole object of their proposal was to avoid the patient regarding himself as being considered a lunatic; they felt that if he knew a Lunacy Commissioner was visiting him that might bring to his attention the fact that he was being treated as a lunatic.

31400. Did it not occur to the committee that the Lunacy Commissioners might be trusted with discretion in the matter, and that they would not be likely to visit unless there was grave cause which led to the advisability of their visit?—Perhaps the chairman of the committee will be better able to answer that question than I.

31401. Did the committee form any definite opinion with reference to the Assistant Commissioners, or deputy Commissioners, as to whether they should be local or central?—No, that question was not considered.

31402. (*Dr. Dunlop.*) I am not quite clear with regard to the approval of the statement by the Association in general. I think you said to Dr. Donkin that it had been elaborated by the committee before being accepted?—Yes,

31403. How much may we accept as being approved by the whole Association, and how much is elaboration?—The question of habitual inebriates and drug habits, and the question of unconfirmed mental disease rest entirely on the reports of the committee last year, which were approved by the representative meeting.

30404. They were presented to the Representative Meeting?—They were presented to the Representative Meeting, and approved. None of the text of the statement now submitted has been approved but the substance of it has. The actual statement itself has only been drawn up by the committee since we knew that evidence was to be given.

31405. The matters of habitual vagrants, and feeble-mindedness and imbecility have been added by the committee?—Yes, feeble-mindedness has been under the consideration of the Association, but it was not reported upon by the committee last year.

31406. So the 20,000 members have had no chance of expressing an opinion either on the habitual vagrancy or the feeble-mindedness?—No

31407. The statement as regards those two divisions is the statement of a committee?—Yes.

31408. How many members of the committee have been concerned in drawing this up?—Six members of the committee, appointed by the Medico-Political Committee, which is a large committee.

31409. But the statement has not got the approval of the Medico-Political Committee?—No.

31410. Nor of the Council?—No.

31411. Nor of the Lunacy Committee?—This is the Lunacy Committee.

31412. This is a specially appointed Lunacy Committee?—Yes.

31413. Consisting of six members?—Yes.

31414. They are responsible for, can I say, the greater part of this statement?—No, I think not. I think that if you begin on the top of the second page (*vide page* 237), the elaboration of the previous headings, you may say that everything down to the end of Clause 7, unless possibly paragraph 3, rests upon the authority of what had already been approved by the Representative Meeting.

31415. This committee of six members drew up the greater part of pages two, three, and four of this statement in conformity with the report presented to the committee?—Yes.

31416. And page 1 of the statement (*vide page* 237)?—

Page 1 is a preface and summary of what follows. I think the only passages on page 1 that could be said to be not definitely sanctioned by the Association are the statements as to habitual vagrancy. The question of outdoor pauper lunatics was considered by the committee. I think habitual vagrancy is the only point that was not.

31417. Have the Association been consulted on this point, that in any Bill which should be introduced the number of the Commissioners should not be named Has the Association as a whole approved of such an opinion?—Yes, I think so.

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31418. When was it?—In the report placed before the Representative Meeting.

31419. (*Chairman.*) Is there anything you wish to add?—No.

R. C. Buist, Esq., M.A,. M.D., called; and Examined.

31420. (*Chairman.*) You were chairman, I think, of one of the committees of the British Association?—I was chairman of the Medico-Political Committee, also of the Special Lunacy Committee.

31421. You, of course, have seen and assisted in the drawing up of this statement, with which you agree, do you?—Yes.

31422. (*Dr. Dunlop.*) What strikes one as the most important recommendation in the whole of this statement is the desirability of having one authority to take care of all mentally defective persons?—Yes.

31423. Is that the one that your committee, your Association, and yourself, wish to emphasise before us?—That is in harmony with the whole of the policy of the Association in these matters.

31424. It is the backbone of the whole matter?—It is the backbone of the whole matter.

31425. Will you give me your description of what that authority should be, ideally?—It should be a body consisting of an adequate number and very largely medical, preponderatingly medical. Its duties are, in nine cases out of ten, medical. It should be of men of sufficient standing to be able to approach with authority those who are in the first rank of the profession, superintendents of asylums, and also those who are in authority in the private licensed houses, that is to say, it must consist of people who, from personal eminence, and from public recognition of that eminence by the salaries, are of sufficient standing for the purpose.

31426. So the Board must be to a large extent medical?—To a very large extent.

31427. And the medical men actually on the Board must be men of high standing?—Must be first class men.

31428. And the salary must be sufficient to induce first class men to join?—Yes.

31429. I suppose this Board will require assistance, or are they to do their own work?—That is an administrative question upon which we are not absolute authorities, but we think a good many of the duties might be delegated to Assistant Commissioners.

31430. What duties would you think could be so delegated?—The visiting of outdoor lunatics; the visiting of lunatics in workhouses.

31431. Any others?—The supervision of nursing Homes, if any were necessary, from the point of view of Lunacy administration, might quite well be attended to by the Assistant Commissioners.

31432. Perhaps we will come back on that point when we consider the headings; some of the duties might be handed over to deputies?—Yes.

31433. Do deputies require the same recognition of high salary or not?—On a proportional scale; you must be able to tempt men who have had sufficient experience of this special kind of work.

31434. What is the conception of your committee as to the salary?—I think you must have a commencing salary for your Assistant Commissioner of £500.

31435. Rising up to what?—Rising up to £750 or more; I do not know exactly, it is a question of the circumstances in England.*

31436. What is your committee's conception regarding the necessary pay for a Lunacy Commissioner?—I suppose from £1,000 upwards; I do not know exactly.

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31437. At present it is £1,500; is that too much or too little?—We do not think it is too much.

31438. Is it too little?—I could not answer that question.

31439. To come to these four headings which you and your committee suggest should be added to the duties of the Commissioners, is it your suggestion that all habitual vagrants should come under the supervision of the Lunacy Commissioners?—That the Lunacy Commissioners should have cognisance of them.

31440. Of all?—All who satisfy a certain definition, which must be adopted. You must adopt a definition of what you mean by habitual vagrant.

31441. Are you prepared with that definition?—I have no experience in England, but in Scotland I should adopt the definition: "a person who apart from distinct bodily infirmity receives parochial relief four times in a year."

31442. I suppose you know in Scotland there is no relief given to the able-bodied?—I know that, but at the same time we have to certify a great many people as not able-bodied who have no distinct bodily disease.

31443. Are you familiar with the vagrant in England?—No.

31444. With regard to inebriety and the drug habit these are treated in institutions at the present moment?—Yes.

31445. Would you put them under the Lunacy Commissioners?—I would report them all to the Lunacy Commissioners.

31446. At present, in England, they are under the Home Office, and have a skilled inspector to go round and see them. Would you interefere with that arrangement?—Yes, I think so. They are much more analogous to the lunacy cases than they are to any others. At present it is part of our policy to bring all those departments under the central authority. The Home Office has inebriates, the Local Goverment Board has paupers, and we want these brought together. We think the lunacy work should be one department and that a central department.

31447. It is essentially dealing with mental defect?—It is.

31448. The Lunacy Commissioners or the central authority, whatever it may be called, the authority which looks after the lunatics, could look after these unfortunates too?—That is our intention too.

31449. (*Dr. Needham.*) When you talk about the Local Government Board having the paupers, you mean having to do wth pauper imbeciles?—And they have the supervision and treatment of pauper invalids too.

31450. You do not propose to hand over the whole of the pauper population of Great Britain to the Commissioners?—No, I used it as an illustration.

31451. (*Dr. Dunlop.*) You do not want to express an opinion about the vagrants?—No, Dr. Straton will tell you about them.

31452. The inebriety and drug habit, in your opinion, should be dealt with as part of the lunacy administration?—Quite.

31453. You submit this draft of a suggested certificate: is there any reason why that certificate should be signed by a medical man?—Yes; that in a considerable number

* *The witness subsequently added this note:*—The figures I have given are too low for men of the requisite standing. £750 would be more appropriate as the initial salary for an Assistant Commissioner. The others would change in proportion. The matter has not been considered by my committee.

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of cases the best evidence as to a drug habit needing treatment is medical.

31454. Leave out the drug habit; what about the drunken habit?—The evidence of habitual inebriety is sometimes very distinctly medical. I have to certify several weak people who simply come to me because they are habitual inebriates; not criminal inebriates, but suffering from the consequences of inebriety.

31455. For what purpose?—For Poor Law relief.

31456. To certify them for relief for the time being?—Yes.

31457. Is it necessary for a medical man to certify that so and so suffers from inebriety; would not a magistrate or a policeman do for the same purpose?—My experience of magistrates and policemen, in cases of this kind, dealing with all varieties of mental enfeeblement is that it is not sufficient.

31458. Never mind mental enfeeblement; is not a magistrate able to certify that A.B. gets drunk twice a week, or violently drunk three times a fortnight?—If Parliament is of opinion that it is sufficient to allow a neighbour to certify that.

31459. I want to get your reason for insisting upon a medical certificate?—We want to make it some perfectly responsible person. Your magistrate has as a rule no personal knowledge of this person; the policeman, or the neighbour, or the relative, is not above personal motives, the desire to get rid of him. The doctor has no such motive, he has only to treat him as a person suffering from a condition of habitual inebriety which requires treatment.

31460. You advise a medical certificate on the ground of the independence of the medical man, rather than any special knowledge on the part of the medical man in certifying inebriety?—Yes.

31461. With the drug habit that is different, is not it?—I think the case is probably quite as strong.

31462. Rather stronger, in the case of the drug habit, is it not?—Yes.

31463. We require the medical knowledge to recognise what drug it is, and what the action of the drug is?—Yes.

31464. It is not such common knowledge as mere drunkenness?—That is so.

31465. As regards the supervision of the treatment of unconfirmed mental disease, you are very emphatic that it is necessary to register and supervise all nursing Homes?—Absolutely. The Association has considered that time and again. It has been referred three times in succession to the Association, and they have been perfectly definite upon that. When I say, "referred to the Association" I mean it has been sent down to every division of the Association in the country and then sent up to the Representative Body for decision.

31466. And the Association three times over has decided in favour of it?—Yes, three times over has decided in favour of that.

31467. Not only mental nursing Homes, but all nursing Homes?—All nursing Homes.

31468. Has it ever been brought under Parliamentary notice?—Yes, there was a Select Committee sitting under Mr. Tennant's Chairmanship which reported in favour of legislation on these lines.

31469. Was that dealing with mental cases?—No, only the question of the registration of nurses.

31470. Under that reference they gave a report about the registration of nursing Homes?—They did.

31471. Did the Association approve of that report?—Yes, they approved of that report.

31472. Whose duty should it be to open the register of nursing Homes?—The report proposed, and the Association accepted, that there should be a special board for the registration of nurses, similar to what there is for the registration of midwives.

31473. That is another central authority?—Another central authority. That was the assumption. Of course it was quite possible that that might be added to the duties of the Midwives Board; it might be the Midwives and Nursing Board, I cannot tell.

31474. They should be all registered by some body?—Yes.

31475. A central authority or a local authority? Should the County Council be able to do it, for instance; to keep the register of nursing Homes?—It might quite well be kept locally.

31476. Local knowledge would be rather an advantage in the matter?—It would be, the midwives are under local supervision.

31477. Wherever they are registered they must be reported to the Lunacy Commissioners if they intend to receive mental cases?—That would be the conclusion.

31478. What is your objection about the inspection of nursing Homes which receive mental cases?—The point was very definitely referred to a vote of the committee.

31479. Your committee of six?—No, a large committee last year about the clauses in the Attorney-General's Bill, and after a vote the phrase that "the Commissioners may if they think fit visit the patient," was deliberately struck out. As chairman of the committee I should say that I think it was struck out under the impression that putting such a clause in the Bill itself practically constituted it a duty and would make the visitation by the Lunacy Commissioners, routine. We did not wish to prevent it absolutely. I may say there were arguments deliberately advanced that they should not be allowed to visit. The committee would not have that.

31480. The committee rather took a negative aspect?—They rather took the negative aspect that the duty of visiting these should not be imposed.

31481. Do you think that remains the general opinion of the profession?—I think so. I think that those who have the incipient cases under treatment think it inadvisable that they should, as a rule, be visited by people under such conditions that it will intimate to them that they are considered lunatics.

31482. Do you think it is likely that the Lunacy Commissioners would do that—open the door and say: "I am a Commissioner"?—In visiting lunatics in an asylum the patient is informed: "This is the Commissioner in Lunacy."

31483. I do not think the Commissioners in Lunacy would do that in private houses and nursing Homes?—We thought that the patients would know.

31484. Do you think these nursing Homes should be certified by the local authority?—They should, certainly.

31485. What authority should supervise them?—It may be entrusted to the County Council if you choose, that is as nursing Homes, not as mental Homes.

31486. But nursing mental Homes?—If there are special mental Homes, they should be under the Commissioners in Lunacy.

31487. Would you prevent other nursing Homes from accepting and taking mental cases?—No. If you provide for notification to the lunacy authority of every case of unconfirmed disease which is received into a Home, then the Lunacy Commissioners are in touch, and there is no necessity for registering as a mental Home, a Home which only takes one case.

31488. Mere notification is not enough to bring the Lunacy Commissioners in touch with what is being done?—It would be brought under their cognisance; would not that be sufficient?

31489. How much further would that take us? They would only know the number. Should there, or should there not, be supervision of nursing Homes which receive mental cases?—If they make it a regular business to receive mental cases we should advise supervision by the lunacy authority. If it is only an occasional case received into an ordinary medical Home we think the cognisance of the Lunacy Commissioners that such a case has been received would be sufficient, along with the supervision of nursing Homes, the general management for which we have already asked.

31490. That all nursing Homes should be supervised by another authority; why introduce the second authority, and say that the Lunacy Commissioners should not have direct supervision over them?—Not unless they are mental nursing Homes.

31491. I do not see quite where you draw the line between the regular nursing Home and the nursing Home receiving mental cases ?—The Lunacy Commissioners could soon draw the line if the nursing Home received case after case.

31492. Would you put a numerical limit—if they received six cases a year ?—I think that would probably suggest to the lunacy authority that it was necessary to see the conditions.

31493. So, after all, they should be inspected by the lunacy authority ?—If they make a habit of it.

31494. Say any Home receiving half a dozen cases ?—Yes.

31495. Or two at a time ?—Yes. It is not desirable that these cases should be accumulated unless under special conditions, and these conditions should be under the lunacy authority.

31496. Do you think there will be any difficulty in recognising such places ? Do you think all the cases entering them would be brought under this suggested certificate ?—Yes, I think so.

31497. Are you aware that at the present moment in England there are a large number of institutions for treating mental defect who shield themselves by the statement that their cases are uncertifiable ?—Yes.

31498. And in many instances there is a presumption that many of them are certifiable, but they shield themselves by that statement ?—They have had no way out of it in England.

31499. Would not nursing Homes shield themselves by saying the cases are uncertifiable ?—No. The profession would accept a legal solution. If you give the legal condition under which they can manage these incipient cases the profession will accept that with perfect loyalty.

31500. Should] these unconfirmed mental cases be treated in general hospitals ?—A great many of them could, with advantage, be treated in general hospitals.

31501. If that is the case, what should the relation of the general hospitals to the central lunacy authority be ?—I think the central lunacy authority should have the same right of inspecting the conditions under which they are kept in the hospital as they would have in the case of a Home that received more than a certain number of cases.

31502. Do you think it is necessary for Homes receiving a number of cases, the regular nursing Home or the general hospital with a ward, actually to receive a licence from the Lunacy Commissioners that they are fit to do the job ?—I do not think that I should put it in that way.

31503. Would you give the Lunacy Commissioners power to close them, or to endorse the licence ?—If there is no licence of course you cannot endorse it.

31504. They might be licensed by the Nursing Department about which you were talking a few minutes ago ?—The general hospital ?

31505. Yes, or the nursing Home ; I take them all together ?—I have not considered that point, I can only give an individual opinion on it.

31506. Will you give us your individual opinion ? We want to know whether the Lunacy Commissioners should be able to thoroughly control all these instances ?—I think any report by the Lunacy Commissioners which showed serious defect in the management of these incipient cases by the general hospital or in the Home would by its publication be sufficient control.

31507. Would you not give the authority power to close it ?—I do not think it would be necessary to do that, it would close itself.

31508. To whom is the certificate to be sent, what is to be done with it ?—To the lunacy authority.

31509. And these certificates are to go direct to the lunacy authority ?—Yes.

31510. Now clause (*d*) in your statement of the new classes to be brought under the supervision of the Commissioners—feeble-mindedness, and imbecility; are these classes not dealt with by the Lunacy Commissioners in very large numbers at the present moment ?—Yes, to a considerable extent they are.

31511. They are not new classes, then ?—No, not entirely ; it was only that we wanted to make sure that you got information in connection with the new system of medical inspection of school children which is going to be introduced ; that you should get intimation of those as feeble-minded children or backward children.

31512. What you refer to here is the education aspect of it ?—Yes.

31513. The reports, you say, should be sent to the Lunacy Commissioners ?—The Commissioners should get reports on the matter.

31514. I suppose that implies that they should do something with those reports, does it ? What do you advise that they should do when they get them ?—We are very anxious that children who have been recognised as feeble-minded should be, as they grow up, put under special care—the conditions under which they are living should be under the supervision of somebody ; at present they are not. When a girl reaches puberty, if her feeble-mindedness is not of a degree to warrant her certification as an imbecile, then there is no supervision over her at all, but in the schools they get cognisance of those cases.

31515. I am aware of those views, but I want to know how the Lunacy Commission comes in. The Lunacy Commissioner in London gets word that A.B. in Newcastle is a feeble-minded girl, age sixteen. What practical purpose does it serve if the Lunacy Commissioners get that information ?—If you establish Assistant Commissioners who can visit them, and see that the conditions under which those people are living are sufficient——

31516. You would make it another duty of the Lunacy Commissioners to supervise the treatment of special school children after they leave school ?—Yes, that is the point we are driving at.

31517. For that they would require a very considerable amount of local assistance ?—They would.

31518. You think it is both necessary and desirable ?—We do.

31519. Regarding the education of these defective children, you do not suggest that the Lunacy Commissioners should supervise the special schools ?—I think the Assistant Commissioner should see the conditions under which they are kept in the schools ; not the actual teaching.

31520. The condition in which the schools are kept ?—Yes.

31521. You are referring to day schools as well as to boarding schools ?—Yes.

31522. What is your opinion regarding boarding special schools ; do you know them at all ?—No.

31523. Have you any experience as regards the special schools themselves ?—No, not so far.

31524. Your Association is of the opinion that the Chancery Visitors should cease to exist and that their work should be done by the Lunacy Commissioners ?—We think they should be made one body.

31525. Is that the only reason for your suggestion, or have you other reasons?—I think I will leave Dr. Straton to speak on that point too.

31526. (*Dr. Needham.*) I asked Mr. Smith Whitaker if the committee had formed any opinion whether the deputy or Assistant Commissioners should be local or central ; in Scotland, as you know, they are central ?—Yes, but Scotland will but correspond to one of your provinces ; the area is limited. We have not definitely considered the point.

31527. It was not discussed at all ?—We have not definitely considered that point.

31528. You simply say deputy Commissioners ?—We left that entirely.

31529. With regard to visitation by the Commissioners of incipient cases, it is a great tribute to their love of work for the Association to think they would, immediately on the passing of this clause, hunt up all these people and visit them ; do you think there is any great likelihood of anything of that sort happening ?—That seemed to be the impression of the specialists on the committee; that is all I can say.

31530. Suppose that notification to the Commissioners takes place, and suppose some other notification takes

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place to the Commissioners that the treatment of the patient is not what it ought to be, in that case would your committee wish to give the Commissioners the power to visit?—Certainly.

31531. Would they wish to give the Commissioners the power not only to visit but to take some effectual action, by removing the patient to some other care?—By ordering removal; yes, I think they would accept that too.

31532. They would not altogether ignore these patients?—No, certainly not; we do not want them ill-used, but they feel very strongly upon the necessity, in most cases, of not letting them know that they are considered lunatics.

31533. No visitation, unless it is absolutely requisite?—That is our point.

31534. Now as regards nursing Homes, has it come to the knowledge of the members of the committee, or is there a wide-spread feeling among the committee, that there are a very considerable number of nursing Homes throughout the country in which people of feeble-mind are detained against their will?—We have had no evidence on that point.

31535. How do you propose that these nursing Homes should be registered, and with whom?—The county council is suggested as a suitable authority for keeping the register, the local supervising authority.

31536. And for registering?—Yes, under the medical officer of health.

31537. Would you have them inspected by the medical officer of health?—They would be under the supervision and inspection of the medical officer of health, certainly. If lunatics were in the habit of being taken into these nursing Homes they should be under the supervision of the lunacy authority.

31538. (*Mr. Byrne.*) The duties of the central lunacy authority are concerned largely with the propriety of detention; with whether or not the law is properly observed in the matter of persons detained, and whether humanity, discipline, and good order are maintained in the institutions; it has little or nothing to do in practice with scientific research?—That is so.

31539. Why then does the British Medical Association think that not only the central control of lunacy but the central control of vagrancy, inebriety, criminal lunacy, feeble-mindedness leading into poverty, crime, and so forth, and therefore departing still further from a matter of health and still more into the branch concerned with the liberty of the subject and the proper treatment for defective persons and so on, should be given to a central body dealing with questions of health? Is it not a matter much more akin to the work of a department concerned with the liberty of the subject?—We thought it was very probable that if there were a Ministry of Health the permanent head of the department would be a medical practitioner.

31540. Supposing you had this department with your doctor at the head of it, you would like him to be a minister, I suppose, with a seat in the House of Commons?—We should hope so.

31541. His first care would be the general heath of the country, would it not?—Yes.

31542. Would you ask him also to defend the action of all prison authorities, of colonies for labour, of idiot asylums, of workhouses, and so forth? What connection have they with health; are they not matters such as are constantly being explained now by the Home Secretary and the Chief Secretary for Ireland and the Local Government Board as regards workhouses? How would your doctor know anything about these things?—Your doctor has the constant supervision of all who go into the workhouses, of all who go into the prisons, and most of those other classes you have mentioned.

31543. Your doctor without administrative experience? You say he has constant experience; in what way has a doctor constant experience of people who go into the workhouse?—Everyone has to be certified by him as to his fitness to do any work in the workhouse.

31544. You mean a doctor with administrative experience; a doctor who has been engaged in administration?—I think that is the quality for which you would look.

31545. It is not because he is a doctor, it is because he knows the class of people for whom workhouses are suited, and the class for whom they are not. It is not a technical expert matter, it is a matter which comes by experience?—For that position we should think a good deal of technical knowledge was necessary to enable him to get the experience required, as well as administrative experience; you must have both.

31546. Our object is to inquire what would be the best department for dealing with this miscellaneous and curious collection of people. You say a Health Department; I ask you why; most of them are dealt with at the present moment by departments dealing with them mostly from the point of view of detention and control?—That is so.

31547. The prisons, inebriate reformatories, inebriate retreats, workhouses, and so forth. What evils do you discern which would be promptly done away with by a medical man at the head of the Health Department? Would he not have to go, as a matter of fact, to these other experienced persons to ask them to teach him the business? Would not he have to go to the Prison Department and ascertain what is the nature of the prisoners as indicated during their detention, what sort of prisoners are amenable to punishment and discipline? Why take it from the present competent hands?—Your medical man would very much more readily acquire knowledge and experience of the different classes of people and the management than an ordinary administrator. A medical practitioner has constant knowledge and experience of dealing with an individual, and would very much more quickly acquire a knowledge necessary for the management of those classes of persons.

31548. More quickly than who?—Than a person brought up to merely administrative work.

31549. Have you ever known any doctor who has had, in the course of even a long life, experience of all these classes?—The work of an asylum superintendent is very much of that kind. We have other men who are quite fit to do the work of prisons in the same way.

31550. Does not that indicate that every department dealing with these people ought to have competent medical advice and have doctors attached to it? It does not go an inch towards indicating that they should be put under a Health Department, with a doctor at the head of it; that is my difficulty. Every one agrees that for properly dealing with these people you require medical advice, because it is partly a medical and partly a police question. Can we start with that as common ground?—Might I ask you to ask Mr. Whitaker on this point afterwards? He has had more to do with this matter than I have personally.

31551. (*Mr. Greene.*) May I take it that the statement which you have been good enough to put in is a result of communications between the British Medical Association and the Medico-Psychological Association?—Yes.

31552. Does the Medico-Psychological Association consist in no small part of gentlemen who are themselves superintendents of medical institutions?—That is so.

31553. Salaried medical superintendents of institutions?—That is so.

31554. Does the recommendation with which your evidence concludes, "that the Association recommends that the present qualification for becoming Commissioners in Lunacy imposed by Sections 158 and 165 of the Lunacy Act, 1890, on certain medical practitioners for a limited time should be removed," represent the views of the gentlemen who are the salaried medical superintendents of public bodies?—I think they must speak for themselves, but it represents our view that that presents the best field from which you can get Commissioners.

31555. Those gentlemen who at present are engaged at salaries consider it is better that they, at all events, should have a chance of being taken as Commissioners?—That is the view of this report.

31556. No view has been assigned in your statement for that view. One may conjecture perhaps that they would like to have the field of appointment thrown open to them from selfish points of view, but I am disregarding that for the moment; is there any other reason than what cynics might attribute to selfishness?—The reason is what I have just stated, that we regard these men as possessing the qualifications that you want, and the

necessary experience which will qualify them to make good Commissioners, other things being equal, and that you are shutting out a certain number who would prove otherwise qualified to be Commissioners.

31557. Just for the sake of getting it on the notes in the ordinary form, may I remind you that there are two classes of persons dealt with by those two sections. Section 158 provides that, "A person shall not be qualified to be a Commissioner or secretary or clerk of the Commissioners if he is or within one year prior to his appointment has been interested in a licensed house. If any Commissioners or the secretary or any clerk of the Commissioners becomes interested in a licensed house he shall be disqualified to hold his office"?—It is the "one year" that we were dealing with; not "is," but the one year.

31558. Your recommendation does not limit it in that way?—You will see the phrase "for a limited time." That was intended to refer to the "one year" in that clause, and the two years in Clause 165.

31559. Clause 165 applies to the Chancery Visitors. They cannot be appointed to their office of Chancery Visitors if they are, or have been within two years preceding the appointment, directly or indirectly interested in any licensed houses?—Yes.

31560. It imposes in Section 165 so absolute a disqualification that the appointment is vacated if he afterwards becomes interested?—That is right; we approve of that.

31561. That is even more stringent than the other. One is a disqualification to be made a Commissioner, one is not only a disqualification to be made a Commissioner, but if he subsequently acquires an interest, his appointment is vacated?—Yes, we approve of that.

31562. In the one case there is no vacation, in the other there is; are you aware of the history of these two sections?—I can hardly charge myself with that.

31563. May I point out that even before the year 1845 there was a disqualification for a Commissioner who is interested in keeping a house, so long as he holds office?—We approve of disqualification, if he is interested in a house; that should be, for the time being, an absolute disqualification. What we disapprove of is that after he has resigned his house, you should still keep him disqualified.

31564. I will remind you of the history of the matter, and perhaps you will see that this is so important that your body would like to re-consider it. By the 14th of George III., cap. 49, no Commissioner was to be interested in keeping a house for the reception of lunatics while he was in office, under a penalty. There was no disqualification for appointment, but he was liable to a penalty if, while he was a Commissioner, he did keep a house. Then under the 9th of George IV., disqualification for the appointment as Commissioner was introduced, but the limit of time was two years previously, and not only one, as it is at present. The 2nd and 3rd William IV. cap. 107 contained a similar provision. That was continued too in 8 and 9 Vict. in the year 1845, and has been the law ever since, so that as far back as we can trace lunacy law, this provision, right or wrong, has been always insisted upon?—Knowing that, I think we should still approve of its removal.

31565. Now we will deal with the Chancery Visitors. Section 165 is a re-enactment of Section 18 of the Lunacy Regulation Act, 1853, 16 and 17 Vict. cap. 70, and similar provisions were previously contained in 3 and 4 William IV, cap. 36, so that we go back for the provision about the Chancery Visitors long before the Act of 1845, and the present Act of 1890, which is a mere reproduction as regards that part. Having reminded you of the antiquity of this provision, would you give me some other reason for its removal than that it is the suggestion of superintendents at the present day that they would like to have more offices thrown open for them?—I think it is still what I said, that these men are a class who are very well qualified to make good Lunacy Commissioners.

31566. But may there not be people equally well qualified who have not got the statutory disqualification which has so long been regarded as paramount?—We do not regard the disqualification as essential, and we do not see why you should limit your choice by shutting out these people.

31567. At all events we have got old usage and history in our favour?—Yes.

31568. The wisdom of the ages is with us; the opinions of the sages seem to be the other way. Is there any dearth of medical men fully qualified to accept the office and discharge the duties of Lunacy Commissioner or Chancery Visitor who have not been within one or two years interested in keeping houses?—I could hardly answer that question unless I knew who the applicants were for the next vacancy

31569. Do you think that out of all the medical men of the day suitable men could not be found? You see we are not driven to the Royal College of Physicians, we can even have, according to the present statute, a Licentiate of the Society of Apothecaries. Is not the range large enough, without bringing into it the comparatively few gentlemen who, within a year, have been interested in keeping these houses?—You may have to ask the very best man in the country for the post to resign his living for a year, or two years, on the chance of becoming a Lunacy Commissioner or a Chancery Visitor.

31570. You have been good enough in the first part of your statement (*page* 507) to refer to the statutory provision for the increase, and you say under heading 3: "The statutory provision for increase of the Commission should not specify the number of Commissioners, but should confer power upon the Lord Chancellor to increase the number of Commissioners as and when on the recommendation of the Commission he may deem this desirable." Why is that qualification put in, that he must have the recommendation of the Commission? They are the people who want to be relieved of part of their work; they are wanting assistance; why should they be the people without whom apparently the Lord Chancellor should not act?—They are the only people who know when they are over-worked.

31571. Possibly we are all of us rather apt to have somewhat gloomy and depressing views of the amount of work we are called upon to perform, when we are paid by salary?—If they do not satisfy him, then he will not do it.

31572. I do not understand; that confers the power upon the Lord Chancellor on the recomemndation of the Commissioners?—As and when he may think desirable.

31573. The question really is whether they ought to be the parties to move to call his attention to it?—That is so.

31574. One would rather be disposed to put in that the Lord Chancellor must be satisfied that there is a need for the additional Commissioners to assist the whole body in their work. What I am thinking of is this, that a popular Commissioner may feel a little out of health, or have some other reason for being unable to attend to his duties, and it is quite possible that commiseration on the part of his colleagues may induce them to recommend the Lord Chancellor to appoint another in the hope that this gentleman may come back, but at all events the additional man may not be strictly necessary, and it ought to be only where the deputy or sub-Commissioner is not suitable or not available, surely?—The Lord Chancellor must be convinced. He must deem it desirable. If I may state the object with which we put this in, it was a desire that a necessary increase of the Commission, such as exists at present, should not have to wait until there was an opportunity of introducing a Bill into Parliament for the purpose.

31575. I quite agree with the idea that there should be greater power given to the Lord Chancellor to do it, but I was shrinking from introducing the provision that it must be on the advice of the Commissioners, as a ground upon which he can do it, because it may very well be that they are wishful to relieve a popular colleague who may be temporarily unwell; they get a fresh Commissioner in, which reduces the work of the whole number, and immediately the popular man recovers?—We were looking to the permanent increase of the Commission in proportion to the increase of its standing duties. A temporary purpose like that would probably be served by an additional Assistant Commissioner for the time being.

31576. I am fully with you in the idea, I thought of it myself; the only part of which I am anxious to get an explanation is why the exercise of the Lord Chancellor's

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jurisdiction is to depend on the recommendation of the Commissioners?—There is nobody knows better when it should be set in motion.

31577. (*Dr. Donkin.*) With regard to the habitual vagrant, Dr. Whitaker referred me to you. I wanted to know what it was caused the habitual vagrant to be included in an important class to be put under the Lunacy Commissioners?—Because we find that a very considerable proportion, a very large proportion indeed, of those who come habitually within the cognisance of the Poor Law, apart from distinct bodily disease, disabling bodily disease, are mentally feeble; the defect is primarily a mental one.

31578. What is meant by the Committee, exactly, in using the term "vagrant"?—That is a point that would have to be defined. For the purpose of the Scotch law we should use "a person who apart from distinct bodily infirmity has been relieved four times within a year." That would be sufficient for our purpose.

31579. That would include everybody, whether they were merely idle, or whether they were tramps, or what not; everybody who had come on the parish for relief four times a year, not suffering from distinct bodily infirmity would be a vagrant?—As regards the English acceptance of vagrancy I must leave Dr. Straton to speak. Those are what we call "the ins and outs" in the Scotch Poor Houses.

31580. You mean all who come upon the parish for relief four times a year who are not obviously bodily ill?—Yes.

31581. About what proportion would be considered to be mentally infirm out of those?—I should have a difficulty in picking out those who were not mentally enfeebled in some way or another, to judge from my experience of them personally.

31582. Generally speaking, all people who come under this definition, seeking relief four times a year?—Yes.

31583. I may take it that in using the work "vagrants" it was the Scotch interpretation of the term and by no means meant to be co-terminous with the word "tramps"?—No.

31584. With regard to the inebriety and drug habit, that has been discussed very largely by many bodies and by the British Medical Association; have they in their minds, when they want to put this class of people under the Lunacy Acts, the cases of what is commonly called "the drink crave," or is it anybody who gets drunk pretty often? Everybody is aware that there is a good deal of difference between people who get drunk when there is an opportunity and people who make an opportunity?—The definition we adopted in our report is those who "by indulgence to excess in intoxicating liquor or in the use of stimulant, sedative, or narcotic drug or substances, are at times incapacitated from performing their duties to themselves, their families, or the State, and by the same cause are at times rendered dangerous or offensive to themselves, their families, or the public."

31585. That is to be understood?—That is the definition we adopted in detail.

31586. You would not have them put under this particular control unless they are potentially, or very probably, criminal?—No.

31587. Or when actually coming within the criminal law?—Yes.

31588. One other question arising out of the question asked you by Dr. Needham; with regard to the hospital for the treatment of incipient insanity, you said it would often be very appropriate and efficient?—Very.

31589. Sending the poorer classes who are subject to incipent mental disorder to a general hospital for treatment?—I feel very very strongly on that point personally; and the Association has considered the matter too.

31590. You also said, in answer to the question, that these patients should be inspected by the lunacy authority?—Yes, if the hospital were receiving these patients regularly. I did not mean that the patients should be inspected, but the hospital.

31591. I understood the question was that you might with great advantage send a person suffering from incipient insanity to a hospital, not to a special mental hospital, but to a general hospital?—Yes.

31592. For instance, I will put this case to you: supposing one of us thought we would send a patient, for the sake of his getting better sooner, to the Edinburgh or Glasgow Royal Infirmary; should the treatment of neurologists in those instances be supervised by the psychologists on the Lunacy Commission?—Not the treatment, but the conditions under which those people are kept.

31593. Would not you consider a neurologist, as properly defined, quite competent to look after cases of incipient mental disorder?—Certainly, in the best cases, Edinburgh or Glasgow, or any of the large towns, the supervision would be probably unnecessary; but in smaller general hospitals where the nursing staff was not under the immediate control, say, of a resident medical officer and visiting staff, it might be advisable. I thought the lunacy authorities should see that the general conditions of such cases were quite satisfactory.

31594. In most cases the doctor, who would send the patient in for the sake of getting him well, would not send him to such places. It would not be right for a doctor, when he sent them for therapeutic purposes, to do that?—Yes, but if a system of this kind were introduced there might be a certain amount of local application. An occasional case might be sent on a six months' certificate to a hospital in a small town where the treatment would not be so satisfactory. In a case like that I think it is possible that it might be advisable.

31595. Practically you would say that, however favourable the conditions might be in a place that was picked out by the doctor to send his patient to, for the sake of the community you would still have outside inspection?—I say I would have outside inspection of the good places for the purpose of avoiding the risk of the bad.

31596. According to some people—I am not saying that I agree with them—it is an integral and important part of the treatment to keep the patient with as little outside observation and with as little ceremony as possible?—I do not form such a conception of a visit by the Lunacy Commissioners to a ward of that kind. It does not seem to me that it is necessarily accompanied by such pomp and circumstance as to disturb a person, or to let him know that he is considered a lunatic.

31597. Not the individual visit?—Nor even to a hospital ward.

31598. With no exception, you would have it in every case not only notified but inspected?—I think where more than one patient is under treatment.

31599. (*Chairman.*) Is there anything you wish to add?—No.

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31600. (*Mr. Byrne.*) I wish to ascertain the intention and the reasons of the British Medical Association in recommending that these various classes of defectives should be placed under a Minister of Health. Let us start with the common ground that medical advice and medical care are essential for the proper diagnosis and treatment of every one of those classes, and that they now get that in the existing departments which control each particular section. In what respects does the Medical Association think matters would be improved if all those classes were dealt with by a Health Department?—Our proposals dealt with the consideration of the constitution of a Ministry of Health, and if I might explain the general principle I could deal with the particular question more clearly. Proposals have very often been brought before the British Medical Association to the effect that there should be a separate Ministry of Health as distinct from any existing department of State. The Association have considered that that was inadvisable, that health is either too wide or too narrow a subject to be made the work of a Government department in that general sense. On the other hand they consider that there are many

matters dealt with by different departments which largely affect public health, and which it would be advantageous to bring under the control of one department of State. Seeing how largely sanitary matters are at present under the control of the Local Government Board it was thought that the Local Government Board might best be converted into such a department.

31601. What are the reasons which made them think that these matters would be improved by being brought under one department?—Take for example all the Medical Acts, the Dentists Acts, the Midwives Act, the Pharmacy Acts—all these are under the control of the Privy Council; questions relating to lunacy are under the control of the Lord Chancellor.

31602. Partly?—And partly under the Home Office.

31603. And the Commissioners themselves?—Yes. Then of course the Local Government Board deals with all local questions of public health. The question of registration of births and deaths is partly under the Local Government Board, and partly under the Home Office, the question of notifiable infectious diseases is partly under the Local Government Board, to some extent under the Foreign Office—in questions of international exchange, the notification is under the Foreign Office—questions of health which affect factories are under the Home Office. The opinion of the Association was that there is at present a considerable amount of overlapping.

31604. Could the Association mention one case of overlapping between Government departments? I know that there is a prevalence of this opinion; I have heard for many years of that being the opinion of the British Medical Association, and now that I have got you here I want to see on what definite facts you are prepared to state this?—I came unprepared for this, so the incompleteness of my evidence should not be taken as evidence against it; I can only state those things which occur to my recollection at once. The administration of the Midwives Act is under the Midwives Board which is under the control of the Privy Council, acting on the report of the General Medical Council. The local supervision of the midwives is under the county council, or other local supervising authorities. The local supervising authority are advised by the medical officers of health and are directly responsible to the Local Government Board.

31605. By their own medical officers of health, who have nothing whatever to do with the Local Government Board?—I am not speaking of the Poor Law medical officers—the medical officers of health.

31606. The Local Government Board have nothing to do with them?—The urban sanitary authorities.

31607. The medical officers of urban sanitary authorities are in some respects under the Local Government Board?—But not the county council's medical officer.

31608. Let us admit that there are a very large number of cases in which various items of government which more or less touch upon public welfare and health are dealt with by different departments. It has been the custom of people to say—though I have never heard anyone who has been in administration say it—but those who have not been in administration say, "Why not join these all together?" Among those who say that is the British Medical Association. I want to know what specific and particular improvements you would indicate as being likely to follow from their being put under one department?—Take the administration of the Medical Acts; that is under the Privy Council, which has no medical adviser.

31609. The Privy Council have many of them; to my personal knowledge it consults not only the learned bodies representing medical authorities, but individuals of distinction, habitually and frequently?—Yes, perhaps I have used the wrong word in saying "medical advisers"; no official medical officer of the council.

31610. What disadvantage is that? You can take it from me that they have the best medical advice constantly placed at their disposal; what disadvantage is it that there is not in their office a medical element?—That the reports of the General Medical Council—at least that has been the impression of the medical profession—are not dealt with officially by any official medical adviser to the Privy Council, and similarly with the reports of the Midwives' Board, the revision of the rules of the Midwives' Board, the questions which arise under the Medical Acts which have to be referred to the Privy Council, such as the qualifications of licensing bodies to continue to give diplomas which should qualify for registration.

31611. It is not an evil that a thing is not revised by a medical man, if it is none the worse for not being so revised. Why are they the worse for not being so revised? Take the regulations of the Midwives' Board, for instance: they were made by the Lord President of the Council; as I dare say you know, they were referred to other lay departments, including my own department, for criticism and observations, and they were made by administrators with the most ample, complete, and thorough medical advice at their disposal. In what way would it have been better if the person who actually made the decision on the final draft was a doctor? Is it merely that you would like to see doctors at the head of all these departments, as well as advising them?—No, it is not. If I might explain the proposed constitution of this reorganised Local Government Board I might make it clear. It is not proposed to put doctors at the head of the whole matter. The proposed constitution of the Board was that it should be a board meeting for the transaction of business.

31612. Why should you hold at the British Medical Association, in defiance of all English experience, that the business of the department should be transacted by a Board? The Foreign Office, the Local Government Board, and every other department conducting business, is managed by an individual, not by a Board. Why do they say a Board; is it because they do not know anything about it?—There is the Scottish Local Government Board.

31613. Tell us about the English Government offices?—The Army Council.

31614. That is certainly an instance?—The Board of Admiralty.

31615. Both the Army Council and the Board of Admiralty are advisory bodies in which the executive power belongs to one person both constitutionally and in fact?—Yes, it is possible we are not familiar enough with administration to say what powers should reside in this Board. The view of the Association was that the President of the Board should have the power to override his Board.

31616. But that the Board should be composed of doctors?—No. The proposal which was formulated was that the Board should consist of the President, the Vice-president, the Parliamentary Under-Secretary, together with four members, a legal member, a medical member, an engineering member, and a Poor Law member, that is to say, each of the main heads on which the Board would require to be advised; the main heads of experience should be represented at the Board. The Board would therefore have at its head a responsible body of trained experts whose advice would be officially before the Minister. The Minister would decide all matters finally; he would be free to override his Board, but at the same time the advice of his Board would be before him. Moreover, each member of the Board, as a member, would have a right to express an opinion on all matters that came before the Board; his opinion would be placed on record. If the public desired to know who was responsible for matters having gone wrong there would be the record of what had been done.

31617. And this Board would take over the duties of the Local Government Board, the Privy Council, the Home Office—any other department?—The Foreign Office as regards international notification of disease.

31618. The Board of Trade as regards other matters, and so forth?—Yes.

31618a. They would have plenty to do.

C. R. STRATON, Esq., L.R.C.P., F.R.C.S., called; and Examined.

C. R. Straton, Esq., L.R.C.P., F.R.C.S.

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31619. (*Chairman.*) You are Chairman of the Medico-Political Committee of the British Association?—Of the Lunacy Committee, which is a sub-committee of the Medico-Political.

31620. You have taken part in drawing up this statement which we have had, and you agree with it?—Yes.

31621. I think, further than that, you have been for many years a visitor in the Salisbury districts asylums?—I have, for the county of Wilts.

31622. And I think you have a large general practice in the country?—I have.

31623. (*Dr. Donkin.*) With regard to habitual vagrants, you heard, I think, the interpretation which Dr. Buist gave?—That does not quite coincide with our vagrants. Apparently the vagrants in Scotland are those who go in and out of the workhouses, but are not what we call vagrants. We call tramps vagrants; that is our idea.

31624. You would wish that corrected?—What was really meant by that was, I think, those habitual vagrants' of feeble mind. There are a certain number of vagrants who wander from workhouse to workhouse under no supervision whatever. A small percentage of those are men of feeble mind, gradually becoming demented; they have lost their work through approaching feeble-mindedness. Those ought, in some way, to be brought under the care of the Commissioners.

31625. Clearly, if this paragraph is justly read, it states, even more than implies, that the primary defect among habitual vagrants is weak-mindedness?—A certain number are weak-minded.

31626. It does not say "a certain number"?—No, that is why I would add "of feeble mind."

31627. It says the fundamental cause of habitual vagrancy is a mental one; you would say that of habitual vagrants?—Many of them are habitual vagrants, because they are becoming feeble-minded.

31628. I cannot give you the exact facts now, but would you agree with the belief, founded on very considerable investigations, that the tramp who is called an habitual vagrant in England is not, as a rule, a mentally defective person?—The large proportion of them are not.

31629. Of course you find many among them?—Yes; it would be only that proportion which would come under the Commissioners in Lunacy.

31630. What I want to bring out is that the recommendation is only that the weak-minded among the tramps or vagrants, whatever you call them, should be brought under the Commissioners in Lunacy?—That is so, habitual vagrants of feeble mind.

31631. One other question, which I have asked before; that is, this evidence was drawn up with the assumption that there would not be likely to be any radical change with regard to the functions of the Lord Chancellor in connection with the lunacy authority; it appears all along, that in putting all these additional duties on the Lunacy Commissioners, there is a constant reference to the Lord Chancellor; I want to bring out whether it is the opinion of the British Medical Association that it is the Lord Chancellor's function to deal with this large mental question?—If I may put it in this way, the idea was that other Visitors should be put in place of the Chancery Visitors, but under the Commissioners themselves—that the two bodies, so far as the Lunacy Law was concerned, should be merged; but if you come to the Lord Chancellor, the idea was this, that all cases of mental enfeeblement are cases which would come, by the prerogative of the Crown, under the guardianship of the Crown, that the guardianship of the Crown is placed in Commission, through the Lord Chancellor, to the Commissioners in Lunacy. That is the general idea of it.

31632. With regard to all the various classes of people mentioned in your recommendations, which have been under the consideration of this Commission, would they think it was the most practical way of dealing with them to place them under that particular department of Government, the Lord Chancellor having originally, no doubt, been appointed from the point of view more of the guardian of property?—I am not at all certain that it was as guardian of property. The prerogative of the Crown is to be the guardian of the incapable, it does not mean their property. There is a committee of the person as well as of the estate. If you go to Scotland there is a *curator dative* and a *curator bonis*; the leading idea is that the Crown is the guardian of those who are incapable, and the Crown places that guardianship in Commission. The difference between an incipient and a confirmed case is simply a difference in degree. You may have a child with nothing visible but a little running of the nose, yet the child has diphtheria. If he has not got a big membrane in his throat, no jury would be convinced that he had diphtheria. That mild case, quite as much as a child with a membrane, is under the public sanitary authority, and may be isolated and may be treated. The object of bringing every class of lunacy together under common supervision is that since each class gradually merges into the other it is important as early as possible to bring all under care and under the cognizance of the Lunacy Authority.

31633. (*Mr. Byrne.*) With regard to the Lord Chancellor's jurisdiction as representing the Crown in that matter, it is the case, is it not, that the Lord Chancellor has never had jurisdiction with regard to more than one in twenty of the lunatics in the country?—That is so.

31634. The principle which you have mentioned is true; the Lord Chancellor was the representative of the Crown in carrying it out as regards lunatics who had property and so on; as regards those who had not, the State was, most discreditably, entirely negligent of them for many centuries?—Yes.

31635. When it did take them into consideration it did not work through the Lord Chancellor at all; it started on an entirely new line of legislative enactment, first giving it to the charge of the College of Surgeons, then to Commissioners appointed by the Home Secretary, then three years afterwards to Commissioners appointed by the Lord Chancellor?—Yes—the College of Physicians.

31636. (*Mr. Greene.*) I desire to protest against that view of the historical part.—That is, perhaps not theoretically, but practically, the issue. Our idea was that those departments had evolved separately, and now the time has come for them to be merged, as if they had all arisen from proper theory, they ought to be merged.

31637. (*Dr. Donkin.*) You would say, then, that that is the essence of what you advocate, that they should be under Governmental supervision?—Yes, under the prerogative of the Crown. You may work that out in any way you please.

31638. That would be partly because all these people are more or less deprived of liberty?—Not deprived of liberty, but they are more or less incapable of managing their own affairs; it is mental incapacity that places them in the wardship of the Crown.

31639. They are deprived of liberty to a large extent, partly for curative purposes, and partly to prevent them from doing harm to others?—Yes, but that is not actually the essence; the essence is their incapacity.

31640. The incapacity of managing their own affairs?—Exactly.

31641. Have you anything to say at all about the comparative value or necessity of the legal and medical elements of the Lunacy Authority?—If the Masters in Lunacy are to be done away with I think that we must still have legal Commissioners, otherwise the inquiries which are made at present by the Masters in Lunacy could not be conducted. There is no doubt but that local inquiries are of great value; a Master coming down and holding inquiries is of great value because it is done locally; if the whole thing is to be merged there would still be that amount of work which would have to be done.

31642. What would you say as regards the functions of visiting?—In the larger asylums it is rather a convenience. You have a certain number of men who have very strong legal arguments why they should be discharged, and it is always a great advantage to have a legal Commissioner who

takes that case and very satisfactorily deals with it; but in smaller houses a single medical Visitor is quite sufficient.

31643. Would it not occur more often among single patients in private asylums; would not they be more likely to require legal qualifications?—That is not my experience; there are not many cases even in a large asylum.

31644. You would not call it a very pressing want?—No, not a pressing want; it is a great convenience sometimes.

31645. (*Mr. Greene.*) I do not want to lead you into any discussion upon the constitutional position of the Sovereign with reference to lunatics, but I should like to refer to one or two of your answers. I dare say you would not be disposed to controvert this statement, which has been placed before us by an exceedingly eminent lawyer who occupies a judicial office: "The Sovereign as *parens patriæ* has by virtue of his prerogative the care and custody of the persons and estates of idiots and lunatics; the Crown entrusts its authority by warrant under the Sign Manual to the Lord Chancellor and the Lords Justices?"—That is perfectly correct.

31646. Whatever views may be entertained by administrative departments, you would like to endorse that view of the law as laid down by a great lawyer?—Yes.

31647. Now may I point out to you, since it is suggested that only a small portion of the lunatics are dealt with by the Lord Chancellor, that it was not until it became necessary to obtain grants of public money for the management of affairs of lunatics and the control of their persons that it became necessary for Parliament to be introduced, to assist in the management and provide for the management of these people by means of a Lunacy Commission?—That is quite true.

31648. So that the function of the Sovereign as *parens patriæ*, and the part which is played through Parliament by the spending authorities, is merely to supplement and enable the Sovereign the better to carry out his duty which he owes as *parens patriæ*?—It is the means of carrying it out.

31649. A mere means of carrying it out?—Yes.

31650. If we look back into the history of it, is it not a fact that, until it became necessary to have public money provided, everything went on entirely by the arrangements of the Lord Chancellor, using the property of the imbeciles and lunatics for their supervision?—I should not like to commit myself to that, because I think local overseers of the poor, constables and so on, acted quite independently.

31651. That would be under the operation of the Poor Law?—I am speaking of the time before the Poor Law began.

31652. Before the Statute of Elizabeth?—Yes.

31653. Had they any power at all before then?—I do not know whether they had; I think they did it. I know we had a place called the Brown Bower (dark hole) where lunatics were chained, but under what authority I do not know.

31654. But the maintenance of the lunatics under the Statute of Elizabeth, or the maintenance of the poor under the Statute of Elizabeth, and the control of lunatics through the Lunacy Commission, have been partially rendered necessary by giving power to levy rates, or the power to tax, for the purpose of carrying it out?—That is so.

31655. That in no way touches the original jurisdiction or prerogative of the Sovereign?—In no way whatever.

31656. Do you think it is desirable to have female assistants, ladies, to inspect, either as Commissioners, deputy Commissioners or Assistant Commissioners or deputy Assistant Commissioners—is there an advantage to be sought in leaving the Lord Chancellor sufficient scope in the selection of Commissioners to choose regardless of sex, or to prefer one sex to the other if he so thought fit?—I am not in favour of it.

31657. Does it occur to you, as a general practitioner mixing with these things, that female inspection, and so on, may be of great value?—I do not know any case in which it would be of greater value than the other would be.

31658. Do female patients consult the men who inspect, or do you think they would have more confidence if there were women inspectors?—To me they speak about anything. They talk to me as a doctor, there is no secrecy of that kind. Many of their delusions are delusions of a sexual kind; they talk quite fairly about them, there is nothing that they can see in it to prevent them from unburdening their minds.

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31659. Has the view been presented to the Association which you represent, that female inspectors would be advisable?—It has not been before them.

31660. So that we may take it they have not pronounced against it?—They have not pronounced against it, because they have female members in the Association.

31661. But not sufficiently numerous, perhaps, to feel able to propose and carry a resolution in their own favour?—No.

31662. Anyhow, your society have not pronounced against it; you will go so far as that?—They have not considered the matter.

31663. There is a paragraph I should like to understand a little more clearly in the statement you have been good enough to give us: "Evidence of (b) is afforded by the frequency of instances of the sexual misuse of young adults who have been recognised in childhood as mentally enfeebled, by the readiness with which men or women who have once been inmates of a lunatic asylum, are carried into a fresh outbreak by the contributory influence of the sub-lunatic character of their relatives to this result, and by the difficulty of safeguarding the habitual drunkard." I do not quite follow what that means; could you explain that?—Take the first case, I will give you an instance; there was a young woman who became mentally feeble, I certified her and tried to get a magistrate to sign the order. He came and visited her, but he refused; he said "I cannot see that there is anything in the world the matter with the woman," and I could not get her certified, and within three or four months she became pregnant by a tramp.

31664. What does that point to?—That the one class passes into the other; and, as we propose, those who are incipient lunatics, when their time is up, we ought to have some supervision over, to see that they are either recovered and discharged, or that there is some further care taken of them.

31665. When they have been lunatic?—When they have been lunatic. If they are of feeble mind you ought to have some care over them.

31666. Do you find that a great many of the feeble-minded women or girls become the subject of the approaches of tramps and other people?—A certain number

31667. Do you think it is desirable that they should be protected?—They must be protected.

31668. By some alteration of the law?—Such an alteration as we propose, to take care of those who are incipient lunatics and not sufficiently developed to say that the disease is confirmed—that is the stage they are in; you should take care of them.

31669. With a view to prevent advantage being taken of them?—Yes, it is only a proportion of them who are erotic; there is a certain proportion who at the approach of puberty take that line.

31670. It is very essential to protect young girls?—Exactly.

31671. Would you suggest that it is desirable to punish people who take advantage of them?—Yes.

31672. On whom would you throw the *onus*; on the man, to prove that he thought the girl was not feeble-minded, or would you make him run the risk?—That is a legal question.

31673. Well, it is a jurisprudential question. Do you think it is desirable that some means should be taken to make the man run some risk? At present it lies on the prosecution to show that he knew she was of feeble mind?—I think that still would be the case; you cannot presume him to know it.

31674. But supposing it were proved clearly that she was the village idiot and he lived in the village?—That still leaves the *onus* of proving that he did know it.

31675. Why should it be for the prosecution to prove that he knew it? At the present moment he can get

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off, if he thinks the girl is over sixteen, but the *onus* is thrown on him to prove that he had reasonable ground for thinking she was sixteen. Why should not the *onus* be thrown on him to prove he had reasonable ground for thinking that she was not feeble-minded ?—I do not think so, I think you have to show that he knew.

31676. That is the law at present; I am suggesting whether the law should be altered ?—I think not.

31677. Your protection would be a very slight one ?—I do not think you could get anything further.

31678. You would not recommend any alteration being made in that way ?—I am not in favour of that. I do not think, legally, it would be a prudent thing to do; I think the *onus* should be as it is now.

31679. That the prosecution must call a lot of witnesses that she was well known ?—She was well-known and reputed, and that he knew.

31680. That she was known in the locality to be an idiot ?—Quite so.

31681. That comes to very much the same as I am suggesting ?—Yes, if he lived there.

31682. (*Mr. Byrne.*) Supposing the wish of the British Medical Association, for the establishment of a general Department of Public Health, were not carried out by the Government, or were unreasonably delayed, would you in the meanwhile, and in any event, recommend that at any rate all defectives should be dealt with by one authority ?—I think so.

31683. You are not commissioned to say that ?—I think that was the general view. I think you find here that all defectives should come under the care of the Commissioners in Lunacy. That was their recommendation.

31684. And that they should come under one department ? At the present moment the Lunacy Commission exercise certain of their functions at their own descretion and without any control; certain others are exercised under the supervision, to some extent, of the Lord Chancellor; and certain other functions are exercised under the supervision of the Home Office ?—I am aware of that.

31685. Do you think it would be an advantage, before the wider scheme is possible, that all the functions of the Commissioners in their work should be carried on subject to one single authority ?—That is my opinion.

31686. That is the view of the British Medical Association ?—That is the view of the British Medical Association.

31687. (*Dr. Needham.*) With regard to a matter which is much within your own personal experience, have you ever known cases in which the superintendent of an asylum has had, in accordance with his view of the existing law, to discharge from his custody as recovered persons whom he knew perfectly well would very probably have to come under his care again, or get into prison very shortly ?—I have known him very loth to discharge those whom the friends wished to discharge—that is to say, the persons who signed the order.

31688. But, speaking more of pauper lunatics in asylums, have you known cases which a superintendent has, against his will, been compelled to report to the Visiting Committee as being now tranquil and recovered and therefore ripe for discharge ?—I do not visit pauper asylums at all; that does not come within my province.

31689. With reference to the girl you were mentioning, you went to a justice and the justice would not sign ?—He was not convinced.

31690. Was she a pauper patient ?—She would have been sent as a pauper, but she was not in receipt of relief.

31691. Do you think it is desirable that a justice, who has no special knowledge, should be able to override, in a matter of that sort, the medical opinion which has been arrived at ?—I do not think it is desirable, but he is the judicial authority, and all you can do is to lay evidence before him.

31692. Do you think that is a satisfactory state of things ?—I do not see what else you can do. Take a Master in Lunacy's jury, you may lay the strictest evidence before them, but they may not be convinced.

31693. You have the case in Scotland, the medical certificates are presented to the sheriff who is the judicial authority, but it has never been known in the history of Scotland that a sheriff has seen a single lunatic patient; he relies upon medical facts brought before him and gives the order as a matter of course. Do you think it is desirable that that should be the case in England, or is it desirable that the justice in each case should form his own opinion as to the sanity or otherwise of the patient ?—The case is hardly that. The case is this; the judicial authority considers the evidence which you lay before him; if he is convinced he signs the Order, if he is not convinced he does not sign. Supposing the visiting judicial authority does not see the patient beforehand then the patient has a right, after he is in the asylum, to see the judicial authority; you cannot dictate to a judicial authority.

31694. No, that is not the point; the Scotch system provides that the medical certificate shall be taken as final by the judicial authority. If the medical certificate gives facts indicating insanity he accepts them, he does not see the patient himself and form either the same, or a different opinion ?—I may say that since that case happened to which I referred, I have always told magistrates that they were not experts, and that it was not a question for them to decide, but what they had to do was to weigh the evidence, and if the evidence was sufficient they were to decide according to that, but they were not expected to consider the condition of the patient at all as experts.

31695. Would you like to have expression given to that in a modification of the Act of Parliament ?—I think it would be a very wise thing to do, anyhow, to say something to the effect that the judicial authority was really an authority to weigh the medical evidence, but that such judicial authorities were not as experts to give their own views as to whether a person was sane or insane.

31696. You have to do with the visitation of licensed houses ?—I have.

31697. You used to visit a large licensed house, in your neighbourhood, of about 700 ?—Yes.

31698. Do you think that the number of visits paid by the local authority is too large ?—Six a year.

31699. In this particular asylum, do you think it is too large; the Commissioners visit it twice, the local authority visit it six times ?—Yes.

31700. Are those six visits too many ?—I do not think they are.

31701. Do you think it would be safe, having regard to what you know of those particular places, or any other place of the same kind, to reduce the number of visits ?—The justice's visits ?

31702. The justice's visits, if you like ?—I do not think it would.

31703. You think a considerable number of visits, and frequent and unexpected visits, are essential to keep a place like that up to the mark ?—I think they are very desirable, and the patients in the house are constantly changing; they are in and out.

31704. You would not advise that the visits should be reduced to, say, two a year ?—I think not.

31705. You think things would very likely go wrong ?—I do not think four is too many. Of course there is the monthly visit besides, on the monthly report.

31706. As regards the appointment of an Assistant or deputy Commissioner, do you know whether it was in the minds of the committee whether the deputy Commissioners should be local or should be central ?—I do not think that was discussed, but in my own opinion, if you ask that, I should think it ought to be central.

31707. Not local ?—Not local.

31708. What would be the objection to local Commissioners ?—If I may offer my opinion, without giving reasons, I think I would rather have them central.

31709. You do not think local influence would increase their efficiency ?—I do not think it would.

31710. You have come here, and you have presented us with a statement of the British Medical Association; the British Medical Association represents what number of men ?—About 20,000 I think.

31711. Practically all the members of the profession in the country ?—No.

31712. The vast proportion of them?—A large proportion of them.

31713. I suppose the committee of which you were chairman was a committee appointed by the Council?—The Lunacy Committee was a sub-committee of the Medico-Political Committee.

31714. But the Medico-Political Committee, which is the same thing, was a committee appointed by the Council?—Yes.

31715. The Council representing the whole of those 20,000 practitioners throughout the country?—Quite so.

31716. Therefore it may be taken, I suppose, that any opinion expressed by the Council is the opinion of the medical profession generally?—You may take it so.

31717. And I may take it, therefore, that any opinion expressed by the committee is the opinion of the medical profession generally?—Quite so.

31718. Was this report which you have submitted to us, submitted to the Council of the British Medical Association after being formulated by the committee?—A great part of it has already been presented; not that actual form which appears there, but the great bulk of it has been once or twice before the Council and before the Representative Body.

31719. I may take it that this represents, not the opinion only of the committee of which you were chairman and the large committee which appointed you, but of the Council representing the whole of the medical profession?—You may take it so.

31720. (*Chairman.*) Is there anything you would like to add?—One thing struck me; a question was asked about something which we recommended here: "The Association recommends that the present disqualification of becoming Commissioners in Lunacy should be removed," and I think we are very strong upon that for this simple reason, that the men who would form the best Commissioners are the men who are actually engaged in lunacy practice, men who hold large and lucrative appointments at the present moment, and who are in the hey-day of their strength and judgment, but who would not be likely to give up their appointment on the very problematical chance of getting an appointment as a Commissioner a year hence, and therefore to remove the disqualification of those sections of the Act would be rather to the public advantage than against it; I am not quite sure that a very simple expedient would not get over the difficulty; for example, if you take Scotland, which has been quoted very largely to-day, take the case of the Sheriffs-Principal in Scotland; they are all barristers in large practice, but it is a matter of etiquette that they do not take a brief from their own county. It would be a very simple matter, for a year or even two years, if you like, to say that the visitation of the houses with which they were formally connected should not be committed to them. I think that would get over the difficulty and yet not exclude men who are extremely well qualified for the post.

31721. (*Dr. Needham.*) Would it not be a still easier thing to simply say that no person holding the office of a Commissioner should have any interest in a house?—That would get over it, except that it would not get over the feeling many people would have, that a man who has been superintendent ought not to visit, as a Commissioner, people whom he has just had under his charge. I do not know exactly what the rule is in Scotland, whether it is a legal disqualification or whether it is a matter of etiquette; I know that Sheriffs do not accept a brief from their own county.

31722. (*Mr. Greene.*) In what way would you apply that to a person who has been superintendent and wishes to become a Commissioner in less than a year?—During the first year, or the first two years if you like, of his appointment as a Commissioner, he would not visit the particular asylum with which he was formerly connected—other Commissioners could do that. It is a very simple matter to arrange.

31723. (*Dr. Needham.*) Would not this apply all round? A man who has been appointed from a county lunatic asylum might take his seat to-day, and to-morrow he might go and visit his old asylum. There never has been any suspicion that a man visiting his own asylum, if he found any defect which had sprung up since he left, would not point it out.

31724. (*Mr. Greene.*) One year intervenes.

31725. (*Dr. Needham.*) But any private individuals; why should there be any distinction?—I do not know why there should be any distinction; I know a number of county asylums receive private patients. It would be advisable to make it apply all round.

31726. I should have thought that simply saying a man should not have any interest in a private asylum would have been everything that is requisite. As soon as a man leaves a county asylum or a hospital his interest in it ceases; he cannot have any interest?—That is so, but patients would not think so. May I be permitted to add that I think it desirable that every nursing or other Home should be licensed by the justices as suitable for the purpose before receiving incipient cases; and that so long as a case is in residence the Home should be subject to the same supervision as a licensed house. If the six months proposed certificate for incipients were extended as suggested for an additional three months, it should be by permission of two visiting justices, in the same way as an "Absence on Leave" in a licensed house. I believe the desirability of efficient inspection of those under detention far outweighs any chance of harm being done to a patient by the visit of an official visitor.

SIXTY-SECOND DAY.

Friday, 14th December, 1906.

PRESENT.

The Right Hon. The EARL of RADNOR (*in the Chair*).

W. P. BYRNE, Esq., C.B.
T. NEEDHAM, Esq., M.D.
The Rev. H. N. BURDEN.
H. B. DONKIN, Esq., M.D.

HARTLEY B. N. MOTHERSOLE, Esq., M.A., LL.M. (*Secretary.*)
E. A. H. JAY, Esq., M.A., LL.B. (*Assistant Secretary*).

J. B. SPENCE, Esq., M.D., called; and Examined.

J. B. Spence, Esq., M.D.
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31727. (*Chairman.*) We are much obliged to you for coming to assist us again. You have been so kind as to give us a statement of your evidence; may we put that on our notes?—Yes.

31728. Is there anything you wish to add to it?—I should like to preface it by just one word. If I were asked by my committee to report on any special department in my own asylum, I think the first thing I should do would be to ask for the advice or the counsel of those who are in charge of the department under me, so I think that the views of the Commissioners in Lunacy in a matter of this description would be a very important thing to have. They know the wants of the country perhaps as well as any witness you can have before you here. It is subject to that that I have made any remarks.

31729 In your evidence you represent the Visiting Committee of the County Council?—Yes.

31730. Those are the views of the Visiting Committee of the County Council?—No, I must not say that; it is not fair to say that.

31731. You come as the representative of them?—I come as the representative of them, but in no sense speaking their views; they are my views, not those of the County Council.

31732. Your committee, of course, are familiar with your views?—Yes.

31733. Practically you can speak for them?—I mean to say my views have not been before the Committee and ratified by them.

31734. Not formally?—No.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY J. B. SPENCE, ESQ., M.D. (MEDICAL SUPERINTENDENT OF THE STAFFORDSHIRE COUNTY ASYLUM, BURNTWOOD, NEAR LICHFIELD).

I would in the first place say that after a long experience extending over thirty-five years I entertain the very highest respect for the work done by the Commissioners in Lunacy, so much so that I should be very sorry indeed to see anything done to alter that body save by augmentation, and the addition to it of the duties of the other bodies mentioned in the above paragraph. When one considers what an inflammable subject lunacy and the treatment of the insane is, and how readily public opinion is led in one direction or another by the smallest irregularity, it is very remarkable how little criticism has been passed upon the work of the Commissioners in Lunacy during the many years that body has been in existence.

To put my views of the matter briefly before you, and without giving reasons for them at the present moment, I would like to see:—

(*a*) The Lunacy Commission, the Masters in Lunacy, and the Lord Chancellor's Visitors in Lunacy amalgamated, with such a re-arrangement of the officials as the circumstances would require.

(*b*) I am not in favour of doing away with the legal Commissioners as one hears so often recommended.

(*c*) I would very strongly advise against the appointment of Assistant Commissioners, as I feel that the only valid reason for the creation of such officials would be the small economy that might thereby be effected, but this saving would be very dearly bought by the loss of confidence of the public in the class of men who would be likely to accept the post, as a smaller salary than that now paid to the Lunacy Commissioners would not attract the best men—men, who in all probability would be in the receipt as heads of large public institutions, of salaries which, with emoluments, would not very remotely approximate to the salaries now paid to the Lunacy Commissioners. A very important duty of the Commissioners in Lunacy, that of deciding as to the liberty and detention of private patients, and indeed practically of all certified lunatics, would in all probability be one of the duties of the Assistant Commissioners, and it appears to me most inadvisable that such a very critical function should rest with any but men who would be the most experienced and skilled to be found in the specialty, and who would consequently have the entire confidence of the public. The Commissioners, as guardians of the subject, discharge a very difficult and important duty, and no question has ever to my knowledge arisen as to the way in which this duty has been carried out, but I fear very much that such would not be the case with a less experienced class of inspectors. I have in my mind the difficulty a distinguished man found some years ago in obtaining a suitable candidate for a somewhat similar post in another country, and I should be very sorry indeed to see such an honourable, onerous, and responsible position hawked about and offered here and there to men who, when appointed, might not command the respect and confidence of their fellows and of the general public.

(*d*) It does not appear that the present system of Commissioners visiting in couples is absolutely essential. I quite recognise that sometimes the presence of legal and medical Commissioners is useful, but in the majority of visits one Commissioner might well do the work of two, and when special circumstances should arise, then a combined visit might be paid for the purpose of investigating any particular point or points requiring medical and legal experience.

(*e*) I should like to see all the duties relating to the legally-recognised insane and imbecile institutions of the country, such as, for example, all Metropolitan imbecile asylums, placed under the control of the Commissioners in Lunacy. The visits to Chancery lunatics might also be worked in with visits to pauper and private lunatics, and any legal questions such as are now the subject of enquiry by

Masters in Lunacy might still be left in the very capable hands of those gentlemen.

(*f*) The supervision of expenditure, and the final decision as to plans of buildings which are now submitted to the overworked Local Government Board, and Home Office, might well be left to the control of the Commisssioners in Lunacy.

(*g*) On no account should any power at present exercised by the various county councils be relegated to the new Board or to any other Central Board. The local authority is more likely to be conversant with local wants, and is as likely, in the future, to be as wise in its control of expenditure as a Central Bureau would be.

31735. (*Mr. Byrne.*) I gather from your statement that you would be in favour of having one lunacy authority in charge and control of all forms of mental defect ?—That is my idea.

31736. You have specified the Metropolitan Asylums Board asylums, for instance ?—All forms of mental unsoundness, whether congenital or not.

31737. That is in accordance with views which have been put before us with great force. May I ask, as a matter of fact, whether you have seen any of the Metropolitan Asylums Board institutions ?—Yes, several of them.

31738. Have you seen Leavesden ?—Yes, many years ago.

31739. Of course it is a little bit more of an infirmary now than it was some years ago. Do you think that it might fairly be described as practically a lunatic asylum now ?—Not a lunatic asylum exactly, but an asylum for damaged intellects.

31740. It contains, of course, a larger proportion of congenital cases than the ordinary county asylum, does it not ?—Quite so.

31741. It is almost exclusively confined to fairly quiet and amenable persons ?—Yes.

31742. And of course it has very few, if any, curable cases ?—Yes.

31743. Leaving out those exceptions, it is very like an ordinary county asylum ?—Very like; there are a good many chronic cases in the county asylum like those which you have at Leavesden.

31744. Is it true, if you leave out the part of the county asylum which is devoted to the active treatment and cure of persons, that these Asylums Board asylums are like county asylums ?—Very much.

31745. They have the same problems to meet; what is suitable for one, in the matter of supervision, economy and staff, roughly speaking, would be suitable to the other ?—Yes.

31746. Is that also true of such workhouses as have certified lunatics in them ?—I have no experience of those. I should say that it would probably apply, as well, to those which have regularly set apart lunacy wards.

31747. Would you like to see them under a central authority ?—They are, at present, more or less.

31748. They are inspected by it, but they have no power to make regulations for them or to prescribe buildings ?—No, the Local Government Board have that; it would be a pity to mix the two authorities.

31749. That is a point upon which I would like to ask a question, because we have had opinions expressed on both sides ?—When special wards are about to be erected in connection with workhouses it would be well to seek the advice of the Commissioners in Lunacy, but where wards are simply set apart for lunatics in the main building then the Local Government Board and the Guardians should be the authorities to be consulted; otherwise I fear you would have friction.

31750. You think that wherever the Guardians actually carry out the work of maintaining them, as they do in those circumstances, it ought to be left to the Guardians and their Authority namely, the Local Government Board? —That is my impression, but I should like to see inspection by the Lunacy Commissioners.

31751. County asylums are run on the lines of regulations submitted by the local authority, recommended by the Lunacy Commissioners, and approved by the Home Secretary. Those regulations are of a fairly detailed character; they are largely similar in all institutions, and they practically dictate the lines on which asylums for lunatics shall be run in this country. The result is generally held to be successful, is it not ?—I think so.

31752. The Commissioners have had some evidence, partly that of their own eyes, that lunatics in workhouses, even in specially certified wards, are not kept and cared for precisely on the lines which are laid down in these regulations, nor on similar lines. Would you think it an advantage that the Lunacy Commissioners, considering that these people are lunatics, and mostly imbeciles of the same class which are found in certain wards of county asylums, should have power to prescribe regulations for treatment ?—I take it they have power to recommend, at all events. They can go to the workhouse, make comments on what they see, and if it is not satisfactory, make suggestions to alter it, though they may not have the power to alter it.

31753. Have they done that in some cases with little result ? Supposing that to be so, would you think it indicated that a greater or more definite power should be given to the Lunacy Commissioners with regard to these lunatics ?—It is an extremely difficult question. It brings up the question of a possible conflict of authorities. It would rather lead up to the advisability of the creation of some large, I will not say central, but say divisional institution, to which those people should be sent, and these divisional institutions should be under the charge of the Commissioners in Lunacy.

31754. You are aware, no doubt, that a conference was recently held in Lancashire (and I daresay elsewhere), between the Lunacy authorities and the Poor Law authorities, and they are proposing to visit the Home Secretary by deputation and ask him if he will encourage them to start what might be called workhouse asylums, asylums of a cheap, economically-run character for chronics, utilising such proper workhouse accommodation as exists for the purpose, and putting it under the Lunacy Commissioners. Would you agree with that ?—I would agree with that, thoroughly. I am afraid that if you have in one establishment two classes of patients, the ordinary workhouse inmates and persons afflicted with mental enfeeblement of some description, you will have clashing.

31755. Would you recommend that lunatics at present in workhouses should be relieved from the Local Government Board's hands, because at the present moment the workhouse as a whole is under that authority, but if the workhouse were afterwards certified as a workhouse asylum and contained nothing but lunatics, then you would put it under the Lunacy Commissioners ?—That is my opinion. This idea is not new. The asylum with which I have been connected now for nearly thirty-five years was originally built to be carried out on those lines.

31756. In the evidence which you gave about eighteen months ago you adverted to this point yourself, but did not answer the particular question I am now putting, which is more appropriate to our extended reference. To sum up, you approve of this idea of having workhouse asylums for chronic quiet patients ?—I do not like the expression "workhouse asylums"; I should say asylums for chronic cases.

31757. Such as Leavesden ?—Yes, quite so. Of course the difficulty is that in small counties you could not get those. It would have to be a combination of counties.

31758. Would you consider that a desirable step to take ? —I think it would be, if practicable.

31759. Its practicability is a mere matter of appropriate legislation, is it not ?—Yes.

31760. Would you recommend this Commission to report in favour of it ?—Yes, I think I should.

31761. In workhouses, at the present moment, there are among the ordinary inmates, not in specially certified wards, but scattered about among the inmates, a somewhat substantial number of lunatics; we have seen them with our own eyes in many places ?—What do you define as a lunatic ?

31762. A person who, taking the average certifiability, would be certified. Of course, that is always a matter of opinion and a matter of circumstance and so on, but one whom I should say seven out of ten doctors would certify at once ?—Congenital imbeciles ?

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31763. No, lunatics; sometimes with congenital defects as well; melancholics, babblers and so on. You are aware of their existence?—Yes.

31764. At the present moment they are under no inspection by a technical lunacy authority?—No.

31765. They are under the inspection of the very able and useful gentlemen who are the Local Government Board inspectors?—Yes.

31766. If the medical officer of the institution, who is often not a lunacy expert, you will agree, has a crank in the way of not certifying people, he can leave a substantial number of lunatics in the workhouse, can he not?—Yes.

31767. None can say him nay; on the other hand, if the Guardians do not want to have him certified, they can insist on him being kept there, can they not?—Yes.

31768. If it is plain that there are lunatics, so called melancholics, babblers, and so on, living in the ordinary wards sometimes with young people, would you consider that inexpedient?—Yes, I would; who is to certify them if the medical officer will not?

31769. I am going to ask that; you agree that it is inexpedient, if it exists, and it ought to be remedied?—Yes.

31770. It can only be remedied by some superior lunacy authority. Would you give the Commissioners, assuming they had sufficient numbers for these duties, authority to occasionally inspect the ordinary wards of workhouses with a view to seeing that no person whom it was inexpedient to detain there should be allowed to be detained there?—That is a very large question I am bound to say I have not considered it. Of course, it would be advisable to give them the power to do so,

31771. Are the difficulties which make you hesitate difficulties of administration?—Yes.

31772 They are not at all difficulties as regards the expediency of the course itself?—Not at all.

31773. Perhaps we had better leave the matter there?—It is my personal feeling that it would be advisable to do it; but it would be a difficult matter to carry out without a very great increase in the Commission and a considerable increase of legislative power granted to the Commission.

31774. If those difficulties could be met?—It would be advisable.

31775. You would consider it not only advisable, but a matter of some importance?—Yes.

31776. Are there any other directions in which you think the authority or jurisdiction of the Lunacy Commissioners or other central lunacy body, should be extended; you have mentioned some here?—Of course there is the question of the inspection of the houses where only single patients are received; that is a most important thing.

31777. Will you favour us with your opinion on that?—I think most emphatically that it is advisable; more than advisable, it is necessary.

31778. What sort of detective or inquisitorial powers would you give them in order to find out these houses?—I suppose the same powers as they have at present when they hear of a lunatic being confined in a house, or illtreated; they have power to go themselves, or send a representative, to examine and inspect that house.

31779. Do you think a similar power, set out in express terms in the Statute, to enable them to visit every house where they believe there are lunatics, would be effective?—I think it requires some alteration in the law as to the confinement of single patients, and a report to the Commissioners about all single patients. Then the Commissioners would go, in the natural course, to examine and inspect.

31780. Do you think it should be made an offence to keep a patient, or to run a nursing Home or institution, whatever name you give to it, containing lunatics, without reporting?—I do. I have had a case within the last week. It was that of a woman who had been ten years kept in a house; she was allowed on occasions to wander about the streets, to be jeered at by the boys, to run all sorts of risks, and at last she happened to get further away than usual and she was taken up by the police. The relieving officer was called in and she was brought to me in a terrible state, bruised all over, her body in a filthy condition Her friends who were fairly well off in their way, were indignant that she should be brought to such a place, and thought she had been well treated with her daughters for ten years, who were very hysterical people, and if they had all the affection in the world they could not have done their duty to this woman as it ought to have been done. I think they ought to have been compelled to have proper treatment afforded to this unfortunate woman during all those years.

31781. Do you think cases like that can only be provided for by giving the central authority power to visit?—The difficulty in a case of that description is to find them out. If you had a penalty people might be more afraid than they are at present.

31782. Do you think the usual £50 penalty would be quite sufficient?—Yes, I should think it would be; people do not like to act directly against the law. There is no law at present, so they think they may go on just as they wish.

31783. What power would you give the central authority for dealing with the individual, in cases like that? Would you give the Lunacy Commissioners power to order that woman to be removed to an asylum if her people were quite unable to take care of her properly?—I think so. It is no use leaving the matter in their hands.

31784. Whether it were as a pauper patient or as a private patient?—I take it that if the Commissioners in Lunacy are not satisfied with the way in which private people look after their friends they ought to have power to say, if their means are sufficient, that they should be sent to an asylum suited to their class, or have power to send them to the wards of the county asylum, where everything is very comfortable nowadays; good enough for anybody.

31785. Do you think that if those powers were given they would be gladly accepted by the people in this country?—I am not quite sure they would at once; I doubt if they would.

31786. People would have to get used to it?—Yes.

31787. The public do not know anything about these troubles, do they?—No.

31788. Have you sufficient experience to be able to tell us whether such improper detention frequently happens?—I do not think we have so much of that in the Midland Counties as you get in the south; I have very little experience of it.

31789. With regard to paragraph (*g*) in your statement, to the effect that the powers of the local lunacy authorities should not be infringed by taking them away and giving them to the new Board, to what particular powers do you refer, because I do not think we have had any suggestion before us that the powers of the local authorities should be weakened in any way?—In the course of conversation I understood that the powers the local authority had at present in connection with the planning and arrangements of asylums should be taken away from them and handed over absolutely to the Commissioners in Lunacy. I have read some evidence that turned on that point.

31790. That is true, we have had that suggestion pressed very strongly upon us. You would oppose that?—I would give the Commissioners very wide powers of recommendation, but I should be sorry to see one plan laid down for every county, and I should be equally sorry to see the powers which are rightly given to county councils at present curtailed in any way; they are a very respectable body of gentlemen, anxious to do the best for the county in which they live; I should not like to make them absolutely the slaves of the central power.

31791. Do you think it may fairly be stated at the present moment that the work which falls to the local authority, with regard to the asylums, in the matter of planning, detailing and regulating asylums, is admirably carried out in this country?—I think it is very well carried out. You may have individual exceptions, or they may make mistakes like every other human agency, but I think on the whole they do very well. On the other hand I should like to say that it is rather unfair, when the question of expense is brought up, to lay all the blame

on the Commissioners in Lunacy. I have often heard people say that the Commissioners insist you shall do so and so and that that makes the expense of building asylums so very heavy. I do not think it is always the fault of the Lunacy Commissioners; though they wish to have things nice, they do not want to have them too elaborate. I think we are erring on the side of over-elaboration in our asylums.

31792. You are aware, of course, that the Lunacy Commissioners have in many cases positively impressed the desirability of economy on local authorities, especially in recent years?—Yes, especially of recent years.

31793. As a matter of general knowledge you are probably aware that the Government departments, speaking as a whole, have only recently been very seriously impressed by the necessity of economy, and the Lunacy Commissioners have shared that general feeling?—I think the Commissioners have for several years past; it is not a matter of a year or two, but it is for several years past.

31794. You think the legitimate influence which they should exercise in such a matter might be perfectly properly exercised under the existing law as it stands?—I should say so. I would not like to take it away from the local bodies.

31795. Was that the only point?—Yes.

31796. (*Dr. Donkin.*) I should like to know your views with regard to the functions which should be performed by the legal Commissioners. You say here: "I am not in favour of doing away with the legal Commissioners as one hears so often recommended." I am not aware that it is proposed to do away with them?—I have often heard the suggestion that they are unnecessary.

31797. With regard to the functions and numbers; take first the Lunacy Commission as it is at present constituted, and the work that it has to do now, and then the possibility of the work being very much increased. First I should like to know what proportion of legal and medical Commissioners you would think there should be?—I should think if you have an increase of the Commission it ought not to be on the legal side. It is so difficult for a medical man to give a suggestion without appearing to be biassed in any way; you will make allowance for that. I am strongly in favour of an increase in the medical side of the Commission, without any increase in the legal side.

31798. I think we may admit that the present work of the Lunacy Commissioners is much more than they can satisfactorily perform?—Yes.

31799. To do that present work would you recommend the addition of medical members?—That raises another point. I made a remark here as to visiting. If you are going to do the visiting by two Commissioners in future you would almost require to increase it by equal numbers of the legal and medical Commissioners; that is if the visiting is still to be carried out by a medical gentleman and a legal gentleman.

31800. You have expressed an opinion that it is not necessary?—Sometimes I think that one gentleman could do the work just as well as two.

31801. Do you think the single visit would be equally efficiently performed by the legal and the medical Commissioner?—I think it might be.

31802. You think the duties at present performed by the Commissioners might be performed, after a certain amount of experience, by a legal gentleman?—Yes; suppose you had two visits a year, and it should be a point always that one should be by a legal man and the other by a medical man.

31803. If the work were increased, supposing other duties such as have been suggested were added, under the supervision and control of the Commissioners, do you say then the proportion should be different from what it is now?—I should be strongly in favour of an increased medical Commission, because I think it is a medical matter very largely, though occasionally it becomes a legal matter; then a fewer number of legal Commissioners would be sufficient.

31804. Would you say, with regard to visitorial functions especially, that the medical element is more important?—I think it is, except occasionally when legal points come in, which is not very often.

31805. It would be necessary always to have some legal authority on the Commission?—I think it would be advisable. *J. B. Spence, Esq., M.D.* 14 Dec. 1906.

31806. With regard to Assistant Commissioners, you strongly advise against the appointment of Assistant Commissioners. That is a very widely-spread feeling?—I think very strongly that what you are doing will raise the question of the employment of Assistant Commissioners as in Scotland. It is a very different thing in Scotland. In Scotland those Assistant Commissioners are practically employed in visiting boarded-out patients, who are harmless feeble-minded patients, and they practically do nothing in visiting asylums themselves.

31807. They have special functions?—I would not go so far as that. I made enquiries, and I had a letter from a very distinguished man. I asked him what the functions of Assistant Commissioners were. May I read what he said? He said: "the deputy Commissioners are wholly engaged in the inspection of patients in private dwellings. Occasionally but rarely they accompany the Commissioner on their visits to asylums, and assist them in ticking off the names of the patients. I suppose they could and may be deputed to report to the Board of Lunacy on any matter, but that very seldom takes place, and they are not members of the Board."

31808. Supposing that, without in any way doing away with the visits of the authoritative Commissioners in asylums, in the case of a great increase of the work it were thought desirable to appoint, not necessarily under the name of Assistant Commissioners, but assistants say under the name of inspectors who would report to the Commissioners and take off from them part of the inspecting work in asylums and other institutions, would you see any objection to that?—Yes, I would rather not have it. I cannot see what is to be gained by it. What is the advantage of it? Perhaps it may save a few hundreds a year, but what is that in a great question such as this?

31809. You would think that the visit would not be efficient?—I would not like to say that, but I do not think it would have the same weight as it would have if done by the Commissioners themselves.

31810. I mean that the Commissioners would still visit, but perhaps visit some institutions less often?—I do not think the institutions want such a great deal of visiting as to require the consideration of this subject.

31811. I am taking the case of possibly very much increased work?—Visits to single patients?

31812. And also possibly new institutions?—I think myself that single patients would probably be in the majority of cases acute cases, and cases which would want the very greatest authority brought to bear on the people who were treating them, or who had them in prison, so to speak, and you would want the influence of the very strongest men you could bring to bear upon them; you do not want assistants or deputy Commissioners, you want the Commissioners themselves. I cannot see what is to be gained by employing Assistant Commissioners. It is a difference simply in the salary of the first man and of the second man. After all, that would not amount to a very great deal in a year.

31813. In the event of institutions being established for the care of the feeble-minded, labour colonies or other institutions, if they were put under the lunacy authority it would very much increase their work and require an increase in the *personnel*?—If you are going to insist on the same amount of secretarial work for these institutions that we have for the acute lunatics, then I think the increase ought to be on the side of the office.

31814. It would mean a great deal of visiting?—Yes, I do not think that visit need be a very big thing; not for these chronic cases.

31815. Many cases would require a good deal of revision from time to time, if under a new certificate the liberty of large numbers were to be curtailed?—If they were congenital cases—I take it the majority of those cases you are speaking of would be congenital cases—you would not want much reconsideration of their mental state.

31816. There has been a good deal of evidence before us that there are large numbers of the congenitally feeble who are not of the lowest grade, or even a low grade, of idiocy, who are very harmful to society, whom it is not an

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easy matter at the present moment to certify; certainly under the present certificate?—Not under the present certificate, but I think it would not be a difficult matter. If the law said definitely that all people below a certain standard should be confined in asylums I do not think it would be very difficult to put your finger on them.

31817. You do not think the certificate would be required to be revised frequently?—No; I have a very poor opinion of the results to be obtained, from the curative point of view, or the educational point of view, in connection with these congenitals. You are going to do the rest of the community good, but I do not think you are going to do them much good.

31818. I am assuming the possible confinement of large numbers of imbeciles of various grades; if they were put under the Lunacy Commissioners it would much increase their work?—Certainly it would.

31819. Do you think then that some of the functions of the Lunacy Commissioners would be to look after these institutions?—Certainly.

31820. Would it be then very undesirable to have inspectors appointed?—I would not like to say "very undesirable," but I should say it would be undesirable to have them.

31821. You think everybody who visits every institution of this kind ought to have the full powers which the Commissioners now have?—I never think a second man has the same power as the first man.

31822. (*Dr. Needham.*) I see you say that under subsection (*e*) all the duties relating to the legally recognised insane and imbecile institutions of the country, such as, for example, all Metropolitan imbecile asylums, should be placed under the control of the Commissioners in Lunacy. You know, of course, that the Commissioners in Lunacy visit?—Yes.

31823. Do you propose that the Commissioners should have any further power over them than they have at present?—I should say they ought to be absolutely under the control of the Commissioners.

31824. I gather you do not think it is at all advisable that you should have younger, less experienced, and less highly paid inspectors visiting asylums; you think they would not carry the same weight as the Commissioners carry?—I do not at all think they would. As I said before I can only see a monetary advantage; it might save a few thousands a year, but after all, what is that; I am strongly in favour of having the Commissioners increased, men of the same power and standing being appointed as additional Commissioners.

31825. You, as a superintendent of great experience, would know whether persons of that kind coming would have any influence with the superintendents?—I doubt whether they would have.

31826. Or whether their visits would be a little offensive to superintendents?—I was only talking the matter over a few days ago with a gentleman who gave evidence strongly in favour of it, and his suggestion was that the sort of men who would be appointed would be men who are senior medical assistants to asylums now. I fail to see that they would have weight with superintendents of considerable standing. There would be likely to be a little clashing of opinion between them.

31827. Do you think it is desirable that the visits of the Commissioners should be less frequent than they are, seeing that they only visit county asylums once a year? Do you think they should visit county asylums less than once a year?—No, unquestionably not. I think the visit of the Commissioners is a very good thing; I think it is stimulating.

31828. Do not you think everybody requires a sort of prompting at the back to keep him up to the mark—Commissioners and other people?—Certainly; I never contemplated for a moment that the number of visits should be less; on the contrary.

31829. No, but Dr. Donkin asked you whether you thought it would do for those inspectors to visit, and for the Commissioners themselves to visit a little less frequently?—Yes, but I thought that applied more to single houses or to new institutions that would be opened for imbecile patients.

31830. (*Dr. Donkin.*) I meant the institutions where the Commissioners visit now more often than once a year.

31831. (*Dr. Needham.*) Do you think, speaking broadly and generally, that the relation between the Commissioners and superintendents, on the whole, is a satisfactory one?—Very much so.

31832. Do you find that the Commissioners are willing to advise and consult with superintendents upon matters upon which they wish to consult?—I must make it a personal matter. In my long experience with the Commissioners now I have never had a moment's disagreement with them. Here and there you will get a cantankerous man who will fight on one side, but I do not think it is the experience of the majority of superintendents that they have difficulties with the Commissioners.

31833. Do you think things have changed from what they were years ago, and that the condition of the Commissioners should be made more mandatory and less advisory? Do you think that they exercise, probably, more influence as an advisory body than they would if they had the power of ordering?—That is what I meant to suggest in paragraph (*g*).

31834. That refers more to the interference with the duties of the local authority?—If all asylums are under the local authority, nothing the Commissioner could say or do could be done without the intervention of the local authority at present.

31835. I was referring more to the influence of the Commissioners generally, their being in a position to say, "We think this particular thing is right or this is wrong, but we have no power to compel you to either adopt this or avoid it"?—But if you were given the power that would be interfering with the local authority because the Commissioners' report is read to the representatives of the local authority, and their recommendation is carried out afterwards.

31836. You deprecate that. Do you think that if the strength of the Commission were increased it would be desirable that the Commission should give the local authority more opportunity of consulting with them in some way or other?—I take it that they do that at present. Take the matter of buildings; it is very often the case that the Commissioners make appointments with representatives from the local authority and from the officials to see them, and consult and talk over plans and other matters with them. I have done it myself.

31837. Have you heard that it has been commonly suggested that an extention of intercourse between the Commissioners and the committees of county asylums is very desirable; that they ought to have more frequently opportunities of friendly discussion——?—Do you mean something in the same way in which the inspectors of the Local Government Board at present attend meetings of Boards of Guardians when any particular point is on and talk the matters over?

31838. Do you think that would be advisable?—There would be no harm in it.

31839. As regards your county council, have they got any craving for that?—Not the slightest.

31840. You think they would rather deprecate it than otherwise?—I have never heard it suggested in any shape or form. I cannot speak for individuals, but I have never heard it suggested as a matter of committee work.

31841. You think the means of access to the Commissioners which the committees have are adequate?—My feeling is that the Commissioners would always, if it were suggested to them, make an appointment with any member of the committee to talk matters over.

31842. You do not think the Commissioners are inclined to stand off, rather to want to put off the committee, instead of having friendly discussion?—I certainly have never had that feeling.

31843. (*Mr. Byrne.*) If the central lunacy authority received an extended jurisdiction over the lunatics in workhouses they would necessarily get into their hands a considerable number of cases of congenital defect,

young persons with congenital defect, who were trainable, and whom it would be an advantage to the community to train. For instance, they would take over the whole of Darenth, the asylum of the Metropolitan Asylums Board ?—Yes.

31844. That at the present moment is a huge training place ?—It is said to be a huge training place.

31845. It has become so to a much larger extent during the last year and a half ?—I am very dubious as to the amount of training which takes place in these institutions. I was seven years medical officer to one, and although I am a very strong supporter of the place and the wonderful goodness shown to the patients there, yet I do not think there is a great deal to be done for the congenital imbecile; if you refer to backward children that is a different matter—there is such a marked line to be drawn between backward children and the congenital imbecile.

31846. We are told they are a different class ?—Yes.

31847. But at any rate they would get into their hands a considerable number who are undergoing training, whether it is any good or not ?—Yes.

31848. Would the Commissioners in Lunacy be quite able to continue that ?—Yes, if they were increased in number.

31849. It is just as much part of their business as the cure of acute lunatics ?—They do now at Earlswood.

31850. They inspect it ?—Yes.

31851. They do not regulate the instruction, and I am sure they would not even criticise the method of instruction there, because they have never done it, but if they had a more definite authority in that direction they would ?—I suppose they would, if they thought it necessary. I have always thought that at Earlswood things were so well done that there could not easily be any improvement. I was there seven years and I know the work was very well done. *J. B. Spence, Esq., M.D.* 14 Dec. 1906.

31852. If they controlled Darenth, and so on, they would have a number of patients who are being educated ?—Yes, then they would have power to maintain them.

31853. And the ability ?—As to ability, they would learn that as well as other things. Legal gentleman have no knowledge of lunacy matters when they are appointed, yet they learn them in time.

31854. Another question is with regard to the method which is now in force in Scotland for dealing with incipient insanity, which method it is suggested should be introduced into England, namely, giving a certificate available for six months, or some short period, which would put a person under control, not stigmatise him as a lunatic or person of unsound mind, but would enable him to be dealt with in an entirely proper way. Do you agree with that ?—Yes, I am strongly in favour of that.

31855. If it were carried on on some such lines as the Scotch legislation, would you think that any notification of such cases should be made to the central authority ?—Certainly.

31856. Do you think they should have power to visit by themselves or a deputy if they thought it desirable ?—I do strongly.

31857. (*Chairman.*) Is there anything you would like to add ?—No.

P. P. Pennant, Esq., called; and Examined.

31858. (*Chairman.*) Will you be so good as to tell us how long you have been Chairman of the Visiting Committee of North Wales. I have been Chairman eighteen years, and I have been a Visitor, I think, thirty-eight years, so I have had a certain amount of experience. *P. P. Pennant, Esq.* 14 Dec. 1906.

31859. You have had a good deal of experience of the working as between the Visiting Committee and the Lunacy Commissioners ?—Yes.

31860. You have been so kind as to give us a statement of your evidence; may we put that on our notes ?—Yes.

Statement of Evidence Proposed to be Given by P. P. Pennant, Esq., Chairman of the Visiting Committee of the North Wales Counties Lunatic Asylum, Denbigh.

My committee desire to express their high appreciation of the services and advice rendered by the members of the Lunacy Commission, of which the committee have had numerous opportunities of taking advantage.

At the same time the committee consider that the usefulness of the Commission would probably be extended by the addition of a number of members selected from Visiting Committees of say groups of counties. They consider such addition would strengthen the confidence already possessed by the Board, and would secure that the feelings animating the county governing bodies should receive adequate expression and consideration.

The question is also suggested, as worthy of consideration, as to whether, in case the Commission were enlarged, it would not be desirable for a certain number of female visiting Commissioners to be apointed, so that opportunity might be given for female inspection of female wards in asylums.

It is further considered that the Lunacy Commissioners might very well be relieved of the necessity of visiting a large number of single patients throughout the country. This work, it is thought, might well be left to either a county lunacy board or Visitors appointed by Quarter Sessions, whilst the Commissioners would visit cases where special circumstances exist or when recommended to do so by the local Visitors.

In the experience of the committee the method of obtaining orders in Court for the control and care of private patients and their estates is slow and unduly expensive in the case of comparatively small estates, and might suitably be left in such case to a county court judge, or local justices, whether or not specially appointed by Quarter Sessions, without much risk of interference with the liberty of the subject or of mismanagement of the estate.

The visitation of Chancery lunatics in county asylums might, the Commissioners think, very well be left to the visiting Lunacy Commissioners.

The committee consider that some arrangement with proper safeguards might, with advantage, be made for cases of insanity to be placed under treatment for a probationary and limited period whilst yet uncertified. Probably cases of a transient nature would be best dealt with in this way, and, with cases of alcoholism, be allowed to recover without troubling an asylum. They are not, however, prepared to offer any opinion as to how such arrangement could mostly be effected.

It is strongly felt that some steps should be taken to relieve asylums by the removal of harmless imbeciles and chronic lunatics. These could be housed less expensively both as regards maintenance and original cost of buildings, leaving the more expensive treatment of asylums to be applied principally to the more acute and dangerous cases. Bearing upon this subject the committee direct me to forward the accompanying copy of a resolution adopted by them at their meeting on the 19th instant.

Copy of a Resolution Adopted at a Meeting of the Visiting Committee Held in the Asylum on the 19th Day of November, 1906.

Resolved,

"That the committee are of opinion that a large number of the chronic cases and merely feeble-minded now included in lunatic asylums, might equally well be cared for outside with less costly supervision, either in workhouses or in other suitable buildings, but they are also equally convinced that such an arrangement will not be carried out unless the Government grant be extended to such cases."

31861. (*Mr. Byrne.*) With reference to the resolution quoted at the end of your statement, which, of course, is in consonance with many resolutions we have seen, may I ask whether the intention is that such chronic asylums of a cheap and more economical description, say for quiet and chronic patients in workhouses or other suitable buildings, should be under the Lunacy Commission or should be handed over to the Poor Law ?—I think they

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should certainly be subject to inspection by the lunacy authority.

31862. Whether they are under the Poor Law or not?—Yes; as in the case of asylums proper at the present time the Lunacy Commission act on behalf of the Home Secretary, so in the case of these they might act on behalf of the President of the Local Government Board.

31863. In North Wales, supposing effect were given to these views, would the effect be that a considerable number of lunatics would be put into various workhouses, or would one certain workhouse be assigned for this purpose and practically become a workhouse asylum?—The asylum is an asylum for five counties; I think it is probable that five counties would combine for this purpose, but I think it is very probable that neighbouring Unions would be grouped together for this purpose, and that possibly the places would be attached, joining one Union workhouse, or possibly in a separate place altogether, but I do not think that all five counties would combine together to build one; they would be much smaller groups of Unions.

31864. The effect then simply would be, to put it plainly, that a large number of lunatics would be freed from asylum care and treatment and put into the workhouse?—Yes.

31865. Do you think that any workhouse in North Wales is suitable for that purpose at the present moment?—There are a few where they have fairly good buildings for that purpose.

31866. Both sufficient land and open air?—Yes, I do not think there would be much difficulty about that, because our workhouses are not situated as a rule in the middle of a town; they are situated outside the towns, on the borders of the towns, and have ample space, in that respect, for enlarging and so forth.

31867. Would you mention any particular workhouses that you have in mind?—Almost every one that I can think of. Wrexham is on the edge of Wrexham; they have extended their buildings and they have very fair accommodation for this class of patient. Holywell is entirely on the outside of the town; it is surrounded on almost four sides by green fields. St. Asaph union is surrounded on four sides by green fields. I give those as an example. They are in the country, all of them. There would be no difficulty about making suitable provision.

31868. This resolution is the expression of a wish that the modern tendency to remove from the workhouse to the asylum should be altered? Back to the workhouse?—Yes; our idea is that the asylum should be reserved for acute cases and curable cases, and the mere imbecile, the chronic lunatics, should be segregated together elsewhere.

31869. If you omit the acute and curable, you have a very large number of lunatics other than the congenital; you have a great body of lunatics?—Of course it depends where you draw the line.

31870. So it is a very serious recommendation; that is to say, that the lunacy system of this country should be given up with regard to the bulk of lunatics and the Poor Law system should be extended to it; do you think that is likely to have general acceptance?—I think so. You must not carry it to an extreme.

31871. But it is rather an extreme suggestion, is it not? It applies to a very large number of lunatics. It is a very serious step to say that two-thirds of the total number of lunatics should be removed from the existing system and put under another?—We calculate that there are in our asylum at the present time from 10 to 20 per cent. who could be removed and treated in this kind of way.

31872. Only one-fifth?—Yes, something of that sort.

31873. Are there any lunatics in North Wales boarded-out in workhouses, or elsewhere, from the asylums?—Yes.

31874. Certified by the superintendent as fit for the asylum, and certified by the doctor of the workhouse that the accommodation is fit for them?—There are a certain number who have been in the asylum; they have been certified by the superintendent as being fit for workhouse treatment and have gone to the workhouse.

31875. They get the 4s. when they are sent from the asylum?—I do not think they do.

31876. Yes, when they are sent from the asylum?—I am afraid we do not.

31877. Then they are not boarded out under those circumstances?—There are none who receive the 4s.

31878. (*Dr. Needham.*) People who are sent out in that way are kept on the books of the asylum?—We have none of those. I was not aware, myself, that that was possible.

31879. (*Mr. Byrne.*) Yes, there is a definite power in the Act for the medical officer of the asylum to certify that John Smith is suitable for care and treatment in the workhouse, and then if the doctor of the workhouse certifies that the accommodation in the workhouse is suitable for John Smith, he can go to the workhouse and be kept there as a boarded-out patient of the asylum, the asylum authorities keeping him on their books and paying 4s. a week for him. Would you recommend the extension of that?—I should; the adoption of it. I was not aware of it, and I can also say that this matter was discussed last Wednesday morning by the County Council of Flintshire, and they adopted practically the same resolution that is on the paper, and there was no one there who was aware of that. I am afraid it rather displays our ignorance, but so it is.

31880. When the County Council passed this resolution to which you have just referred they clearly understood that if carried out it would remove a substantial body of lunatics from their care and control, and refer them back to the Poor Law?—Yes, the Visiting Committee. The resolution which is down on the paper was passed by our Visiting Committee, which is appointed by five counties. We are not a single county; we are five counties.

31881. A joint asylum?—Yes, and that Visiting Committee distinctly understood the purport of it, and our county council also understood it.

31882. In fact we may take it that that is the view of your authority, that a large number of lunatics should be thrown back on the Poor Law?—Yes.

31883. If, as the result of the Report of this Commission, any other considerable number of persons not now certified and treated as lunatics—I refer to the feeble-minded—came to be dealt with by the lunacy authorities, I presume, *a fortiori*, the county council would like them to be dealt with by the Poor Law?—Yes.

31884. With regard to the statement in your paper, that difficulty is now experienced in obtaining orders in court for the control and care of private patients, that the procedure is slow and unduly expensive, and other provision might be made for it, to what particular orders in court do you refer?—We have had a number of private patients in our asylum, as well as pauper patients. We admit private patients, if the conditions are proper, at as low a rate as 10s. 6d., and as you can easily imagine, in those cases it very often happens that the private patient has some very small estate, and we find that it is most expensive to get at this estate; it may cost £30 or £40 at least, so we are informed, before this can be touched, and we think there ought to be some cheaper and less expensive way of enabling the estate of practically a pauper like that to be dealt with.

31885. You are aware that county court judges have certain powers now, with regard to small estates; do they decline to utilise them in your part of the country?—I do not know; I am not a legal gentleman; I am not aware of that, but I know from my experience in dealing with these private patients, and the correspondence that took place, that there is considerable difficulty very often.

31886. We have heard that from other sources, but what practical steps would you recommend?—I should have thought that some cheap process before the county court judge might be adopted; that was my idea.

31887. A good deal would depend upon whose duty it was to start the proceedings for the patient's benefit?—Yes.

31888. Would you make the Visiting Committee do that; would you give them power to make inquiries as regards the estate of patients?—Yes, I think that would be very desirable and would make the relations and friends deal with the matter, whereas now they put obstacles in the way.

31889. We have had some suggestion that this difficulty might be met by empowering the Lunacy Commissioners

who have certain powers of enquiry already, not only to make enquiries but to deal with the matter by order. Would you think that a good thing ?—I should say that that would be a very satisfactory method.

31890. If they went to the county court there would still be money to pay out of the estate for court fees, and solicitors' fees, and so on ?—Yes, of course.

31891. Which method would you advise us to recommend ; that the Commissioners' existing powers should be slightly increased in regard to small estates ?—I should be inclined to say that that would be the most satisfactory method, that the powers of the Commissioners should be enlarged so as to cover this sort of case.

31892. Did you hear the evidence of the last witness with regard to incipient insanity ?—Yes.

31893. Did you agree with it generally ?—Yes ; I did generally.

31894. (*Dr. Donkin.*) In answer to Mr. Byrne you said there were in the asylum of the committee of which you are chairman, 10 to 20 per cent. of patients who might with advantage be transferred to workhouses ?—Yes.

31895. Is it to be inferred that the remaining 80 per cent. are all either acute or curable cases ?—No, hardly that.

31896. Could you give me any idea as to the approximate number of acute or curable cases ?—About 60 per cent.

31897. 60 per cent. are acute or curable ?—Yes.

31898. What is the accommodation in the asylum ?—We are engaged in building operations at the present time. As soon as those are completed our accommodation will be, I believe, 917, which we can work up to about 1000. We may say roughly that we shall have at the end of next year accommodation for 1,000.

31899. How many counties is it ?—Five counties.

31900. That is rather a high number of acute and curable cases, is it not ?—Of course it is very difficult to draw the line at what is an acute case, what is a curable case, and what is a chronic case.

31901. But you would say certainly not more than 40 per cent. ?—May I put it this way: there are sixty or seventy or even more for whom asylum treatment would be desirable.

31902. You would put it in a general way ?—Yes, asylum treatment would be desirable ; and the remainder would be quite sufficiently attended to in the secondary kind of establishment, which is called workhouse treatment.

31903. You would wish to represent that a somewhat large minority might be treated in that way ?—Yes, a large minority might be treated in a less expensive building, and would require less expensive supervision.

31904. Is there a strong feeling with regard to the desirability of having female visiting Commissioners ?—I would not say that, but there is a feeling that it would be desirable that female inspection should take place occasionally.

31905. It would take place as often as it was considered necessary to inspect the males ?—No, I think that the inspection of the asylum should go on as it does now ; but that the female side should be occasionally inspected by a female would seem to be desirable.

31906. Would it be equally efficacious, do you think, if there were females delegated by the Commissioners to occasionally visit ?—Yes, exactly ; that is the view.

31907. You would not press the view that they should be on the Board ?—No ; I am afraid it is a little badly expressed. Our idea was that female inspection is desirable occasionally.

31908. (*Dr. Needham.*) As respects what you said about the grouping of counties for asylum purposes, do you think that without some compulsion it would be possible to get counties to so far agree as to allow themselves to be grouped ? Of course in your case you are grouped already ?—We are. Our idea is this ; that it would be desirable that a limited number of the representatives from the boards of lunatic asylums should be occasionally attached to the Commission.

31909. How do you mean, occasionally ?—That is what I mean by the grouping. Say that the whole of England and Wales was carved up into six, eight, or ten groups, and that you had from two to three groups in turn who could send up delegates.

31910. To sit on the Board with the Commissioners ?—Yes. Then they could pick the brains of these representatives and ascertain what was going on in their particular district, and the ideas in their district, and they also would carry back new ideas ; it would have an educational effect upon them. They would carry back from the Commission new ideas, and so forth, and our idea was that thereby the Commission would be kept in touch with the country more closely, and at the same time the ideas of the Commission would permeate through this channel throughout the country.

31911. Have you noticed any indisposition on the part of the Commissioners to have discussions with local authorities, if they wish it ?—I can only speak as we find it, and we have been, as you are aware, engaged in large extensions and spending a great deal of money, and we have derived very great advantage from the opinions and the advice which we have been able to get from the Commissioners. I myself have more than once paid visits to London for the purpose of obtaining information and advice with reference to our extensions, and on all occasions I have always found that I have been met with the greatest courtesy, and returned home with the greatest advantage, having gained a great deal.

31912. I assume that you have not found that the action of the Commissioners has been in the direction of increasing expenditure ?—No, certainly not; it has been in the direction of improving the work that we have carried out.

31913. Increasing efficiency ?—Increasing efficiency.

31914. But not increasing expenditure ?—No, efficiency sometimes means expenditure ; then of course it follows.

31915. I mean generally ?—Yes, not elaboration or ornamentation or anything of that sort ; no expenditure of that character.

31916. As regards having only acute and curable cases in the asylums, if you got rid of your quiet patients, of course you are aware that your acute and curable patients in asylums would cost you a vastly increased sum, because you would have to pay for all the labour which you now get free ?—Yes.

31917. You are probably also aware that an asylum filled with acute and curable cases would be a terrible place if you eliminated all the quiet people who act as buffers ?—Yes, but I think that a great many of the cases whom I am thinking, who should be retained in the asylums, are people who are at work, and owing to the experienced supervision, they are benefiting. If they are not absolutely cured they are improved very much more than they would be if they were given an inferior supervision in the workhouse, where probably instead of being workers they would be loafers. I include those certainly in cases that should be retained in the asylum.

31918. But you think you have about 20 per cent. who could, without any injury to the asylum work or to the asylum discipline, be sent to some cheaper establishment ?—Just so.

31919. To the workhouse, I suppose, or to some cheaper establishment ?—I mentioned the question of a Government grant ; I take it that no workhouse whatever would be entitled to receive the Government grant unless certified as being a proper place for taking care of that class of lunatic.

31920. There might be another way of dealing with those patients, that would be boarding them out ; is North Wales, do you think, a suitable locality for the boarding out of patients in people's houses ?—I would hardly like to express an opinion on that point ; I have never given sufficient attention to it to express an opinion on the subject.

31921. Do you think it is desirable that the committee should have the power of taking the initiative in boarding out, if they found that there were suitable conditions ?—Certainly.

31922. At present you know they have not the power ?—No.

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31923. Except by handing over to people's relations or friends?—Yes.

31924. Do you think they ought to have that power?—I think it would be desirable, certainly; how far it could be put into operation I do not know.

31925. That would be a matter of experience?—Yes; you have to find a suitable home where you can board the person out; it is not every household that is suitable to put them into.

31926. Now as regards what you said to Mr. Byrne, there are two clauses under which people can be received from asylums into workhouses. Section 25 of the Lunacy Act provides "Where a pauper lunatic is discharged from an institution for lunatics, and the medical officer of the institution is of opinion that the lunatic has not recovered and is a proper person to be kept in a workhouse as a lunatic, the medical officer shall certify such opinion, and the lunatic may thereupon be received and detained against his will in a workhouse without further order if the medical officer of the workhouse certifies in writing that the accommodation" and so on, is suitable. In that case the patient would have been discharged from the asylum, would not remain upon the books, and would not receive the 4s. grant?—No.

31927. But Section 26 says: "The Visitors of an asylum may, with the consent of the Local Government Board and the Commissioners, subject to such regulations as they respectively prescribe, make arrangements with the Guardians of any Union for the reception into the workhouse of any chronic lunatics, not being dangerous, who are in the asylum and have been selected and certified by the manager of the asylum as proper to be removed to the workhouse. Every lunatic received in a workhouse under this section shall, while he remains there, continue a patient on the books of the asylum"; therefore the 4s. grant would be paid in respect of them?—Yes, I am bound to say that I had never appreciated what that means. I do not think that of any of our Visiting Committee are aware of that,

31928. (*Chairman.*) I want to press you a little more about the question of placing the imbeciles in the workhouse; do I understand that you propose that they should be taken out of the jurisdiction of the Lunacy Commission?—No, certainly not.

31929. But that they should be maintained and provided for by the Guardians?—Yes.

31930. I ask you, because we have had the very strongest evidence from inspectors of the Local Government Board and others that the Boards of Guardians are not suitable authorities for the care and treatment of imbeciles and idiots and mental cases generally. You would disagree with that?—Well, I have been Chairman of the Board of Guardians for some years; I am not at the present time.

31931. But you must not judge from yourself; you know what the ordinary Board of Guardians is?—But that gives me the opportunity of judging of a Board of Guardians, at any rate, and I am inclined to think that they would be quite competent to do that, subject to inspection by the Lunacy Commissioners in the same way as they visit the asylums at the present time. I must say, I heard Dr. Spence give his evidence, and he seemed to think that it would be a clashing of authorities, but I do not see that at all. I see no reason why the Lunacy Commission should not act for the present President of the Local Government Board in exactly the same way that it at present acts for the Home Secretary in the case of the asylums.

31932. Except this, that it is the case, is it not, that the Lunacy Commission is in direct relation with the Home Office and the Secretary of State?—No doubt.

31933. Whereas the Local Government Board is an entirely separate Board with a separate duty?—But practically the Secretary of State deals with the asylums entirely through the Lunacy Commission. It is a very rare occurence for him to interfere in any kind of way, excepting through them. I only know of one instance myself.

31934. I cannot help thinking that your opinion really is not different from those of others we have had, and that what you want is an intermediate institution, not a workhouse, and not an asylum?—No.

31935. But where congenital cases, or senile cases, can be kept in an inexpensive manner; that really is it?—That really is it, yes.

31936. In that case, do you really think that it would be well that those institutions should be under the Boards of Guardians or should they be under an authority which looks after mental cases?—Of course the Boards of Guardians are in existence, and the machinery to a certain extent is already in existence, but I am inclined to think, as your question suggests, that it would be desirable that it should be a lunacy authority, coming altogether under the head of lunacy, and merely that it should be a sort of secondary establishment to the existing asylums.

31937. Is there anything you would like to add?—No, I think not. (*Mr. Pennant subsequently sent in "A Return shewing the Classification of all the Pauper Patients now resident in Denbigh Asylum." See Appendix Papers, p.* 431.)

WILLIAM HODGSON, Esq., J.P., L.R.C.P.I., L.M., called; and Examined.

William Hodgson, Esq., J.P., L.R.C.P.I., L.M.

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31938. (*Chairman.*) Would you tell us how long you have been Chairman of the County Asylum at Chester?—I have been three years chairman, and about ten years deputy Chairman. I have been in the asylum ever since it has been formed under the Local Government Act.

31939. I understand that your committee has not had a meeting as yet?—The position is this: I was away in the United States when they decided that it was desirable for evidence to be given; they passed a resolution asking that I should give evidence on a report agreed upon between the superintendent, the clerk of the asylum, and myself. I have submitted my evidence to the superintendent and clerk of the asylum, and they approve of it.

31940. So that practically you are speaking on behalf of the committee of the asylum?—I know the opinions of the committee pretty well.

31941. You can also, in effect, I take it, speak on behalf of the County Councils' Association?—I should like to make some addenda in that respect. I have been asked to give evidence for the County Councils' Association but the matter of the evidence specially to be tendered, is to be considered at a meeting to be held on the 17th, which is next Monday. As it was understood this Commission was to close its evidence before Christmas, I thought it preferable to send up my statement of evidence on behalf of the county committee; then if the Association thought fit to give a general approval to my evidence at its meeting on Monday, that could be sent, or it could offer additional or other evidence.

31942. If we had that approval it would greatly strengthen our hands. On the other hand, if they wish to add anything or to make any comments, they can equally let us have a paper and that can be put in with the other?—I will submit your Lordship's suggestion.

31943. May we put the evidence on our notes?—Yes.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY WILLIAM HODGSON, ESQ., J.P., L.R.C.P.I., L.M., CHAIRMAN OF THE COUNTY ASYLUM, CHESTER.

I am a registered medical practitioner. I am also the chairman of the county asylum, Chester, and one of the representatives of the Cheshire County Council on the County Councils Association.

I have been asked by my asylum committee, as well as by the executive committee of the County Councils Association, to give evidence before this Commission.

I understand that the extended reference to the Commission as to lunacy is restricted to the administration of the Lunacy Acts by the central supervising authorities. What I have to say therefore, I presume, must mainly have reference to the Lunacy Commissioners.

For the last eighteen years I have given careful attention not only to the reports of the Lunacy Commissioners as given to my county asylum, but also as published in

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the annual reports of the Commissioners for the whole country. In Cheshire we have carried out large additions and improvements in two county asylums, and I have consequently been brought into some acquaintance with the work of the Lunacy Commissioners with reference to the passing of plans for the enlargement of those asylums. On the County Councils Association I have also heard at different times of many difficulties which have arisen in other counties in connection with the provision and enlargement of other asylums. It is a common complaint that the passing of plans in connection with lunatic asylums under these public authorities is hampered by considerable delay. The seal of the Secretary of State, which signifies the approval of such plans, has only been secured in some cases after a lengthened period of negotiation.

This delay has occasioned not only considerable inconvenience on account of the greater accommodation being urgently required owing to the congested state of the existing asylums, but also of increased cost for the maintenance of pauper lunatics in consequence of their having to be placed in other asylums at increased charges before the new buildings have been completed. It is understood that the seal of the Home Secretary is never placed on any plans unless they have been previously approved by the Lunacy Commissioners.

The difficulties which have arisen, and the consequent delay, have been occasioned by the requirements of the Commissioners and the wishes of the asylum authorities not being in agreement. While I think the local authorities may have been themselves partly to blame, I think also that the Lunacy Commissioners are fairly open to criticism.

An asylum authority has to consider not only what accommodation they require but how to provide their accommodation to the satisfaction of the Lunacy Commissioners. The asylum authorities, to my knowledge, have found great difficulty in understanding the requirements of the Commissioners. When explanations have been asked for, it has been by no means easy to get detailed information, for while the Commissioners have not been slow to announce objections, the reasons have not always accompanied the return of plans for reconsideration.

If the Lunacy Commissioners would publish model regulations of what is required in the construction of buildings in greater detail, local authorities would have less to complain of.

It seems to me that the Lunacy Commissioners might fairly be asked to publish their regulations in the same way and with equal detail as the Board of Education does with reference to the erection of public school buildings.

There is a common impression among the asylum authorities that the Lunacy Commissioners do not sufficiently consider the financial condition of various authorities.

Efficiency in the accommodation to be provided for lunatics must necessarily take the first place, but economy of treatment should receive a full and fair consideration.

It may be that the Commissioners have always been right in what they have required, but it is certainly the case that local authorities have occassionally held a different opinion. There is only one remedy for this difference, and that is a better understanding between Commissioners and asylum authorities. I would like to suggest that when any authority has to consider the question of the erection of a new asylum or the enlargement of an existing asylum, some representative from the Commissioners should meet the local committee so that plans could be freely discussed and agreement more easily secured. The objection, no doubt, would be raised that the Commissioners and their staff are not sufficiently numerous to allow for this freer method of conference, and I have no doubt that such an objection would be justifiable. The time has come however when something should be done to relieve the great inconvenience arising from a deficiency in the number of Commissioners necessary to exercise adequate supervision by the central supervising authority.

If there is any justification for the preceding criticism of the Commissioners in the matter of the erection of buildings, I think it will apply in far greater measure to the relationship which exists between asylum committees and the Lunacy Commissioners in the details of general administration of asylum affairs. Though the Commissioners have practical authority as to what is required in buildings they have little or no authority in the ordinary administration of public asylums.

The annual report of the visit of the Lunacy Commissioners is not often satisfactory to the committee. These reports come to the committee having little authority behind them and not often as much influence as is desirable for all concerned.

It is quite a proper thing for the Commissioners to arrive at an asylum unannounced, because I know quite well that only in that way can they see an asylum administration as it really is; but when they leave their report behind them and such report is presented to the committee, it not infrequently happens that the committee do not approve various suggestions which are contained in the Commissioners' report.

It would be most helpful in securing uniformity in the administration of asylums on enlightened and modern methods if occasionally the Commissioners would meet the committee in conference. During the eighteen years I have been connected with the Cheshire asylum no such conference has ever been held, nor have I ever heard of similar meetings at other asylums. I am quite sure it would be as advantageous for the Commissioners themselves occasionally to meet asylum committees as I know it would be beneficial to the local committee. I am afraid however that it would be quite useless to propose any such conference with the existing number of Commissioners, for their work under present methods must already be far too heavy to admit of any serious addition to their duties. When I consider the large number of asylums, public and private, and workhouses (so many of which still have lunatics within their walls) which have to be visited by the present small staff available, it is palpable that more service cannot be expected from such Commissioners.

I wish to give expression to the conviction which prevails in medical circles that the knowledge and treatment of lunacy as a disease has not kept pace with the enormous advance in the knowledge and treatment of other diseases. This is too big a subject, I am aware, to enter into before this Commission, and I suppose it does not come within the terms of reference, but a great deal of good would accrue from visits of Lunacy Commissioners to asylums committees if only from the information they could give of the best things which are being done to advantage in other asylums.

The administration of each asylum is very largely a matter of local concern, but it is part of a great national system under a central supervising authority more or less real, and uniformity of administration in using the best care and treatment for the sick brains of the people is quite as much a national as a local question. It may be said that committees would resent the Commissioners having greater power than they now possess, and I think there is something in the objection. What I am asking for, however, is not authoritative interference by the Commissioners but the exercise of legitimate influence, which well-informed, experienced, and tactful officials can always use to advantage.

I think also the State has a right to ask for more influence in lunacy administration. Though the State pays nothing towards the erection of buildings, it pays a large sum in exchequer grants towards the support of pauper lunatics in asylums. I see in the last report of the Commissioners that no less a sum than £745,802 was given in this way, and for this substantial contribution I think a larger conferential voice should be used by the Government Commissioners. The local authorities might be jealous of losing control, but the Government has a right to the exercise of greater influence.

31944. (*Mr. Byrne.*) I would like to ask you if you would be so good as to go into a little more detail with reference to your statement here, in what respects the annual report of the visit of the Lunacy Commissioners is sometimes not satisfactory to your committee?—Sometimes the statistics are incorrect; not often, but sometimes. Occasionally recommendations are made in the report with which the committee do not agree. They have no chance of discussing the recommendations with the Commissioners.

31945. The committee not being present as a rule when the Commissioners make their visit?—No.

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31946. What would you suggest to alter that?—I am very strongly of opinion that it is extremely desirable for the Commissioners, occasionally, to meet every committee of an asylum. I have had large administrative experience on many bodies, town and county councils, boards of trustees, and so on, and I have always found the very greatest advantage through conferences of Government officials and public committees. I can remember the time on our committee when there was a very strong feeling with reference to the Commissioners' reports. It might have been the fault of a superintendent, who is not now living. He often took antagonistic views to the Commissioners, and was not slow in giving expression to those opinions; it is very easy to provoke a committee; but that has not been the case of recent years. Perhaps I had better give an illustration of what I mean. In the education committee of the county council in which I take a responsible part, we have always had, at every one of our monthly meetings, some of His Majesty's chief inspectors present. We have had perhaps less friction in Cheshire over a very difficult Act, in the administration of that Act, in consequence of that, and most harmonious relations exist between His Majesty's inspectors and the committee, and many things have been possible which would not have been had it been otherwise. That is why I lay stress on this point. Various members of my committee have expressed the opinion that it would be a great help if we could occasionally meet the Commissioners.

31947. I gather from what you say, and from what you have written, that your experience has led you to welcome the advice and assistance of the Lunacy Commissioners?—Undoubtedly.

31948. And that you are prepared to welcome it even more if it is more frequently available, if it is more extensive in its scope, and if it is more expressly directed to the guidance and helping of local authorities?—We should be delighted to welcome it.

31949. You are speaking for your own local authority there?—Yes.

31950. And, you think, for the County Councils' Association?—Opinion would differ in the County Councils' Association. Some authorities would agree, others would differ. I know that from knowledge.

31951. Of course large and wealthy county councils can and do make investigations on a very large scale of their own with regard to lunacy architecture, and other matters?—Yes.

31952. Small county councils cannot do that?—No.

31953. If there were a highly competent Government Department steadily and consistently investigating the problems with which local authorities have to deal, and publishing their results, it would be a great help to county councils?—It would be a great help, and I believe it would be, as regards the vast majority of authorities, highly welcome.

31954. You have heard the evidence of the last two witnesses?—Yes.

31955. With regard to the transfer of a very substantial number of the chronic and quiet lunatics from the existing lunacy authorities to the Guardians; would you be in favour of that?—I should like to point out the view I take on that matter. It is a most important question, especially just now. We have given great consideration to that particular matter. I hold a very strong view that chronic lunatics, harmless people, are of very great value in the ordinary asylum amongst the other patients; they are a steadying influence, they do not vary much, and their steadying influence is of very great value. On the other hand it is extremely undesirable that any places for the incurable, mentally, should be erected where it might be practically morally inscribed over the door: "Abandon hope all ye who enter here." That kind of building I think is not desirable; I think it would be a great mistake to remove the helpful influence of the chronic from an ordinary asylum; it would be an awful thing for the medical staff to have a hopeless set of people to take supervision of, and I am not in favour of the erection of large and substantial buildings for hopelessly incurable people of that sort.

31956. Do you consider that the defects and difficulties which an asylum for the hopeless would show both on the officers and on the patients themselves, would apply to those who were chronic lunatics because they were congenitally imbecile, as much as it would to persons who had acquired lunacy?—I think they would abandon hope then.

31957. Have you seen idiot asylums in this country, or elsewhere? You say you have just come from America. Have you seen them there?—The idiots vary very much.

31958. They vary very much; but they are all happy and cheerful?—Idiots are often simply mentally defective.

31959. They have always been, and they will always be so?—They improve in a way hopelessly infirm people do not.

31960. You would exclude idiots and other congenital cases from your remarks as to the saddening influence?—Yes.

31961. People at an idiot asylum or an imbecile asylum might be perfectly happy in a place entirely for themselves?—Yes, quite a different place.

31962. Among the chronic a very large number would be congenital would they not, or partially so?—Yes.

31963. You do not agree with handing over the chronics to the Guardians?—I do not. We have considered that matter and we agree with the known opinions of the Lunacy Commissioners in that matter. We once, through the County Councils Association, sent a resolution.

31964. Those views have been expressed to us; I ask you, they are not changed, are they?—No, I think it is most undesirable that the Board of Guardians should have charge of lunacy; they should not have the charge and the treatment of lunacy in any form.

31965. Would you go so far as to recommend the extension of the full authority of the present lunacy authority, with such modifications as may be given to it, to the lunatics who are now in workhouses?—I think that the lunatics in workhouses ought to be under the absolute authority of the Lunacy Commissioners.

31966. Have you had experience as a Guardian?—My wife has been a Guardian for fifteen years.

31967. No doubt you have been very frequently in workhouses?—Yes, I know a good deal about Poor Law administration.

31968. Is it your experience that in the ordinary wards of workhouses, and especially lunatic or imbecile wards, there are a considerable number of lunatics and people of defective mind, now?—There are a number of such people and I have seen them.

31969. Have they been generally well treated and properly situated, when you have seen them, or were they a trouble to themselves and others, and perhaps suffering themselves?—I think the nature of the adminsitration of a workhouse and an infirmary should be taken into consideration, they are so different. The one is a workhouse, the other is more or less an infirmary. As a rule the scale of diet is not quite satisfactory in a workhouse, the accommodation is not satisfactory; the people who are there, amongst whom these unfortunate imbeciles and this sort of people are living, have no sympathy with those unfortunate mentally defective people, and do not give them a very good time; the staff of officials is cut down a good deal in workhouses; they cannot be so well looked after. One does not like to say anything unnecessarily to reflect on the administration of a workhouse, but I am talking now from knowledge and from a good deal of investigation into that subject, and I am strongly convinced that it would be most unwise for workhouses under the Local Government Board to take charge of lunatics within their wards. If they have accommodation they should be under the Lunacy Commissioners and under the regulations of the Lunacy Commissioners.

31970. With regard to these lunatics scattered about the ordinary parts of workhouses, not certified, but lunatics finding themselves accidentally among the ordinary inmates, would you say inspection on the part of a technical Lunacy Board is necessary in order to pick out those cases and find out whether detention in that place is proper, and where it is not, to cause it to cease?—Yes.

31971. You know that the present inspection does not cause it to cease; these places are inspected by the Local Government Board inspectors who are efficient and admirable gentlemen, but they are not lunacy experts?—No, they are not.

31972. You think something more is required?—Yes, I am sure of it.

31973. (*Dr. Donkin.*) I see you lay great stress on the encouragement of scientific work on the part of the central authority?—Yes, we have had some experience in that matter, not a very happy one, I think. We persuaded the committee to allow us to engage a special pathological expert who had had Continental experience. He was doing some excellent work, when the Government stole him to do criminal neurological pathology, and we have never been able to persuade the committee to go to the expense of engaging another since. Committees want a great deal of encouragement to expend money which they think that the Government ought to spend. I think if anything better is to be done in lunacy, it will have to be by close investigation. The local authority will have to be encouraged to spend money in that direction. It must be done; either the Government or local authorities must do it. I am aware of course of what is being done, but the sum total is not very much. The whole field is open for the greatest investigation.

31974. Would you think the encouragement would be more powerful if it came from the Lunacy Commissioners?—I do.

31975. In other words, you would think it should be considered one of the important functions of the Lunacy Commissioners?—Their function to suggest; not themselves to undertake.

31976. To suggest and to encourage?—I think it should be one of the central points of administration, to make suggestions to asylum authorities.

31977. (*Dr. Needham.*) As respects statistics, you say the statistics and entries of the Commissioners are occasionally incorrect. May I ask you whether you are aware that all the statistics which appear in the entries of a given asylum at a visit of the Commissioners are handed in and copied by the Commissioners from a statement which is handed in by the superintendent?—I am quite aware of that, but I have one or two meetings in my recollection when the statistics were not correct, and about which an unfortunate discussion arose. It was not very important, it was incidental; I do not lay any stress upon the matter.

31978. Very well; I only mention it because it does so happen that they are simply copied from the actual facts which are handed in by the superintendent?—I am quite aware of that.

31979. You say, "If the Lunacy Commissioners would publish model regulations of what is required in the construction of buildings in greater detail, local authorities would have less to complain of." Are you aware that the Commissioners have for many years published model instructions and directions to architects in reference to buildings?—I have read them very carefully.

31980. You know them?—Yes, quite well.

31981. They are in the fullest possible detail?—They are not in as full detail as the Board of Education publish them.

31982. You think that they ought to be fuller?—I do. I have no complaint to make, except that they are not full enough.

31983. I suppose the object of the Commissioners in not making them fuller than they are is that the Commissioners do not want to dictate to local authorities?—We had rather a bad experience in extending our asylum at Upton some years ago. It took us nearly two years to get our plans through.

31984. Was that an expensive alteration?—No, £100,000.

31985. £100,000 ought not to be spent very lightly?—No, but as you took two years to approve the plans, it probably cost us quite £10,000 more than if we had got plans through in a few months, because the price of materials went up so enormously.

31986. Is that a good many years ago?—I cannot quite say how many years ago; it would perhaps be eight years ago.

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31987. Do I understand you to suggest that the Commissioners should attend, or that some person from the Commissioners' office should attend, at the meetings of the committee?—Yes, occasionally.

31988. You see what that would involve; having regard to the enormous number of committees and the enormous number of meetings, it would involve keeping a separate staff of Commissioners for attendance at meetings of the committees?—I am aware of that, but I think it is so important that it should be done.

31989. Is there any difficulty, if the Committee want to consult the Commissioners and get the results of their wide experience, in seeing the Commissioners in London, and getting appointments with the Commissioners?—I think there are difficulties; deputations to London are so numerous that it becomes burdensome to multiply them a great deal. I think the whole Committee should meet the Commissioners rather than one or two members of the Committee. The Commissioners have to my knowledge, on their annual visit, been in the asylum when the Committee has been sitting, and have not cared to meet the Committee.

31990. Has the Committee asked them to do so?—The Committee did not pass a resolution to ask them. The Committee would have been delighted if they had come in.

31991. You have never asked the Commissioners to come, and been refused by them; it would be a piece of impertinence for the Commissioners to go and force themselves into the committee-room when the Committee were sitting. It has happened to me very often to go to asylums when the Committee has been sitting, but unless the Committee asked me to go and consult with them, I should think it an act of extreme impertinence to suggest that I should go into the Committee room?—I think if the Committee thought you would go in, they would be delighted.

31992. They could say so. I should think it would be an act of presumption to suggest it. I think any of the Commissioners visiting would feel that it would be great presumption on their part to suggest that they are gentlemen of such superior knowledge that they want to instruct the Committee. If the Committee liked to put the matter from their point of view and say that the Committee would be glad of the assistance of the Commissioners, I am sure the Commissioners would be very glad to give it?—I am very glad to hear it

31993. I see you say "while the Commissioners have not been slow to announce objections, the reasons have not always accompanied the return of plans for reconsideration." I thought the return of plans was always accompanied by a long statement, made generally by the consulting architect?—I can only say that we can hardly ever get any reasons for any objection to the plans. We have had to send our architect up time after time. Sometimes he came down and reported that he could not get any reasons, simply that they objected to that.

31994. If that is so I think it is extremely wrong?—It is probably exceptional.

31995. It is quite exceptional in my experience, and I should hope it is exceptional in the other Commissioners' experience?—The architect was a member of a firm recommended by the Commissioners.

31996. (*Chairman.*) Are there many cases of that?—I have heard other counties complain in a similar way; that is why I thought it desirable to place the fact in my evidence.

31997. (*Dr. Needham.*) I see that with reference to the treatment of lunacy as a disease you say: "A great deal of good would accrue from visits of Lunacy Commissioners to asylums committees if only from the information they could give of the best things which are being done to advantage in other asylums." Of course you are aware that when the Commissioners go down to visit asylums one of their most important duties is to have consultations, to talk to the superintendent and to give him the benefit of any experience that they may have got in other asylums?—Yes, I am quite aware of that.

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31998. Is not he the proper person to give that sort of information to in reference to treatment?—I think in the Committee there is responsibility also for treatment, especially for general administration on the best lines of investigation.

1999. You look at it rather from the medical point of view, and very properly?—I do. We have several medical men on our Committee, it is commonly the case with asylum committees now; medical men are on most of the county councils, and they are usually put on the county asylum committee.

32000. At all events, broadly and generally, you think, —and I am very glad to hear that you think—that, greater intercourse between the committees and the Commissioners is desirable?—I do.

32001. It looks as if you thought that the influence of the Commissioners was a salutary and useful influence, and you wish to extend it?—I have always found the influence of highly placed officials salutary in every respect, in conference with local government bodies.

32002. (*Chairman.*) In your statement you say: "The annual report of the visit of the Lunacy Commissioners is not often satisfactory to the Committee." In what way? What does that really mean?—I mean that matters of difference of opinion could not be cleared up without a conference; and statements of opinion by the Commissioners in their reports with which the Committee do not agree were left in the hands of the Committee in an unsatisfactory position.

32003. You do not suggest, do you, that the Committee should revise the reports of the Lunacy Commissioners?—No, there is no wish to revise the reports of the Lunacy Commissioners.

32004. It is the business of the Commissioners to point out things which they think are not absolutely right?—Yes, but I think the Commissioners would have had a different opinion if they had met the Committee on some points before they mentioned them in their reports. If you wish for illustrations I can give them.

32005. We should be very glad if you could give some?—For instance, the question of a central bath room. The Commissioners have strongly been of opinion that a central bath room was desirable. It is the worst thing in the world to administer in an asylum.

32006. It is a difference of opinion between yourselves and the Commissioners?—Yes, matters like that will give rise to very keen debate, and I think if the Committee and the Commissioners had met it would have been cleared up in half an hour.

32007. You think that if you had met them you could have convinced them that they were quite wrong?—We thought we could, and eventually we did.

32008. (*Mr. Burden.*) Would you tell us why a central bath room is a difficulty?—Bringing patients from different parts of an asylum to a bath room through all kinds of temperature, and changes of clothes is not desirable. It is far better for patients to be bathed close to their surroundings. We find it less harmful and easier to do, and I think generally better administration.

32009. (*Dr. Needham.*) Has it occurred to you what is the object of having a central bath room?—Yes, I am aware of the advantages, in some respects.

32010. But the great advantage that the patients when bathed are able to be carefully examined by a superior officer, the matron or some other person appointed specially for the purpose, and many bruises and other injuries which would never be discovered at all are discovered on such occasions?—I am quite aware of that.

32011. Do not you think that an advantage of the first importance?—It is a matter entirely of how the work is done, and how the patients are supervised.

32012. (*Chairman.*) Is there anything you would like to add?—Yes, there is a point about that 4s. grant. One has had so much to do with questions of the 4s. grant that I should like to say a word. It is a difficulty, the position of that 4s. grant. It is common knowledge that asylums are full, and one of the easy ways of removing congestion and putting off a little financial pressure of a large expensive institution is to make greater use of the workhouse. Now, the 4s. grant can only be received by the poor rate, provided the Lunacy Commissioners approve of the character of the accommodation generally at the workhouse, and there are very few workhouses in Cheshire which they could approve. In the other instance, under Section 25, Boards of Guardians strongly object to losing the 4s. grant and do not welcome patients who are sent unless they can get the 4s. grant, so that the present state of the law with reference to that is not satisfactory; it wants adjustment.

SIXTY-THIRD DAY.

Monday, 17th December, 1906.

PRESENT.

The Right Hon. The EARL of RADNOR (*in the Chair*).

W. P. BYRNE, Esq., C.B.
F. NEEDHAM, Esq., M.D.
H. D. GREENE, Esq., K.C.
C. E. H. CHADWYCK-HEALEY, Esq., C.B., K.C.
The Rev. H. N. BURDEN.
W. H. DICKINSON, Esq., M.P.
C. S. LOCH, Esq., D.C.L.
Mrs. PINSENT.
H. B. DONKIN, Esq., M.D.
J. C. DUNLOP, Esq., M.D.

HARTLEY B. N. MOTHERSOLE, Esq., M.A., LL.M. (*Secretary*).
E. A. H. JAY, Esq., M.A., LL.B. (*Assistant Secretary*).

NOEL T. KERSHAW, Esq., C.B., called; and Examined.

Noel T. Kershaw, Esq., C.B.
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32013. (*Chairman.*) You give us evidence on behalf of the Local Government Board?—Yes.

32014. And principally upon the financial aspect of the question?—Yes, the capital financial aspect.

32015. You have been so kind as to give us a general statement of your evidence; may we put that on our notes?—Yes.

STATEMENT OF THE EVIDENCE GIVEN BY NOEL T. KERSHAW, ESQ., C.B., AN ASSISTANT SECRETARY OF THE LOCAL GOVERNMENT BOARD.

An Assistant Secretary to the Local Government Board for seven years. One of the functions of the Department of the Local Government Board to which I am attached is the sanctioning of loans for the provision, extension, and alteration of lunatic asylums outside the metropolis. Speaking generally, these loans are sanctioned under Section 274 (1) of the Lunacy Act, 1890, subject to the provisions of the Municipal Corporations Act, 1882, in the case of municipal corporations, and the Local Government Act, 1888, in the case of county councils. There are also a few local Acts. During the year ended 31st March, 1906, £453,268 was authorised to be borrowed by the Board for lunatic asylum purposes, £433,693 by county councils, £16,575 by town councils, and the balance by the Lancashire Asylums Board under the Lunacy Act, 1890, and a local Act of 1891. Before application is made to this Board for sanction to loan, the plans of buildings have been submitted to the Lunacy Commissioners and approved by the Secretary of State. In these circumstances, although the Board are nominally free to refuse sanction or to reduce the amount to be sanctioned, this is not actually the case.

Both the Home Office and ourselves have been much struck with the expenditure on asylums in recent years, and the Local Government Board feel that they ought to have some real financial control over the capital expenditure on this account. There are certain items in respect of which we feel convinced that economies could be effected without reducing the efficiency of the buildings for the purposes for which they are constructed. I will give instances. I wish to point out that whilst nominally there is no limit to the rate which local authorities under the Lunacy Acts may raise, in practice there is a point beyond which the ratepayers will not stand an increase of rates. Practically all expenditure by local authorities has to be defrayed out of rates, and it is necessary to see that an undue proportion of the rates is not expended for the benefit of a very small class of the population. This can only be secured, as regards capital expenditure, by placing real financial control in the hands of the Local Government Board, who sanction the bulk of the borrowing by local authorities for nearly every purpose for which the rates are the security. The tendency of recent legislation has been in the direction of concentrating this control in the Local Government Board. It is only in this way that consideration is secured not only of existing debt in respect of the various areas and authorities affected, but also of the commitments and requirements of those areas and authorities.

(*Signed*) NOEL T. KERSHAW.

32016. (*Chairman.*) Will you summarise generally the main points you wish to bring before the Commission?—My points are three; the first is the insufficiency of the present financial control of the Local Government Board in regard to capital expenditure on lunatic asylums, secondly, the special need for such control at the present time, and thirdly, the extent of the control which is necessary. There are also other defects in the existing Acts, but I do not propose to call attention to them at the present time unless the Commission think it necessary.

32017. In connection with these questions you propose to put before the Commission certain statistics?—Yes, showing the growth of rateable value, debt, and rates in ten-year periods, as far as possible, from 1875 to 1904.

32018. You will give us some idea of the growth of debt for lunacy purposes and of debt for other local purposes?—Yes.

32019. Will you tell us first of all what are the local authorities for the purposes of the Lunacy Acts?—Speaking generally, they are county councils, county borough councils, and certain other town councils whose names are set out in the fourth schedule of the Lunacy Act, 1890, as amended by the Act of 1891.

32020. Under Section 274 of the Act of 1890 these local authorities require your consent to borrow money for the provision or enlargement of lunatic asylums?—They do.

32021. They borrow on the credit of the borough fund and revenue, in the case of town councils?—Yes, in the case of town councils, the borough fund being in most instances largely replenished by the borough rate.

32022. And in the case of county councils?—They borrow on the credit of the county fund and revenue—revenue in this instance being largely derived from the county rate.

32023. In practice, at what stage do applications for consent to borrow money come before you?—When the Lunacy Commissioners have agreed to the plans with the estimates before them and in nearly every case where the Secretary of State has approved of the plans.

32024. When the application is presented to you, you have the plans and estimates and these facts before you?—Yes.

32025. Do you often see items in the plans or estimates which you regard as open to objection, on the ground of extravagance?—We do.

32026. Will you give us some examples?—The first kind of example I wish to give is the case of medical superintendents' residences. These vary a good deal. The highest that I have come across is county Lindsey, etc., (Bracebridge Asylum); the structure was estimated at £4,619, furniture £492, total £5,111 for the medical officer's residence. The medical officer of this particular place at that time was getting a salary of £525 per annum. We think that £4,600 is a great deal to spend on a residence for a man having a salary of that kind. That is not an isolated instance, though it is very much the heaviest. Here is another: Cardiff, £3,478; Croydon County

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Borough, £3,200; County Middlesex, Napsbury, £3,000; County East Sussex £3,372; County Council Yorkshire West Riding, Storthes Hall, £3,000 for the structure, £1,000 for furnishing, total £4,000. There are a good many others, though they are not perhaps as strong instances as those which I have given. Then take the case of chapels at these asylums: County Middlesex, again Napsbury Asylum, £6,000 for a chapel; 1,200 inmates is the number for which it is certified. Cardiff, with 1,250 inmates, £6,885 for a chapel, and West Riding, Storthes Hall again, 2,062 inmates, £7,500 for a chapel. In the same way it seems to run through everything. The foremen's houses seem to us to cost a great deal more than they need if they were attached to any other building. A foreman's house, £715. A farm bailiff's cottage, £625. Six cottages for attendants, the average cost per cottage being £358. Steward's house, £1,174. Gatekeeper's lodge, £650; entrance lodge £675. Four pairs of attendants' houses cost per house £463, that is county Stafford. Going into the farming line, piggeries for 200 pigs—this is county East Sussex—cost £2,525, about £12 10s. per pig. I think any private person who built piggeries on these lines would very soon come to grief. Then you get an item like this: this also is county East Sussex: extra cost of tiles in lieu of slates, £3,000. Apparently they thought that tiles would look better than the slates. I do not know that tiles are more sanitary, or better from the point of view of lunatics than slates, but it was decided to substitute tiles for slates, and the extra cost was £3,000. As far as we could find there was no great advantage in tiles. We were not told that there was any. Perhaps those instances will be sufficient without troubling the Commission further.

32027. Do you communicate with the Lunacy Commissioners and the Home Office as to these items?—We have communicated with the Lunacy Commissioners and the Home Office from time to time, but, generally speaking, we do not communicate as regards items. The plans and estimates have been agreed to by the Lunacy Commissioners and approved by the Home Office, as a rule, when they come to us, and therefore we are really powerless in the matter.

32028. You have never tried the effect of communication?—Yes, we have on several occasions. We wrote a general letter to the Lunacy Commissioners on the 11th September, 1903, and to the Home Office at the same time. We understood then from the Home Office that they agreed with us, and the Lunacy Commissioners told us that they were doing their best to stop extravagance, and put the blame on the local authorities. I have copies of those letters.

32029. If you will kindly put them in?—Certainly. (*Copies of the Letters were handed in. Vide Appendix Papers, p. 432, post.*)

32030. There the matter rested?—Yes, we felt that we could do no more in the absence of effective financial control.

32031. But you could have refused consent to the loan in cases where you thought the cost excessive?—Yes, nominally we could, but practically we could not, because the amount involved is too large to be paid for out of current rates, and it must also be borne in mind that those plans have actually had the formal approval required by the statute, and the local authorities would not be slow to remind us of that fact if they were objected to.

32032. Will you come now to your second head, the special need for the control of the Local Government Board in respect of capital expenditure on lunatic asylums at the present time?—With regard to that I point out first of all that the debt of local authorities in England and Wales has grown from £92,820,100 in 1875 to £393,882,146 in 1904, the increase being in that period 324·35 per cent.

32033. When you refer to the debt of local authorities, you are not referring merely to local authorities within the meaning of the Lunacy Acts?—No, I am referring to local authorities whose debt is included in the local taxation returns.

32034. During that period the rateable value of England and Wales has increased considerably, has it not?—It has increased from £119,079,589 in 1875 to £199,355,590 in 1904; the percentage of increase being 67·41, while the debt has gone up 324 per cent.

32035. What has been the increase in Lunacy debt?—I can only give that from the year 1885. In that year the debt under the Lunacy Acts was £3,326,396, and in 1904 it had increased to £9,446,986, an increase of 184 per cent. in nineteen years.

32036. With regard to rates, can you give us any figures showing the growth of rates during this term?—Yes, the average rate in 1879 was 3s. 3½d. in the £; in 1904 it had risen to 5s. 9½d. in the £.

32037. In many places the rates are much heavier than the average rate would at first sight indicate, are they not?—Yes, there are many districts having rates of 9s. in the £ and upwards.

32038. Will you give a few instances?—Ashton-under-Lyne, with a rate of 9s. 5½d.; Bexhill Urban District, 9s. 3d.; Dewsbury Borough, 9s. 4d.; East Ham, 10s. 4d.; Edmonton, 10s. 9d.; Kingsbury, Middlesex, a little place just outside London, 11s. 2d.; Llanelly, in Wales, 10s. 2d.; a little parish called Penrhyn, Conway rural district, 10s. 2d.; Walthamstow, 10s. 3d.; Walton-on-the-Naze, is in the unfortunate position of having a rate varying from 14s. 3d. to 18s. 6d.; the difference between 14s. 3d. and 18s. 6d. is made up I think, by a rate in respect of the cost of sea defence work. West Ham Borough has a rate of 10s. 4d.; Wigan has a rate of 9s.; Wolverhampton, 9s. 5d.

32039. There are complaints of the heaviness of the rates, are there not?—Yes, the Local Government Board are constantly hearing these complaints in connection with applications made to them for sanction to loans. In some cases we have been told that if the loan for which sanction was asked were granted it would result in ratepayers leaving the district.

32040. Do you think that actually takes place?—There are indications of it in one or two places which we are watching, but it is exceedingly difficult to say how far the tendency to leave a particular district is due to this particular cause. We can only say that the high rates exist, that they are given as a reason for removal, and that prima facie there would seem to be reason to believe that this has been at all events one contributing cause. In Poplar there was a good deal of discussion as to the reason why the proprietors of certain launch works left Poplar, they distinctly said they left on account of the rates. There was perhaps something in that.

32041. Is there any other point on this part of your subject which you wish to bring before us?—I should like to draw the attention of the Commission to the heavy increase in the rates of interest which local authorities are now required to pay upon loans raised by them.

32042. Can you give us illustrations of that?—The best illustration I think is the rates of interest charged by the Public Works Loans Commissioners to local authorities in the last ten years; as to which I will hand in a statement (*handing in same, vide p. 275 post*). You will see there that in August, 1897, the rate for a thirty years loan was fixed at 2¾ per cent.; on the 2nd November, 1899, for a similar term loan, it was raised to 3 per cent.; in January, 1900, to 3¼ per cent.; in March, 1904, it was raised to 3¾ per cent. I may say that in spite of the raising of these rates the Public Works Loan Commissioners are now being asked to advance money to quite large bodies who formerly would have borrowed in the open market. The stocks of local authorities cannot now be issued at anything like the price at which they were previously able to float them and they cannot borrow on mortgage at anything like the price at which they used to be able to.

32043. The gist of this part of your evidence is to the effect that looking to the increase of debt compared with rateable value, the high rate of interest, and the multifarious objects for which local authorities—using the term in its wider sense—can borrow, it is very desirable at the present time that the cost of every undertaking of a local authority should be cut down as far as this is practicable?—Yes, as far as practicable without sacrificing efficiency.

32044. Do you think there is room for this cutting down in the case of capital expenditure under the Lunacy Acts?—I feel convinced that there is, and I think that the examples which I have brought before the Commission will bear me out. These examples have been very hastily collected and no doubt if the Commission wanted them they could have more.

32045. With regard to the third point, what remedy do you suggest for all this ?—As far as my particular department is concerned, that is to say the financial control as regards capital expenditure, I think it would meet the point entirely if the suggestion of the Under-Secretary of State for the Home Department were adopted.

32046. What is that ?—The suggestion made at the conference at the House of Lords between the Secretary of the Lord Chancellor, a representative of the Lunacy Commissioners, a representative of the Home Office, and a representative of the Local Government Board, which was to the effect that an opportunity should be taken for transferring the jurisdiction of the Secretary of State in regard to the approval of plans, and so forth, to the Local Government Board.

32047. (*Mr. Greene.*) What date was this ?—This was 30th November, 1905.

32048. (*Chairman.*) That suggestion has been withdrawn, has not it, now ?—I am not aware of it. That is quite new to me. It was definitely made on the occasion of that conference, and Dr. Needham, I think, will remember it ; he was there.

32049. (*Dr. Needham.*) No, I do not remember it.

32050. (*Chairman.*) I only asked that question because I think I have seen some correspondence on the subject, but I have no very clear recollection of the ultimate issue ?—I have seen no correspondence on it ; that is all I know. I was not aware that there had been any correspondence.

32051. (*Dr. Needham.*) I remember that forming the subject of discussion, as many other subjects did, but I did not think any conclusion had been arrived at ?—I do not think any conclusion was arrived at ; this was a suggestion made by Mr. Chalmers on the occasion of the conference.

32052. I have no doubt Mr. Chalmers asked the question at the conference ?—It was not that he asked the question ; he made a definite suggestion, and I think, if I remember rightly, you strongly objected to the suggestion.

32053. I should have thought Mr. Chalmers was in a very nebulous state about it. I should have said all the members of the Commission were ?—As a matter of fact I think I can set all doubts at rest on that point, because I made a memorandum at the time of the interview, which I have on the file here, and it was shown to Mr. Chalmers, who agreed with it. This is it : " Mr. Chalmers then referred to a suggestion which he said he had previously made that the powers of the Home Office in regard to the approval of plans, etc., should be transferred from them to the Board, who had a staff of experts. This suggestion Sir K. M. Mackenzie appeared to favour, but Dr. Needham said at once that the suggestion would meet with strong opposition from the Commissioners. The ground of this opposition was not disclosed. The conference was then adjourned *sine die* at this stage as Mr. Chalmers had another appointment." This is the 30th November, 1905. I have a note on this : " Mr. Chalmers has seen and concurs in this memorandum."

32054. (*Dr. Loch.*) Has the tendency of recent legislation been in the direction of concentrating this control of the Local Government Board ?—Yes, it has. There are two instances I can give. The Education Act of 1902, which transferred the sanctioning of loans for education purposes from the Board of Education to the Local Government Board, and the Treasury (Transfer of Powers) Act of last Session, which transferred to the Local Government Board the sanctioning of loans to Burial Boards.

32055. We may say that the tendency of thought is to have one centre for the consideration of all large local loans ?—Yes, I think so. That is a point to which the President of the Local Government Board attaches very great importance.

32056. Can you say, as a matter of fact, that your supervision in this matter has led to economy ?—Yes, I think I can. I think I can give you some figures rather tending in that direction. Speaking roughly, I think I may say that we have succeeded in the last twelve months in reducing loans to be sanctioned, for one reason or another, most frequently by small sums, to the extent of about £500,000.

32057. Has there been any protest against these decisions to the effect that the withdrawal of the money will have a prejudicial effect on the enterprise which is in question ?—We have had some complaints of that sort, but I do not think they have been very strong, and as a rule we have found that we have rather had the support of the ratepayers in what we have done.

32058. To take another point, there is a certain limitation fixed as to the extent to which a sum borrowed must be allowed to go, in view of the rateable value of the county ?—Yes ; one-tenth is the amount fixed by Parliament in the case of county councils.

32059. Do you find as a matter of fact that that limit is constantly reached, or do you approach that limit ?—It is very frequently reached ; in fact we have one instance in which the limit was exceeded on lunacy expenditure alone. That was at Worcester. The amount expended on the asylum at Worcester was more than the whole borrowing powers authorised by Parliament without a Provisional Order.

32060. Then there has to be a Provisional Order ?—Yes, in some cases there have had to be two. I can give the Commission, if that would be of interest to them, a statement of the borrowing powers available for county councils, the amounts sanctioned by the Board for lunatic asylum purposes, and the total debt, distinguishing Lunacy debt.

32061. I think it would be of great service to us. (*The Statement was subsequently sent in. Vide Appendix Papers, p. 433, post.*). To take another instance, I have before me a note about inebriate reformatories. Taking that as a parallel case to the supply of lunatic asylums, say, have you been able to deal with those in a satisfactory way. I understand that they do not come as it were already approved into your hands ?—They would come also approved by the Home Office, not by the Lunacy Commissioners.

32062. Your criticism would then cover lunatic asylums and inebriate Homes too ?—Yes ; you will find a case of an inebriate Home costing £650 a bed.

32063. Was that approved *in toto*, before it reached you ?—Yes.

32064. And no effectual protest could be made ?—No effectual protest.

32065. To take another point, do you think that in relation to these loans one is approaching to what we may call the net rate available for such purposes ?—I think that is a point which certainly ought to be considered, that is to say, that although there is no statutory limit of rate which you can raise for all these purposes there is in practice most decidedly a limit beyond which rates cannot be levied without impeding the growth of a place, and it is desirable that more than its due share should not be expended on any one object.

32066. Then that raises the question that if we are to expend money, we will say, on work which might be the outcome of this Commission, that should be considered in relation to the other charges already incurred in reference to loans for other purposes ?—Not only to other charges already incurred I think, but also to other necessities of the particular places involved, not merely as a single authority, but of the area which will be rated for that particular purpose.

32067. Have you any means, or are there any means of considering the question as a whole in the way you suggest ?—I think so. We have as regards each particular place an annual report of the medical officer of health, and we have our own history of the place ; we know exactly what it wants, we can practically look up any place at very short notice, and tell you exactly what its position is as regards water supply, sewerage, hospitals, asylums and so forth.

32068. As regards the initiating authority, the county or whatever it may be, do they consider the charges as a whole with a view to common policy ?—I think they do ; generally counties do. It is generally the other way round, the smaller authorities do not consider—district or parish councils do not consider—the debt which must be put upon them by the other authorities.

32069. The pressure of the rate due to these loans would be thrown more particularly on the smaller authorities ?—Yes, that is to say, you might have a fairly reason-

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able rate over the whole county area, yet you might have a very heavy rate in one particular part of it.

32070. And yet perhaps in those small areas sanitation, for instance, is most pressing ?—Yes, as a rule it is.

32071. With regard to this question of net rate, are there instances in which you think the net rate has already been touched as a limit ?—I should think that that poor little place, Walton-on-the-Naze, has very much touched it; the total rates, including county rate, amount to 14s. 3d.

32072. Take a rate standing at 10s. or 11s.; is not that to be considered as touching it ?—I should consider it was.

32073. Taking an average, do you think that we can go very much higher than the 5s. 9½d. average in the £ which we have now ?—Average is of so very little service from that point of view; what you must take is individual instances; that is what I am afraid of; unless particular cases are looked up, one is liable to be misled by the average rate.

32074. What security do you have for a loan, say in the case of an inebriate reformatory ?—The county rate, assuming that the reformatory is provided by the county.

32075. Do you have in many cases land itself made a guarantee for the loan ?—No, nearly all these loans are borrowed on the security either of the fund and rate, or fund and revenue, not on land itself; there is no power to mortgage land except in a few instances.

32076. As to the term, if it is a question of purchase of land, I believe the rule is sixty years ?—These bodies who borrow for the lunatic asylums are either county councils or county boroughs, and at present as the law stands they can only borrow for thirty years.

32077. Would you be in favour of a longer period ?—For the purchase of land, most decidedly.

32078. If there were a question of purchase of land included in one of these proposals would you differentiate it ?—I should like to, but the law does not differentiate, it gives thirty years as the maximum period. There is no reason why, in the case of purchase of land by a county council or a municipal authority, they should not get sixty years for repayment, just as they would if they were acting as an urban sanitary authority. The very same body might get sixty years for the purchase of land, acting as an urban sanitary authority.

32079. (*Mr. Greene.*) That depends on the Provisional Order they get, does it not ?—No, it is under the general law.

32080. Under Statute ?—Under the Act of 1888 as regards county councils and under the Municipal Corporations Act 1882 as regards town councils.

32081. Does that specify sixty years?—No, it specifies thirty years. The Public Health Act, under which town councils borrow as urban sanitary authorities, allows them sixty years.

32082. (*Dr. Loch.*) Would you say, in order to promote economy, that the charge might be for sixty years, in regard to lunatic asylums, so far as land is involved ?—I think it would be a justifiable relief to the present ratepayers.

32083. I do not know whether this quite comes within your province, but there is a question of payment from the Exchequer in the shape of 4s. a head for lunatics; do you think that that system has tended to extravagance ?—I think that rather belongs to Mr. Davy's department than mine. Mr. Davy is coming before you.

32084. (*Mr. Dickinson.*) I take it that your proposal is that the Local Government Board should have the same power over financial expenditure on lunatic asylums as it has over say the drainage of an urban district council ?—Yes.

32085. That means that the Local Government Board would have to hold an inquiry ?—Yes; they would frequently do so.

32086. Do you contemplate that the Local Government Board inquiry should take the place of the inquiry, whatever it is worth, by the Lunacy Commissioners ?—I am not quite sure what inquiry would be referred to in that question. Do you mean the interviews which they have at the office, or going down to see the site, or what ?

32087. They have the plans; the plans are sent to them ?—Quite. We should have the same.

32088. They see the plans and investigate the cost. You would have that ?—Yes.

32089. I suppose you would not be satisfied with plans; you would require to go and hold an inquiry ?—As a rule I think you would. The plans, without seeing the site, would be very little guide. You would want to know how far it was from a station; what convenience there was for the contractor to get his stuff there; what the nature of the roads was; all those things would have to be considered.

32090. That means that you would have two enquiries ?—If previous enquiry is necessary. I am not sure that it is.

32091. Would you say that the enquiry of the Local Government Board should take the place of the investigation by the Commissioners in Lunacy ?—I should not have thought the investigations of the Commissioners in Lunacy amounted to an inquiry. If they do, then I think that would be often necessary.

32092. Supposing they do not amount to an inquiry; they give minute attention to the passing of the plans ?—Yes.

32093. Would you contemplate that passing to the hands of the Local Government Board and out of the hands of the Commissioners ?—No, I think there should be joint action by the Lunacy Commissioners and the Local Government Board on that. One body should consult the other; the Lunacy Commissioners should say what is necessary from the point of view of lunacy, and the Local Government Board should say what was possible from the point of view of finance.

32094. That would mean a still further delay in approving plans ?—I do not think it would, necessarily.

32095. From your knowledge of public departments, do not you think it would ?—No, I do not think it would, for I am assuming that you cut out one department altogether.

32096. Which department ?—The Home Office.

32097. All you propose is that the Local Government Board should take the place of the Home Office ?—Yes.

32098. Could you give any idea of what time is now occupied by the Local Government Board in preparing plans ?—What would be the nature of the plans ?

32099. Plans for anything, because the proposition is that the Local Government Board should take this duty on ?—The answer to that question varies according to what the particular plan is. It may be an intricate plan, it may not be; it may be a perfectly simple case, and a perfectly simple plan, put before the Local Government Board in the best possible way; then I should say the time occupied in considering it would be perhaps three or four days.

32100. Could you give us, say, the plans which have been approved by the Local Government Board during the last two months and the date when the application was made for them ?—No doubt; but it will take some trouble, and it will take some time.

32101. It will not take much time if you limit it to a couple of months ?—I think you will find there will be a considerable number.

32102. I do not wish to suggest anything which means considerable labour, but I want a limited number, taking them altogether, with an intimation when they first started ?—Would a week be enough ?

32103. How many do you approve in a week ?—I should think a couple of dozen, probably.

32104. Or perhaps two weeks or something like that. A couple of dozen a week is not very much, is it ?—You can understand that it is not as simple as it appears on the face of it. What will happen will be this: we shall get a letter from the clerk to a local authority saying, "Here are some plans. We want to borrow £600." We write back to the clerk and say, "Very well; will you mind saying what it is for ? The plan shows nothing." Then the clerk writes back and says, "As a matter of fact I intended to have sent the surveyor's estimate, and this resolution of the council." That may be a fortnight afterwards. All these things will have to appear in the statement; otherwise it would be considerably misleading.

32105. I quite agree that when the statement is made out there may have to be explanations ?—Undoubtedly ; in order to make a fair statement you must do that, so that it is not so simple as it looks.

32106. If you could give us, say, the last fifty which you have approved ?—Very well. (*A Statement was subsequently sent in. Vide Appendix Papers, p. 435 post.*)

32107. As regards these figures which you have given us in regard to rates, these are general rates, of course, including all sorts of things. Have you no means of giving us the rates which concern us, the rates which have been due to the lunacy administration ?—Yes, I have already offered to put that in, in reply to Dr. Loch. What you wanted was the debt.

32108. But I mean the rate in the £. At the present moment you have pointed out to us the rates of places are varying from 9s. 5d. to 14s., and so forth. I want to know what proportion of that is due to lunacy. A good deal is due to the fact that the cost of maintenance of lunatics has increased ?—Maintenance has nothing to do with my department.

32109. I beg your pardon, it has in the 9s. 3d. ?—Yes ; I now see what you are talking about.

32110. I am talking about the rates in the £ ; we should like to see how much of that rise in the rates is due to lunacy ?—I can get you that out, undoubtedly.

32111. (*Dr. Loch.*) You have to take into account the Exchequer grant ?—Yes. My idea in giving those figures was not so much to show the total cost of lunacy, which you can get in other ways, as to show that there was a very large increase in the general requirements of local authorities—not for one particular purpose, but for very many purposes.

32112. (*Mr. Dickinson.*) The idea is that the Local Government Board by getting financial control would be able to keep down the cost of lunacy ?—The cost of lunacy buildings.

32113. I want to see how far that will be attained by the Local Government Board ?—Surely these figures which I have read out to the Commissioners are some evidence that we can do that ; the statement of the cost of superintendents' houses ; we do not sanction loans of that amount for medical superintendents' houses at asylums under our control. Surely that is the best way of getting at what the Local Government Board could do.

32114. The increase in the cost of lunacy has come very largely from the increase in the cost of maintenance, quite as much as in the increase of the expense of buildings and so on ?—But I am not dealing with the question of maintenance ; that Mr. Davy will do. I am dealing merely with the capital cost.

32115. That is the rate Dr. Loch asked for—the rate in the £.

32116. (*Dr. Loch.*) No ; I asked for the loan rate.—You want the amount of the rate in the £ which is due to lunacy ?

32117. (*Mr. Dickinson.*) Yes, leaving out maintenance for the moment, which will be possibly difficult to arrive at, because that involves examining the Guardians' accounts ; the rate in the £ due to expenditure on lunacy ?—That will be exceedingly difficult to get out. We could not get it absolutely. I do not think you could get at it as a rate in the £. The only thing you could do would be to take the sums which have been borrowed, and reduce them to rates ; say, this is the annual instalment of principal and interest, what does that mean in the shape of a rate on a particular place ; that is the only way you could do it.

32118. (*Dr. Loch.*) I suppose it could be done in a few instances ?—In that way, taking the assessable value of a particular place and working from that.

32119. (*Chairman.*) I do not think there would be any advantage in our having a return of that kind. It could not be got, could it ?—I do not think it could be given generally. It can only be worked out in that way, getting the assessable value of each particular place, and working out the amount that is borrowed in respect of that particular place.

32120. (*Mr. Dickinson.*) One is anxious to see how much can be saved by this financial control, as proposed ?—You have got here the amounts expended in respect of capital on lunacy in each particular year from 1885.

32121. (*Mr. Greene.*) I understand that the whole point of your evidence, or the main point of your evidence, is directed to this, that you recommend that the Local Government Board should have more efficient control over expense ?—Capital expense. I am dealing merely with capital.

32122. That leaves the expense of maintenance, the revenue expenses, annual expenses, to be dealt with solely by the local authority ?—That will be dealt with by another witness from the Local Government Board, Mr Davy, who will deal with the question of maintenance expenditure.

32123. For my point, I should like to anticipate him by this, instead of asking you to come back again. Can you state whether your colleague is going to suggest that some other department should have control of revenue, or should it remain in the Local Government Board office ?—I cannot answer that.

32124. It might be convenient to have one body controlling capital expenditure in the erection of buildings, and another body controlling maintenance afterwards ?—Yes ; as regards many of these authorities we do already control maintenance from the point of view of audit.

32125. Yes, but your only way of doing that would be, as you say, by an audit ?—Yes.

32126 But you have not got power of surcharge in all cases ?—Of course we have no audit in the cases of boroughs.

32127. In boroughs, if I remember aright, the audit is totally inefficient, unless there is the Tunbridge Wells clause or the Plymouth clause, where it is thrown on the Local Government auditor ; otherwise it is the elective or the mayor's auditor, who audits ?—The audit is that provided for by the Municipal Corporations Acts.

32128. They have no possible control ; it is perfectly ludicrous ?—Yes.

32129. They only check the cash account, really ?—It is all they have the power to do.

32130. Therefore the borough councils are absolutely without control as respects their expense and maintenance ?—Yes.

32131. And it applies not only to lunacy matters, but to all matters in their control ?—Except education.

32132. There is an audit for that, with power to surcharge ?—Yes, there is a Local Government auditor.

32133. I daresay you are aware that in the last few years the Tunbridge Wells clause has been applied in several cases, to what I may call peccant boroughs ; take for instance, the notorious case of Plymouth ?—Yes ; Poole is another instance of Government audit.

32134. With respect to the boroughs, I suppose there are a good many asylums all over the country ?—There are.

32135. But the greater part of the control and maintenance of lunacy at present in those places is absolutely beyond any sort of independent control ?—Yes, so far as the boroughs are concerned.

32136. Now I will deal with your Board about the capital expenditure. Your view is that capital expenditure should be entirely managed by the Local Government Board ?—Yes.

32137. When you have a request for a loan, out of what material is it provided ? The local authority apply for a loan ; what is their next step. What do they submit with their application ?—You are talking now of a lunacy authority who are applying under present circumstances ?

32138. Yes, I am not going into drainage and other sanitary matters ; purely lunacy ?—They send us up a copy of the approved plans, or the approved plans themselves, and an estimate of the cost.

32139. Have you a tame architect ?—Yes, we have several tame architects.

32140. And they look into the plans and estimates ?—Not of these lunacy matters.

32141. That is my point. I am trying to get the lunacy thread separate from all others ?—As regards those buildings, they are approved already by the Secretary of State.

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32142. Although you have got adequate professional assistance on the spot, it is not submitted to that branch ?—No.

32143. Then you take it for granted that the Secretary of State and the Lunacy Commissioners have satisfied themselves of the adequacy and propriety of the scheme and of ts cost ?—Yes; with regard to that matter, I may mention that, by an arrangement with the Home Office, we do look carefully now, and have for some eight years, into questions of drainage and water supply; we have special experts on those points, which the Home Office have not.

32144. That is as to the adequacy, rather than the cost ?—It is as to the adequacy and propriety, and also the cost; the cost comes in because we make the suggestions, if any, and look into the cost at the same time.

32145. How is the amount of the loan fixed ?—By the estimate.

32146. You take that into account ?—Yes.

32147. You then see whether the rateable value of the property is sufficient to secure the repayment of principal and interest over a certain number of years ?—To enable us to sanction, yes.

32148. Do you have a local inquiry ?—We have usually all the financial figures necessary. We have a visit if there is any question of drainage and water supply involved.

32149. Are both the Lunacy Commissioners and the Home Office supposed to have passed the expediency of the site which is selected ?—Yes.

32150. And the sanitary arrangements ?—No, the Commissioners say they cannot look into that, the Home Office leave that to us.

32151. The Commissioners in Lunacy say they have already done that ?—Yes, I think so.

32152. I dare say you are aware that they have no sanitary assistance ?—Yes, and I think we have got evidence of that in one or two cases.

32153. But they have an architect; so what comes to you, with your own knowledge on which to pass the plans, is plans for an asylum in which one's fellow creatures are to live, which are approved by a body of Lunacy Commissioners who have no expert sanitary assistance whatever, which pass through the Home Office where they have none either, and then come on to you ?—Yes.

32154. Then you pass the plans in your office for the raising of the capital ?—Yes.

32155. Do you fix the number of years for the repayment, or have they to settle that ?—We fix the period within which it is to be paid; we fix the maximum period, that is all.

32156. I understood you to say just now that the maximum period for the purchase of land has been fixed at thirty years ?—Yes, for lunacy purposes.

32157. Is it fixed by statute ?—It is, as far as county councils are concerned; the provisions of the Local Government Act of 1888 are made applicable, Section 69 I think it is; and as far as the borough councils are concerned they are subject to the provisions of the Municipal Corporation Act of 1882 which again fixes thirty years as the maximum.

32158. There has been some attempt in the last few years to raise the borrowing terms up to sixty years ?—Yes.

32159. In many Provisional Orders, certainly for other purposes than lunacy, it is frequently given ?—Yes, quite so. These are Provisional Orders made under the Public Health Act where we should have power to put anything up to sixty years.

32160. For instance, taking the life of drain pipes which is very often taken to be forty-five years ?—We do not; it used to be taken in Parliament.

32161. You called attention to the rates of interest which are charged by the Public Works Loan Commissioners, but I take it that the authority, from whom you sanction the borrowing of money is not limited to the Public Works Loan Commissioners ?—No, and very seldom goes there. These are large loans and the Public Works Loan Commissioners would not lend them. That is merely an indication of the general rise of rates of interest

32162. I dare say you are aware that the Public Works Loan Commissioners lend at varying rates and at varying terms for the different works in respect of which they have to lend ?—Yes, that is pointed out in the statement I handed round; the different periods are given.

32163. But the different subjects for which they are to lend. Supposing they were lending for the construction of something like a tramway, or something of a perishing character, their terms would be different from what they would be if they were lending on something which would not deteriorate ?—But in those cases the security is the rate and not the undertaking. They cannot mortgage the undertaking.

32164. I am aware of that, but I was suggesting to you that although they have primarily to look to the amount, they also have to look to the undertaking, because supposing the undertaking is of a perishing character and will require renewal or replacement within a certain length of time, the rating of the place may be affected by that ?—Yes, certainly.

32165. Therefore they do not act uniformly, but have to pay attention to the nature of the undertaking which is to be the subject of the loan ?—Yes, I know that in certain places they decline absolutely to sanction loans.

32166. Because they may never be repaid; the rateable value may vanish ?—Yes.

32167. What you have put here is the rates of interest charged by the Public Works Loan Commissioners which show a quarter per cent. rise between each of the periods of the Treasury Minute ?—Yes.

32168. A uniform quarter per cent.?—Yes, so that you get one on the whole.

32169. That possibly could be accounted for; I mean taking the same number of years there is the uniform rise of a quarter per cent. during each of the periods which has been fixed. To make this perfectly explicable one would like to know why the Minutes were fixed at those particular periods of the year, or what happened at those periods that they should have fixed those particular rates ?—I am afraid you will have to get that from the Treasury; the Treasury fixes these in consultation with the Public Works Loan Commissioners.

32170. The rate of interest they have to charge has been raised, partly having consideration to the greater risks there are of repayment, to the greater chances of the rateable values declining, or the greater expenses and burdens which municipal authorities are heaping up ?—Yes; no doubt also to the fact that the general market is more stringent; no doubt they bear that in mind.

32171. The general disinclination to lend to municipal undertakings, now that they are so indulging in municipal trading and so on ?—I was rather thinking of the effect of stringency on the general market which would result if the Public Works Loan Commissioners rates were kept down and the flooding of the Public Works Loan Commissioners with applications. No doubt they would have that in their minds.

32172. Although the Public Works Loan Commissioners may choose to lend on these terms I dare say you are aware that a great many authorities are borrowing from private sources altogether, banks and so on ?—Yes, over the counter.

32173. Small banks all over the country are lending ?—They borrow from assurance companies too. In a certain number of cases they take small sums of money over the counter on receipt.

32174. I have got as far as your authorizing loans; then we are going on to local authorities borrowing from the Public Works Loan Commissioners, or on the market; what further financial control have you got? Do you hear any more of it?—We hear no more of it except in the shape of returns of expenditure. We do get returns of expenditure.

32175. The local authority makes you a report—except in the case of boroughs ?—Yes, the boroughs do. Under the Municipal Corporations Act they make a return of expenditure. It is generally in a form which is sufficient to give you a general idea of what has been spent

and what it is being spent on. They generally send us their printed form of accounts, what they call their "abstract of accounts."

32176. There are many instances in which authorised loans have been raised and not applied at all for the purposes?—Yes. I do not say that when you have got the information you can do anything with it. That is quite a different thing.

32177. Something purports to appear on the face of the account suggesting that it has been applied for the purpose?—Yes.

32178. But there being no official audit, there is no one being who can say whether the bricks and mortar which you authorised to be put up are on the land?—No.

32179. Except for these papers which I presume you have nothing to do with except to fill up the waste paper basket?—No; as a matter of fact they are of use, they are a check when the local authority comes for a further loan. We say: "Here you state that you spent so much on this." They are useful in that way.

32180. You say that they come for a further Provisional Order and then attention is called to it by Mr. Boyce, or someone else?—Yes.

32181. Is there any obligation on you to see that the loan is ultimately paid off; that the liability ends as far as the ratepayers are concerned?—As regards some of the authorities there is no such liability on us, but as a matter of fact we do, because when they come for other loans we say: "Kindly send us a statement showing what your present position is."

32182. You have said enough to indicate that it is highly important that the Local Government Board which has to have a grasp of the finance of every local authority should deal with this matter?—Yes, deal with it unfettered.

32183. The Home Office can have no knowledge of the other obligations of the local authority unless they get it from you?—They cannot get complete knowledge unless they have it from us.

32184. (*Mr. Byrne.*) All the departments have the returns?—But that is not the point.

32185. (*Mr. Greene.*) That is not the point at all; they have not got the adequate knowledge, a knowledge equal to yours of the financial position of each borrowing authority?—I do not see how they can have, nor have they the knowledge of the other requirements of a sanitary nature of the particular authorities concerned.

32186. Public libraries, swimming baths, and sanitary matters, all kinds of things, they have no knowledge of?—No.

32187. Therefore it is no interest to the Home Office to make comments on the growing or falling rateable value of any given local authority?—I do not know what they do in that way.

32188. They have nothing to do with it?—No.

32189. But you have?—We have; we are constantly on the look out for it.

32190. Therefore you not only have a complete knowledge of the financial position of these borrowing authorities, but you have also a knowledge of their liabilities, and of their wants?—Of their wants.

32191. Because their wants are constantly cropping up?—Yes, and we have annually a report from the medical officer of health of each particular place showing what is necessary in that place apart from our own medical and other inspector's reports.

32192. You can see what possible loans or projects are coming forward?—Yes.

32193. Therefore you are in a better position than any other department for controlling the financial expenditure necessary?—Yes. May I say, with regard to that particular point, as an illustration, that there is a place in the West Riding of Yorkshire which has been rather hard up for money for some time; they have had to spend an enormous sum of money on street improvements, and we were aware that this particular place required sewering, and sewage disposal very badly, and we had to tell them at last that no further loan would be sanctioned for street improvements although the street improvements were very desirable, and it was a very narrow place, and constant accidents were happening, but we had to tell them they must not spend more on those unless they got special borrowing powers from Parliament, which they did. That is an instance of the watch which is kept over the general question. It is not a question of expenditure on one item only.

32194. But on a great number of projects?—Yes.

32195. With reference to the plans, you have given us two or three illustrations of cases in which ambitious projects have been brought forward and more expensive projects than you thought quite desirable; do you know whether many of those projects are merely the schemes of county surveyors, or are they all really qualified architects?—I think some of them are schemes of county surveyors, but I think you will find that some county surveyors are highly qualified architects.

32196. Is it the exception, or otherwise?—On the whole, taking a county surveyor, I should say that the exception was to find an unqualified architect.

32197. What about boroughs?—Boroughs vary; there are boroughs like Leeds, Sheffield, Liverpool, and Manchester, and there are boroughs like some town in Wales, though I need not specify. We had one architect there who was brought up as a hairdresser; he came directly from being a hairdresser to being architect of the place.

32198. There are some officials in those places who are not really people who have been brought up as architects or have had sufficient training to plan the requisite buildings?—Plenty of them, and some county architects.

32199. Therefore it points to the expediency of having an authority to supervise these, who not only can pay regard to the financial capacity of the borrowing authority, but to the propriety and sufficiency of the proposed plans?—That I should think the Lunacy Commissioners would be quite able to manage.

32200. But the Lunacy Commissioners would primarily, I take it, have, in considering plans, to consider whether there were certain elementary principles to be found in the plans, principles such as cubic space for inmates, corridor space, appliances for exit, exercising places and so on; but the external embellishments or elevation would hardly be a matter for them?—No.

32201. It is possible, is it not, that the retired hairdresser, posing as an architect, might burst out into enthusiastic and extravagant expense?—I do not fancy the hairdresser has very much chance on these buildings; I think the local authorities look after that.

32202. Would it not be desirable that you should have knowledge of the financial position of the borough, and should also be able to know what cloth it has to cut, and say how that cloth should be cut?—I think so.

32203. You have adequate expert assistance to do that?—Yes, we have an architect who is quite capable of seeing whether there is unnecessary ornamentation, and also whether cheaper buildings would do.

32204. Leaving the Lunacy Commissioners to deal with what I may call the principles, or the necessary requirements, which may be tabulated on paper as instructions for your architect?—The Lunacy Commissioners, on the point of what is necessary for the care, and so on, of lunacy, must be paramount.

32205. But leaving to you, so long as their requirements for the number of persons are satisfied, to dispose of site, elevation, material and construction, and so on?—To a certain extent. I believe they would say probably that, as regards certain points of material, there would be medical considerations.

32206. They would lay that down in their instructions?—Yes, they have issued some very definite instructions, as a matter of fact, for the guidance of architects.

32207. I would just like to ask about the instances you gave; the medical superintendent's house, I think you saw reason to disagree with?—Yes.

32208. That was at a cost of £4,600 as a round figure. We will knock off the odd figures, if your conscience will allow you. That was to erect a dwelling for a medical superintendent?—Yes.

32209. You objected to that?—Yes.

32210. May I ask why?—Because I think it is excessive; that the £4,600 is too much to spend on a house for a man

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who is receiving a salary of from £500 to £700 or £800 a year.

32211. If he were a private investor he would expect to be able to get 5 per cent. on his money, that would be £230 a year. You think a man who has £500 a year ought to live in a house at a smaller rental than £230 a year?—I do.

32212. That may depend a little bit on the cost of buildings in the locality?—Yes, to a certain extent, but this was Bracebridge, just outside Lincoln; there is nothing really in the nature of that place.

32213. Was there something in the nature of the plans which you thought was too ambitious for the sort of gentleman with that salary who was going to live in the place?—We should have thought so.

32214. That is a very forcible illustration of the necessity for having your architect, who could advise you upon that, and how to curtail that expense and give a maximum limit for that item?—Yes. I do not know whether the Commission would like me to hand in a diagram showing the expenditure authorised by the Local Government Board during the years 1890 to 1905 for the erection, enlargement, etc., of Poor Law buildings and purchase of sites for the same. It is rather striking as showing the effect of our architect since 1900 onwards. He came to the throne about 1900. This diagram shows you the result in expenditure in particular years.

32215. Is this what he has cut off?—I cannot say exactly that.

32216. This does not show what they asked, but only what was allowed?—Yes; what you would like is the statement I gave you just now.

32217. I should like the amount, so to speak, taxed off. This only shows what you authorised. I was trying to see how far your architect would be efficient in cutting down expense?—Similar houses to these houses for medical superintendents of fever hospitals, and so forth, and infirmaries which we have sanctioned, and which have been subject to the control of our architect, have not cost more than £2,000 to £2,400. These are people, most of them getting £1,000 to £1,300 a year; people in rather important positions.

32218. And you have built for them houses costing what?—£2,000 to £2,400; £1,800 in some cases.

32219. (*Dr. Donkin.*) With regard to medical officers of fever hospitals, do you refer to the Metropolitan Asylums Board?—I was referring to a hospital in Lancashire. £2,400 was the heaviest expenditure.

32220. I was going to ask what proportion of the medical superintendents of the Metropolitan Asylums Board get £1,200 or £1,300 a year?—I could not answer that; you should ask Mr. Davy.

32221. You spoke as if it was rather frequent; do you know of any medical officer getting that at a fever hospital?—I only know in this particular instance; that was the salary at a fever hospital up in Lancashire.

32222. I doubt whether there is a single man getting that under the Metropolitan Asylums Board?—No, I should think not; I think £1,000 is the outside.

32223. (*Mr. Greene.*) If it were decided that the duty of supervising the construction should be entrusted to a body having full knowledge of the finance of the borrowing authority, can you tell me whether there would be any necessary collision between you and the Home Office?—I do not think so.

32224. What function would you then leave for the Home Office to discharge, in respect of the capital expenditure for lunacy purposes?—None.

32225. Is there any necessity for them to be brought into the matter at all, even to look at the plans?—I am not aware of any.

32226. You could do it perfectly well by dealing with the Lunacy Commissioners direct?—I should have thought so.

32227. As it is there is always the circuit?—Yes.

32228. It would curtail delay, I suppose, considerably?—I should hope it would.

32229. I do not know whether the Home Office is an overworked department. We find on this inquiry that almost every department of State is very much overworked, but if the Home Office is overworked, it would relieve them of something they have to do?—Yes. Mr. Byrne will be able to say how much it will relieve them.

32230. How many sets of plans did you tell Mr. Dickinson came to you?—That was plans of every kind.

32231. Well, lunacy plans?—Two or three in a year, I suppose.

32232. (*Mr. Byrne.*) You must have a good many more than that?—I should not have thought we had many more.

32233. (*Mr. Greene.*) Additions, as well as construction; I suppose when any expenditure is necessary, you would have to deal with anything like an enlargement?—Yes.

32234. And not where expenditure is not required?—No.

32235. Where they do not want to borrow, would it be right that you should also have to consider any plans for extensions?—I think the cases would be really negligible where they did not want to borrow; the expenditure is always considerable.

32236. In that case the Lunacy Commissioners alone need be required?—I should think so.

32237. If you were put into direct communication it would reduce the grievances and complaints of delay which have been submitted to us now and again?—Yes.

32238. (*Mr. Byrne.*) Do you consider that the powers given over local authorities by the central authority in the matter of asylum accommodation, whether by the Lunacy Act or if it were given to the Local Government Board by the Local Government Act, are in themselves sufficient?—What would those powers be?

32239. The powers of having the plans submitted to them, being able to make a local inquiry, being able to approve them either as they stand or with modifications?—I should think so, coupled with the control of the capital finance, so far as that is concerned. I should say so probably, with the control of the loan. That is really the main machinery by which the control would be done; at the present time I take it, there is not a control.

32240. The Local Government Board have control over the loan and the Home Office over the nature and type of the buildings?—Quite; the nature and type of the buildings having been settled, the loan follows.

32241. The thing which affects the loan is the nature and type of the buildings?—Yes.

32242. The approval given to the plans fixes the approval of the loan?—Yes.

32243. It is therefore simply a question as to which department it should go to?—I think so.

32244. And it is a very small question, really?—It is a comparatively small question no doubt; it is a matter of six millions in nineteen years.

32245. I do not mean the total amount at stake, but the question as to which department does it, is a small question?—I am not quite sure that I agree with that, that it is only a small question which department does it. As the thing stands, there is no control; I do not think that is right. I take it the Home Office do not pretend for a moment to go into the estimates of cost; they have not the machinery to do that, I have heard it stated.

32246. To do it the Local Government Board would require to have their staff increased; they have told us so officially?—I am not aware of it.

32247. Whichever department dealt with it would have the same opportunity of appointing competent persons?—I am not aware at all that they have made that statement.

32248. They have told us so, I think?—I have never seen that letter.

32249. At any rate, whichever department did it, they would have to appoint experts to advise them; architectural and other experts?—I do not think so.

32250. Would not those be the same, whichever department did it?—I do not think so. As regards sanitary

work we have the necessary expert advisers already; we should not propose to increase them in any way.

32251. Not propose to increase the staff to do it?—I do not think so.

32252. That is a very strong argument?—All you would have to do would be to appoint another assistant architect. I am not sure that that would be necessary, but it might. That is the most you would have to do.

32253. You are aware that the Committee a few years ago, inquiring into the work of the Local Government Board, reported that they were overworked and further work could not be given to them?—Yes.

32254. Has the staff been increased since that?—Very considerably increased.

32255. You gave us very striking figures showing the increase of local indebtedness; that is a subject which has been discussed lately as it is a matter of public interest?—Yes.

32256. It has affected all Government departments dealing with the expenditure of money?—I do not know how far it has affected them. It is a matter of common knowledge.

32257. In many subjects the Government departments, some years ago, did not devote themselves to the suppression of expense, did they?—I suppose they did not.

32258. It was not so much thought of?—I imagine it was not. I imagine it is not now in many departments; I do not think they consider it.

32259. It is a matter of common knowledge among people in your department, and in mine, and the Lunacy Commissioners', that the Home Office thought for many years that its duty was merely to see that adequate and proper accommodation was made for the class of people with whom the lunacy authorities deal, without in any way feeling bound to restrict the generosity of local authorities?—Yes.

32260. That is common knowledge, is it not?—Yes.

32261. That is also applicable to every department. Your own department have been accused of extravagance, have they not?—They have.

32262. And truthfully; I will not go into detail?—I am not prepared to admit that.

32263. Take a quite recent case; you approve the asylums of the Metropolitan Asylums Board?—If it is going to be a question of the Metropolitan Asylums Board you must ask the question of Mr. Davy; it does not come within my jurisdiction.

32264. I will give you the facts and take your opinion of them, supposing they are true. We were informed by the Metropolitan Asylums Board that the Tooting Bec Asylum, an asylum for senile pauper imbeciles, was approved by the Local Government Board at a cost of £334 a bed; that is 50 per cent. above the average cost of lunatic asylums approved by the Secretary of State?—I should not admit that.

32265. (*Mr. Chadwyck-Healey.*) Is it not £376 a bed?

32266. (*Mr. Byrne.*) It is, including a good many little extras; I am taking the initial expenditure, £334?—Does this include cost of land?

32267. No, no capital expenditure or central charges whatever. The cost of the asylums as approved by the Secretary of State, the average cost as appearing by the return laid before Parliament, which was asked for by Mr. Hobhouse, was £224 per bed?—Is this the corrected return or the original return?

32268. The difference is extremely trifling between them?—That return relates to the expenditure over a long series of years.

32269. Yes, and the average of it was £224?—I can quite understand that.

32270. This asylum recently approved by the Local Government Board cost 50 per cent. more?—But was it 50 per cent. more than the most recently approved type of the Home Office and the Lunacy Commissioners?

32271. Yes, because that was £224.

32272. (*Mr. Chadwyck-Healey.*) The evidence which has been given to us by Mr. Mann was that the place has cost up to the present time £300,000 without land; that is the Tooting Bec Asylum.

32273. (*Mr. Byrne.*) Yes, I was reading from Mr. Mann's evidence, Vol. II., page 284.

32274. (*Mr. Chadwyck-Healey.*) On page 293 it is given as £300,793, which works out at £376 a bed.

32275. (*Mr. Byrne.*) That asylum was approved, on land costing £1,200 an acre, by the Local Government Board?—Quite likely. Undoubtedly you would not get land there under that.

32276. That was in 1903; and the annual charge for maintenance is £45. Has anything occurred since 1903 to make us think the anxiety for economy and the probability of successful efforts to secure it, if the work is transferred to the Local Government Board, is a matter on which we can rely?—As regards that I should like to say that since that date there has been a new Assistant Secretary of the Local Government Board dealing with that particular department, with which I have nothing to do whatever. I think that has had an effect which must be considered in connection with this. I think if you will examine him on the question you will find that he has made a very startling reduction in the cost of these buildings.

32277. There has not been another built since?—No, I am talking of Poor Law institutions generally. I think he can give you instances where the expense has been enormously cut down.

32278. I think that is most probable. Would you also think it probable that the Home Office in approving asylums, after the discussion and the public interest which has recently been taken in it, would also show greater economy?—I am sure of it, if they were in a position, if they had the necessary staff; if you are going to create a special staff of architects and engineers for dealing with this, which you say is to a certain extent a small question, then these economies could be effected.

32279. Judging by the past, all we can say is that each department has approved of grossly extravagant things, but there is every reason to believe that they may improve in the future, there is such a popular outcry among all people who have been recently investigating the matter?—As regards the past I think you must inquire as to Poor Law institutions of Mr. Davy. I do not think it is right for me to give away what case he may have. I do not know anything about this particular asylum to which you refer.

32280. I only wanted to get a statement from you of matters within your experience, namely that both departments have approved of extravagance in the past and recently have become much alive to the necessity of economy?—Perhaps you will get the first part from Mr. Davy—the admission, if it is admitted.

32281. I understand that the Local Government Board wish to lay evidence before us, not only on this matter of the central authority to deal with plans, but on other matters which have come before the Commission?—Yes.

32282. Of course most of the matters we have had before us are those on which you can imagine the views of your inspectors have been more important, because we have had the legal and administrative part laid before us by Mr. Adrian. Since he appeared here we have had a large amount of evidence to the effect that it would be advisable that the Poor Law should cease to deal with defectives of all classes; that they should be removed from its care and dealt with by county authorities in various circumstances according to the classes affected. Have the Local Government Board any corporate or official opinion on that matter?—I should imagine they would have, but that will be given by Mr. Davy.

32283. What is Mr. Davy's office?—Assistant Secretary and Chief General Inspector. I am strictly limited to the financial side, the capital financial side.

32284. (*Dr. Needham.*) I do not want in the least to give any imperfect or unfair account of what took place at the conference. When I said to you that I did not remember Mr. Chalmers saying anything definite, I said what was in my mind. I have sent to the office since for a copy of the memorandum which I made. I made a memorandum which I presented to my colleagues, and I will read it to you *in extenso*. "On Monday, November 29th, 1905, by direction of the Board, I attended as its representative at the House of Lords at a conference respecting plans and the mode of dealing with them, their examination by us,

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and submission to the Secretary of State and their re-examination in cases in which they formed the subject of loans by the Local Government Board; the best mode of exercising control of initial local expenditure and the carrying them out, and the question of our having as a member of our regular staff an architect who would devote his time to giving us the necessary expert assistance. The conference was also attended by Sir Kenneth Muir Mackenzie representing the Lord Chancellor, Mr. Chalmers, Under-Secretary of State for the Home Office, and Mr. Kershaw, Assistant Secretary of the Local Government Board. The whole matter was freely discussed, and it was at once obvious that outside our department there was a unanimous opinion that the practice of our having as our expert adviser an architect who himself builds asylums is indefensible from the economical point of view. I showed, however, how well it had answered, and the difficulty of making it worth the while of any expert to advise us, and yet refrain from undertaking other expert work, but I pointed out that even with a consulting architect it was impossible to give careful scrutiny of specifications so as to limit undue expenditure in matters which were not revealed by the plans, such as flooring material, corridors, dados, overmantels, and fittings generally, for that we had no staff and no time to do it ourselves and no adequate Treasury allowance for it to be done by our consulting architect and his staff, even if they could undertake it. The Local Government Board would not accept any substitute for its own examination of plans in cases of loans, but it was suggested that the Home Office might by legislation hand over its functions to that Board, so that we might examine plans as lunacy experts, handing them over to the Local Government Board for examination as to construction, drainage, heating, etc., and final approval, loan or no loan." That is a great difference from saying that the plans should be handed over to the Local Government Board without reference to the Commissioners at all?—I do not think I said that. I said that the Under-Secretary of State for the Home Department had made his suggestion, and I went on to say that Dr. Needham said at once that the suggestion would meet with strong opposition ?

32285. Yes, handing the plans over to the Local Government Board without the Commissioners having any concern in their arrangement at all ?—I understood the objection was to the arrangement suggested by Sir M. D. Chalmers.

32286. No, we had no voice in that. It was not a matter for us to decide ; it was a matter for other departments. " Finally no decision was arrived at, the general idea being that the present system is a bad one, and needs amendment, and that in any case we need help, but that its form is involved in great difficulty. It was thought desirable that we should have another conference at a date to be fixed by Sir Kenneth Mackenzie." I want to make a perfectly clean breast of it, and to lay the whole thing before you as it occurred. Now as regards the examination of plans by the Commissioners, you do not seem to be aware that in a very considerable number of instances the Commissioners do consult sanitary engineers with reference to sanitary matters and that some of the eminent sanitary people who have been consulted in recent years did not agree with the views which were taken afterwards by the sanitary authorities of the Local Government Board. There were two sanitary authorities; the Local Government Board with its sanitary advisers and these gentlemen who stood out as sanitary advisers of eminence did not agree, as sanitary authorities very often do not ?—Might I ask what was the particular case ? It is not much good discussing general points of this kind without reference to a particular case.

32287. No, perhaps not. You have drawn up a statement, and the Commissioners have had no opportunity of answering this statement. One statement is good until another is presented ?—Quite.

32288. Then as regards reduction in the cost of asylums, are you aware that in recent consideration of plans our consulting architect has been able to reduce the proposed expenditure for an asylum by something over £100,000 ? —No, I am not ; but I am afraid that even assuming that that is so the facts might remain that parts of the asylum were still too expensive.

32289. Are you aware that the Commissioners exercise the greatest possible scrutiny ? I admit it is of late years, because at one time, as Mr. Byrne pointed out, I think all the central authorities thought the matter of expense was one which might properly be left to the local authority ?—I do not think the Local Government Board ever thought that

32290. I cannot tell what they thought. Certainly the other authorities did, up to within the last few years, since which I venture to think there has been extreme care exercised with reference to expenditure. Now about the cost of the medical superintendents' residences; may I ask how you arrived at the cost of the separate houses ?—From the estimates.

32291. But the estimates are block estimates generally ?—The estimates we have given separately—the cost in each of the cases.

32292. Did you have separate estimates of every item ? —Not of every item, but in every case we have separate estimates of this particular item.

32293. Of the superintendents' houses ?—Yes.

32294. Then may I take it that these are accurate ?—I think you may take it that they are absolutely accurate.

32295. You have taken the asylum at Croydon, the Warlingham Asylum ; you say the house cost £3,200 ?—Yes.

32296–8. Might I be allowed to ask Dr. Pasmore, the medical superintendent, to say whether that house is of an extravagant size ?—(*Dr. Pasmore.*) Not at all. It is a plain structure, and no ornamentation whatever has been put upon it, and as a matter of fact it is inadequate as far as accommodation is concerned, because it lacks room for a large family. For instance, there is no box room in the house. In Croydon the expenditure was due to the fact of builders' prices going up immediately after the estimates were got out, and also to the fact that the cost of carting from the station, it being three and a half miles from the nearest railway station, was very great. (*The Witness.*) That does not explain why £3,200 was expended. It only shows there was more extravagance than I thought. Here is a house absolutely inadequate, and yet it costs £3,200.

32299–32300. (*Dr. Needham.*) You do not suggest that there is any combination between the Commissioners and the local builders as regards the amount of the charge ?—(*The Witness.*) I make no suggestion of the kind ; but you tell me that the house is too small for the doctor. (*Dr. Pasmore.*) I did not say that it was too small. (*The Witness.*) You said the accommodation was inadequate.

32301. (*Dr. Dunlop.*) Do you assert that that amount of money was spent upon it ? I thought it was only an estimate ?—This amount was actually spent ; the other cases were estimates of expenditures ; some of them may have cost more ; some of them less.

32302. (*Dr. Needham.*) Now as regards chapels, you have given three chapels. Let us take Storthes Hall, which is not built, and possibly may never be built. There are 2,000 odd patients. It is going to cost £7,500 ? —Yes.

32303. Do you know what the Church Building Society reckon per seat for an ordinary church ?—No.

32304. £10 per seat. This does not amount to anything like £10 a seat ?—You would hardly expect that.

32305. I should not expect it. I merely point out the fact that it does not. Then as regards cottages, do not you think you have taken a very unfair list of cottages which were built during a time of inflated prices, and that if you were to investigate you would find that a very large, a very preponderant number of the cottages, have been built at two-thirds of the prices you have mentioned here ?—I have taken the dates from 1898 onwards to 1904.

32306. You must have taken one or two extreme instances ?

32307. (*Chairman.*) I think Mr. Kershaw said he gave us the extreme prices ; that is the whole point of it.

32308. (*Dr. Needham.*) I thought Mr. Kershaw presented these things as specimens of the extravagances which prevail ?—Quite—fair specimens of extravagance ;

therefore the existence of these other cases rather argues that these might also have been reduced.

32309. No, because you give us things like this: foremen's houses, farm bailiffs' houses, stewards' houses; you do not say what sort of foremen they are, or what sort of stewards, and so on. There are stewards and stewards; and foremen and foremen?—Yes, but take the other cases if you object to those; there are cottages for attendants, gardeners' houses, gatekeepers' lodges.

32310. I take here four pairs of houses, £653 a pair. I can find you a very considerable number of attendants' houses which have not cost anything like £653 a pair?—Then I should like to know why these cost so much more.

32311. I should like to know it also. Has the Local Government Board on any single occasion made a specific representation to the Commissioners that the plans were extravagant for any particular thing, because if so, will you give me the instance or instances? The Local Government Board wrote a letter to the Commissioners sometime since in which they said they hoped the Commissioners would work with them in endeavouring to reduce the cost of building of asylums. You put that letter in. The Commissioners responded in the same spirit because they felt the same. But have you ever on any particular occasion, when you thought the price of a building was too large, drawn the attention of the Commissioners to the fact?—I cannot, of course, say that we have, because as I pointed out when I started my evidence in chief, the position when these cases come before us is this: the Lunacy Commissioners have had these plans before them, and have recommended the Home Office to approve them; the Home Office have approved of the plans and of the contracts; therefore the Local Government Board are not in a position to object.

32312. It is not a reflection on the Commissioners only, it is a reflection on the Home Office, that they have approved of plans which were sanctioned by the Commissioners which were extravagant, or contemplated extravagant outlay?—I think the Home Office are quite prepared to admit that they have passed plans which are extravagant; I understood Mr. Byrne to say so just now.

32313. (*Mr. Byrne.*) It is an obvious fact.

32314. (*Dr. Needham.*) Have you ever referred the matter back, as the Home Office have, to the Commissioners? The Home Office have sent back plans to the Commissioners, saying they were excessive?—But the position is entirely different; the position is that the Home Office have not approved the plans when they are sent back to you, but when the case comes before us the Home Office have approved the plans. That makes all the difference.

32315. I do not think it makes any difference?—I am afraid we must differ.

32316. The Local Government Board have to sanction the expenditure of the money and if the Local Government Board think the money is being expended improperly, surely in the interest of the public it is their duty to take some action?—That was a possible attitude for the Local Government Board to take up. As a matter of fact it was considered by the Permanent Secretary and the President for the time being when this question came up in 1892, when we had rather a stiff letter from the Commissioners through the Home Office on a point we had raised—I think it was the Suffolk case—and it was decided then that the Local Government Board ought not, when the plans had been approved by the Home Office, to raise a question as to the cost of the building.

32317. As a matter of fact they have not?—They have not; that was decided after careful consideration.

32318. (*Mr. Chadwyck-Healey.*) I think I have only one question to ask, as Mr. Byrne has dealt with the Tooting Bec Asylum. You have control of the workhouse infirmaries?—Personally no, that is Mr. Davy.

32319. You could not tell me what the cost of the infirmary in the Marylebone Road was?—No, I have no knowledge.

32320. I must wait till Mr. Davy comes about that?—Yes.

32321. (*Chairman.*) Is there anything you would like to add?—Nothing.

STATEMENT AS TO RATES OF INTEREST CHARGED BY THE PUBLIC WORKS LOAN COMMISSIONERS.

(*Handed in by Mr. Noel T. Kershaw. Vide Question* 32042.)

Date of Treasury Minute authorising rate to be charged.	Loans repayable within periods not exceeding	Rate of Interest.
7th August, 1897	30 years	2¾ per cent.*
	40 „	3 „
	50 „	3¼ „
2nd November, 1899	30 years	3 per cent.
	40 „	3¼ „
	50 „	3½ „
18th January, 1900	30 years	3¼ per cent.
	40 „	3½ „
	50 „	3¾ „
3rd March, 1904	20 years	3½ per cent.
	30 „	3¾ „
	40 „	4 „
	50 „	4¼ „

* The minimum rate allowed by the Public Works Loans Act, 1897. *See* Section 1.

DAVID DAVIS, Esq., called; and Examined

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32322. (*Chairman.*) Would you tell us how long you have been Chairman of the Birmingham Asylums Committee?—Just over two years.

32323. Were you a member of the committee before that?—Yes, I have been a member of the committee for five years.

32324. You have been so kind as to give us a statement of your evidence; may we put that on our notes?—Certainly.

32325. It is on behalf of the committee I presume?—Yes, it is; it is settled by the committee.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY DAVID DAVIS, ESQ., CHAIRMAN OF THE CITY OF BIRMINGHAM LUNATIC ASYLUMS COMMITTEE OF VISITORS.

The committee have given careful consideration to the letter received from the Secretary of the Royal Commission, dated 16th November, 1906, and they now beg to make the following suggestions:—

The committee are of opinion that a central authority should have the care, control, and general supervision of all classes of insane, including the feeble-minded. They would call the attention of the Commission to the fact that the number of registered insane (as shown by the last Report of the Commissioners) has increased by about 100,000 since the Board of Commissioners was first appointed, and that no addition has been made to that body during that time. If the feeble-minded are added, a very large unknown number will have to be included under the general head.

Assuming that the latter class are added to the duties of a central authority, there must of necessity be a large increase in the number of the persons constituting the Board of Commissioners. It might be sub-divided so as to deal with the different classes of the insane. In the opinion of the committee the constitution of the Commission should include a number of medical men (most of whom should have had lengthened experience in the care and treatment of the insane), lawyers, members of Parliament (who should be able to represent the Commission in the House of Commons), and representatives from county councils, cities, and boroughs. The Commission should have the power of appointing inspectors, who should report to the central authority and be under its control. It would be advisable that each inspector should have offices and a staff, and be located in the district allotted to him, and have a certain number of asylums in his particular charge. He should be required to visit his own asylums more frequently than has hitherto been done by the Commissioners, and to forward reports to the Board at stated intervals.

Many minor matters, such as unimportant structural alterations and additions to existing institutions, might with advantage to all parties be left to the inspectors, with the right of appeal by the local authority to the Board in the event of disagreement.

The committee are of opinion that considerable amendments are necessary to the Lunacy Act, 1890. They suggest the following:—

(*a*) Such alterations as may be necessary to provide proper accommodation for criminal patients, instead of sending such patients to pauper asylums.

(*b*) The abolition of the word "lunacy" throughout the present Act, and the substitution therefor of the words "mental disease."

(*c*) An amendment to Section 261 (1) of the Act, so as to allow Visiting Committees to take buildings or land on lease for a shorter period than sixty years.

The committee feel strongly upon the following points, which they are of opinion should be included in the duties of the Board of Commissioners:—

(1) First among these comes the social and national aspect of the disease, especially as regards its prevention.

(2) An extension of the systematic study of all mental disorders, in the hope that in the course of time progress may be made in medical knowledge, and diseases of the brain now considered incurable may be treated and perhaps cured. Efforts similar to those in regard to consumption and cancer should be made. In making these suggestions the committee desire to point out that the statistics of the Commissioners in Lunacy show that a recovery rate which in 1859 averaged 35·1 per cent. of the admissions, has after all the large expenditure which has been made, both in the erection of institutions and in the greater care and continued treatment of the insane, resulted only in an increase of 2 per cent.

(3) The consideration of the great advantages of the villa and colony systems as opposed to the doubtful benefit which accrues from the establishment of large asylums.

(4) The desirability of providing special hospitals or reception houses for acute cases, to which doubtful cases of mental disorder might be remanded by judicial authorities for observation. It would also be advisable in large industrial centres to establish out patients' departments.

(5) Lastly, the committee desire to state that they entirely agree with the evidence given by the medical superintendent of their asylum at Winson Green (Dr. Whitcombe) before the Commission on the 2nd of February last.

DAVID DAVIS,
Chairman of Asylums Committee.

12th December, 1906.

32326. (*Dr. Dunlop.*) I see you and your committee strongly advise what amounts to a complete reconstruction of the Lunacy Commission; is not that so?—Yes, practically.

32327. A recasting of it?—Yes.

32328. And the formation of a very large Central Board?—Yes.

32329. And a thoroughly efficient *corps* of inspectors under them?—Local inspectors.

32330. First of all take the Central Board. The Central Board, you say, should consist of a certain number of medical men. Have you any idea as regards the numbers; what proportion should they form to the Board?—No, I have no idea; I do not know the quantity of work the Commissioners will have to get through for the whole of England and Wales.

32331. And lawyers the same way?—No, I cannot tell you.

32332. Members of Parliament; may I ask why you put them on?—Only so that they might represent the Commission in the House of Commons; if any question of Lunacy cropped up in the House they might have some knowledge of what is going on.

32333. Do you intend the Board to be a permanent or a changing body?—Permanent, as far as possible.

32334. The Parliamentary representatives would not be permanent?—No, they would not; that is to say they might not be.

32335. Representatives of county, city, and borough councils; may I ask what the object of putting those on the Central Board is?—The object is that they would possibly have experience in asylum matters, in various parts of the country, local experience, and they might be useful upon the Board.

32336. Is it desirable to have such a Board as this, a very large Board, merely for the purpose of debating a point and settling a point?—Of course the smaller a committee is the better it does its work as a rule, but we thought rather that the Board would be split up to deal with different classes of patients, and that different matters would come before their sub-committees who would necessarily report from time to time to the Board of Commissioners.

32337. Such a Board as you represent here would be a perfect small parliament?—It depends entirely on the number.

32338. If the boroughs of England were to have efficient representation?—I am not suggesting that every borough or every city should have a representative.

32339. Have you any idea of the size of the Board you advise?—No, I have not.

32340. It is not worked out to that detail?—I cannot tell you the quantity of work the Commissioners have to do

at the present time or will have to do in the future. The Commissioners would know better themselves.

32341. However, you would insist on advising that these bodies should be represented ?—Yes.

32342. Is there any reason why the cities should be represented separately from the boroughs ?— Not at all.

32343. Coming to the inspecting staff, what are the essentials of the inspecting staff ?—The idea of my committee was that a local inspector might deal with very small matters about which at the present time we have to trouble the Commissioners, and might deal with small matters even without reference to the Board of Commissioners.

32344. What size of district or locality should have a representative ?—I suggest generally four or five counties.

32345. Counties vary enormously in population ?—Say seven or eight asylums; perhaps that would be better.

32346. That is say 7,000, 8,000 or 10,000 lunatics ?—Perhaps that is too many; 6,000 or 7,000 say.

32347. An inspector for each 6,000 or 7,000 inmates ?—Yes.

32348. Residing locally ?—Yes.

32349. Himself able to dispose of small matters ?—Yes.

32350. Such as what; give me an example ?—Small structural alterations, or an increase in the size of the asylums, alterations to medical superintendents' houses.

32351. Petty alterations ?—Yes.

32352. An increase of lunatic asylums is not a very small order, is it ?—It is not very difficult.

32353. Some asylum extensions are very expensive work indeed ?—Yes, if the extensions were great they would be, but I can conceive that a local inspector, if he were fit for his work, would be able to sanction extensions with perfect safety to everybody concerned.

32354. The local inspector, I suppose, would inspect all your asylums ?—Yes.

32355. What about other institutions for dealing with the insane—the workhouses ?—Yes, they might be given to him as well.

32356. Your inspectors will all be medical men, I presume ?—Not necessarily.

32357. Would you hand over the whole inspection of county asylums to a non-medical person ?—If he were fit for his work.

32358. Do not you think a knowledge of lunacy and medicine necessary for the inspection of lunatics ?—Personally, no.

32359. Surely it is for medical treatment that these places exist ?—And they get it; there are very good medical staffs at the asylums with which I have anything to do.

32360. So good that they are quite above supervision ?—I did not say "above"; they are quite capable of carrying on their work, they want no inspection.

32361. Are they so good that they require no inspection at all ?—I think so; I am speaking of Birmingham.

32362. Are you aware of the fact that a good deal of Government money is spent for Birmingham lunatics; there is a 4s. grant is not there ? Have you heard of the 4s. grant for lunatics ?—In what direction ?

32363. For every lunatic in a county asylum a grant of 4s. is made for that lunatic's care and treatment, which is a medical matter is it not ?—Yes.

32364. Do not you think Government is entitled to know that that is rightly and properly spent ?—If they like to, through their inspector.

32365. However, in Birmingham the staff is so absolutely good that there is no necessity for it ?—That is my opinion.

32366. Further on in your statement you say "Such alterations as may be necessary to provide proper accommodation for criminal patients instead of sending such patients to pauper asylums." What do you call criminal patients ?—They send them from the gaol to the asylum when they become insane, whilst they are incarcerated. We do not like them at all; do not want them there.

32367. You are quite happy to take them after the sentence is over ?—So long as they are not criminals. I do not say we are "quite happy;" we should have to take them.

32368. So that the man has a contaminating influence one day and has no contaminating influence the next?—I did not say that. I think while they are criminals they ought to go to a criminal institution.

32369. What do you mean by "criminal institutions" ?—Asylums fit to maintain criminals.

32370. What do you mean by a criminal ?—A man who has been convicted.

32371. For the rest of his life ?—He may be undergoing a sentence for a short or a long period.

32372. You object to the prisoner for a short period in the local prison coming in during the currency of the sentence, but not afterwards ?—We do object to having criminal patients among respectable paupers who happen to be lunatics; we should be glad to get out of it.

32373. "Criminal" was your word, it is not my word. That is what I want to know; in Birmingham you make the difference between whether a man is undergoing a sentence or has undergone one ?—Yes.

32374. You are quite happy to take them afterwards ?—You keep saying I am "quite happy"; I never said we were quite happy. I say we have to take them afterwards, we cannot help ourselves; we do not want people of bad character if we can help it, because there are a large number of patients quite respectable though they happen to be paupers; we do not think the association is good.

32375. Regarding new duties to be put on the Commission, you first say they ought to visit more frequently ?—I think it would be well.

32376. A few minutes ago you said visits seemed to be hardly necessary ?—From whom ?

32377. From medical Commissioners ?—We were dealing with the question whether a local inspector should be a medical man or not.

32378. "Should be required to visit more frequently" is your recommendation ?—Yes, the local inspector might be.

32379. The local inspector you say need not be a medical man ?—Yes, I said so.

32380. The next duty of the Board of Commissioners which you advise is to study insanity ?—Yes, I wish they would.

32381. For that, surely, medical knowledge is absolutely essential, is it not ?—Most certainly.

32382. So that of this large Board only the medical men would be fit to carry out that function ?—I am not suggesting that the Board of Commissioners should study. I am suggesting a State Institution with the object of making lunacy a particular study.

32383. Would you explain it ?—An institution maintained by the State, and not by the local authorities. It should be a national institution.

32384. In your statement you say: "The committee feel strongly upon the following points which they are of opinion should be included in the duties of the Board of Commissioners: First among these comes the social and national aspect of the disease, especially as regards its prevention. (2) The extension of the systematic study of all mental disorders." I think that means the Commissioners themselves ?—I think you are mistaken.

32385. You might correct it ?—There is not the slightest intention that the Commissioners themselves should undertake study of that description, but that there should be an institution where the study could be carried on at the expense of the State.

32386. A laboratory ?—Yes.

32387. One or more laboratories ?—Yes.

32388. At the expense of the State, without any local contribution ?—Quite so.

32389. And under the control of the Lunacy Board ?—By all means.

32390. You also state that this Board ought to study

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the construction of asylums and asylum administration generally ?—I do not think I have stated so, but I have not the slightest objection to their doing so.

32391. Let me quote the heading again: "The committee feel strongly upon the following points which they are of opinion should be included in the duties of the Board of Commissioners. No. 3. The consideration of the great advantages of the Villa and Colony systems. No. 4. The desirability of providing special hospitals or reception houses." Doing these things means practically studying asylum construction and administration ?—No, they should take into consideration the great advantages of the Villa and Colony systems as opposed to the great big establishments of to-day.

32392. Does that infer that they do not do so at the present moment ?—Not to the extent that we should like them to.

32393. What grounds have you got for that statement ?—I do not know that that is part of the system of taking care of lunatics, that they should be housed in small houses. As far as my knowledge extends, large establishments, bigger than ever, are being erected for the accommodation of the insane.

32394. Are you not aware of the fact that many villas are used ?—I believe there are some.

32395. Are you not aware of the fact that there is a new asylum in England which is entirely on the villa system ?—Yes.

32396. And now one going up entirely of villas ?—That is quite possible.

32397. So the point has been considered already ?—I am not suggesting that it has never been considered.

32398. I suppose the whole Board is not thoroughly competent to consider these points. The construction of asylums on the Villa system, or of hospitals, and considerations of that kind, depend on medical knowledge ?—Yes, to a large extent, but you want some men of business.

32399. Does that imply that a medical man is not necessarily a man of business ?—Not necessarily.

32400. They may be for all that ?—Yes.

32401. It is just possible ?—Just possible.

32402. However, you would insist on a preponderance of medical men ?—I do not think so. I think the medical part of the Board might attend to the medical part of the duty, and the business part of the Board to the business part of the duty.

32403. I have not seen where the business part comes in; will you tell us where that comes in ?—I think there is a great deal of business with regard to the administration of asylums. Medical men can very well attend to the medical aspect of the case, and business men could not possibly interfere; but there are many other matters of business which are much better attended to by men of business and men of the world than they would be by medical men, according to my humble judgment.

32404. Tell us what business matters come up before the Lunacy Board ?—It is impossible for me to tell you that.

32405. I think they are few and far between, do not you ?—No; take the buildings. For putting up a building medical knowledge is necessary to show that it is safe for the care of insane patients, but I do not think the considerations of estimates and contracts comes well within the purview of the medical man.

32406. Are you aware that this Commission has had the recommendation of a permanent architect and adviser to the Commission ?—Yes; I strongly object to that. I think one architect appointed to a Commission is a great mistake, because local architects immediately run round the country to see what kind of buildings he has previously erected and follow his style as far as possible. If he happens to be an extravagant man the local authority is landed in much bigger expense than if it were not known who the architectural adviser to the Commission was. They should have a large number of men, and it should not be known beforehand to which one the particular plans were going to be referred.

32407. Is there any other form of business matter that comes from the local asylum before the Board ?—I cannot tell you any more at the present moment.

32408. Outside buildings and alterations, the duties of the Lunacy Commissioners are, from what you say, mostly medical ?—Yes.

32409. (*Mr. Burden.*) We heard this morning a great deal about the reduction of expenditure by the Local Government Board. Can you throw any light on the subject ? Do they reduce things much at Birmingham ?—We have not had any experience of reductions; the only experience we have had is where an increase of expenditure was insisted upon; that had relation to the sewage disposal as contemplated at Hollymoor asylum, for 600 patients, recently opened. We obtained there the opinion and report of a Mr. J. D. Watson, who is engineer to the Birmingham Tame and Rea District Drainage Board. He planned out an installation of a certain size which he was perfectly certain was more than adequate to meet the demands of the institution. We had necessarily to apply to the Local Government Board for a loan for the purpose of putting in this installation, and we were told it was nothing like large enough for the requirements of the establishment, and all our protestations were not of the slightest effect. The result was that it cost us a larger sum of money than if the original plans had been accepted.

32410. Your experience of the Local Government Board is that it has not always effected a saving; sometimes it has resulted in greater expense ?—I should think so; that is my experience.

32411. (*Dr. Needham.*) Do not you think that the board you talk of would be a very huge unwieldy board which would not be able to do any work ?—It depends entirely on the number. I should think a well-selected board could be split up into a number of smaller committees which could report to the Board.

32412. I suppose you have had a great deal of knowledge of large committees ?—I have had.

32413. Do you not think a large committee is a very unworkable body ?—Very.

32414. Do you not think the present proposition is for a board which would be a very unwieldy body ?—I do not think it would be, if it were split up.

32415. We have been asking that we should have two more Commissioners. It has been suggested that if more were added we should get a very unwieldy board and there would be no business done; we should spend our time in talking. That was the view of Lord Shaftesbury and other members of the Commission at the time of the enquiry in 1877 ?—I do not know how many medical men you have.

32416. Three out of six; there are six Commissioners, and we may have five honorary Commissioners, which would make eleven. If they all came I think we should find eleven rather unwieldy. You advocate the abolition of the word "lunacy." I think the Lunacy Commissioners would entirely agree with you; they think it is a very offensive word. As respects allowing Visiting Committees to take buildings or land on lease for a shorter period than sixty years, I think the Commissioners would very strongly endorse that view ?—You will remember possibly our application with regard to Sandwell.

32417. Yes, it is a difficulty which is constantly cropping up, and to which the Lunacy Commissioners are quite alive. Then you speak about the great advantages of the Villa and Colony systems as opposed to the doubtful benefit which occurs from the establishment of large asylums. I think the Commissioners have very open minds about that. I think they are very glad indeed to sanction the building of colonies; as a matter of fact there are two or three asylums being built at the present time which are exactly what you describe here ?—May I enlarge on that ? I am rather of opinion, and others are too—it is practically the common knowledge—that it does patients good to keep them at work. Hollymoor asylum has been equipped with the object, apparently, of giving patients as little as possible to do; we have a magnificent installation of labour-saving machinery. I think that is a mistake; if these villas were erected, if washing had to be done, it could be done by hand by the patients under proper supervision quite as well as if it were done by machinery, and it would give the patients occupation at the same time. In addition to that there would be the initial saving in the capital outlay and upkeep of very expensive machinery. With regard to heating, the cost of heating at Hollymoor was tremendous. These small places

might be heated by ordinary fireplaces, and they would be much more homely and comfortable. As regards lighting too—there ought to be no necessity for putting down a large electric light plant; it ought to be lighted by oil or gas.

32418. You would hardly say oil?—You made us use colza oil at Sandwell, and the place was not fit to live in, in consequence.

32419. You would hardly use paraffin in an asylum?—I think there is danger, but it ought to be safe if you use sufficient care.

32420. As regards these various suggestions which you make, were you on the committee which had to do with the building of Hollymoor?—I joined the committee when it was in course of erection, so that what took place beforehand is nothing, so far as I am concerned, but hearsay.

32421. Were these points heard by the Lunacy Commissioners and objected to?—I do not know.

32422. Mr. Lloyd was chairman, and he came and saw the Commissioners on many occasions; I think none of these points were mentioned to them. You are probably aware that the Commissioners have sanctioned more than once the cutting out of all heating provision from an asylum?—I did not know that.

32423. That is a fact. As regards the additional buildings at the Norfolk Asylum the committee said they would like to try the effect of open fires. There was not the smallest opposition made. They proposed it and it was said that if they liked to take the responsibility of doing it, and possibly put in heating arrangements afterwards, they could do it, and they have tried it, and found it succeed, I believe?—I do not know.

32424. Then you speak of the desirability of providing special hospitals or reception houses for acute cases. That is a matter largely within the control of the local authority. If you like to propose to build in Birmingham, as they are proposing in London, reception houses, I do not suppose any central authority would attempt to interfere with you?—No.

32425. In Glasgow they have built places of the kind, and there was a Bill introduced in the House of Commons by which the London County Council proposed to build reception houses, and it had our blessing. I think the Commissioners would not only not attempt to interfere, but would be very glad indeed to welcome it?—Thank you.

32426. You think an out-patient's department would be very useful?—Yes.

32427. You are aware that there are several places where they have them?—No.

32428. They have one in connection with the Wakefield Asylum in the West Riding of Yorkshire, which has been very successful, and they have several others in large towns. Have you formed any opinion as to whether it would be desirable to have on the committees of the asylums female members?—The committee has not discussed that question. If I may be allowed to answer personally I should welcome them certainly.

32429. You know Mr. Lloyd applied to the Lunacy Commissioners to help him in co-opting members from outside on to the committees?—I did not know that.

32430. And the Commissioners succeeded in putting a clause into a Bill, which unfortunately died, as so many lunacy Bills have died, in the House of Commons.?—I did did not know that.

32431. That would have allowed of his co-opting women as well as men?—I did not know that.

32432. Have you had much experience of other departments than the Commissioners, in connection with asylums, the Local Government Board, for instance; have you found that the Local Government Board is particularly successful in reducing expenditure in connection with asylums?—No.

32433. (*Mr. Greene.*) Does "No" mean that they have not done it?—I have no experience of it. They have not attempted, so far as I know in connection with Birmingham, to limit our expenditure in any way; in fact they have increased it.

32434. (*Dr. Needham.*) Have you any instance in reference to the Hollymoor Asylum in which that was done?—Only so far as the sewage disposal was concerned, about which I was telling Mr. Burden.

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32435. (*Mr. Byrne.*) Have you any experience of Poor Law administration?—No.

32436. You only know the inmates when they come into the asylums?—That is all.

32437. You probably have no strong opinion as to whether the central lunacy jurisdiction should extend to defectives and lunatics?—I have no strong opinion, but it seems only a matter of common-sense that there should be one Board dealing with all persons who are mentally afflicted right from commencement to end.

32438. (*Mr. Greene.*) Might I ask of whom is your asylums committee composed?—Members of the City Council.

32439. I should almost have guessed that, but I mean what is their vocation in life? How many does it consist of, to begin with?—Twelve, I believe.

32440. Are they mainly gentlemen in business or professions? This is given as a very careful suggestion as to how the Commission should advise the reconstruction of a department, and I wanted to see from whom the advice emanated?—So far as I know them, we have one doctor, one accountant, one wholesale grocer, one traveller, one solicitor, one glass manufacturer, one I think a brass worker; I am not quite sure.

32441. Does a brass worker mean a man who carries on a business, or is he a journeyman brass worker?—I think he carries on a small business; and two metal merchants.

32442. Does that mean wholesale?—They are dealers in metal in a large way of business.

32443. Dealers in metal are sometimes called marine store dealers?—I think they are called metal brokers.

32444. It is the combined opinion of these gentlemen which you have submitted to us, on which we can base a recommendation for the reconstruction of the Lunacy Commission?—Yes.

32445. Have they considered the cost of their proposal at all?—No.

32446. I did not know whether they contemplated giving salaries to all these different people?—Certainly.

32447. Everybody is to have a salary?—I think they ought to have, if you want them to do the work properly.

32448. Surely that is a principle you would not quite put forward; none of these twelve are paid for their work, and surely they do their work properly?—If you are going to bring people up to London and expect them to give their time and attention to this, I think you ought to pay them, if you want to be sure of their attendance and their work.

32449. You want them all to be paid?—I have not thought of that, so far as regards all of them.

32450. You let fall the expression just now that the Local Government Board has sometimes increased expenses?—I was referring to the installation of the sewage system at Hollymoor Asylum.

32451. How did they increase it?—They doubled the capacity, they said it was not sufficient.

32452. Who thought that it was?—Mr. Watson, who was the engineer at the time of the Birmingham Tame and Rea District Drainage Board.

32453. The Local Government Board had a right to insist on what they thought was sufficient for the purpose, although even a sanitary engineer like Mr. Watson, of Birmingham, did not agree with them?—Mr. Watson is a very eminent man.

32454. I do not wish to imply that he is not, at all. Is it found that they were in the wrong?—No, of course not.

32455. Has it turned out all right?—It is all right, of course, but there has been a good deal more money spent than need have been, it is too large; it does its work, of course.

32456. Is there any other instance we have got, of extravagant expenditure involved through the Local Government Board?—No.

32457. Have the Lunacy Commissioners ever led you into any unnecessary expenditure?—I do not think I would like to say anything about that. I will tell you why:

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at the time when Hollymoor, where I got most of my experience, was first mooted, and the preparation of the plans and getting the plans passed and the Local Government Board's sanction, it was just before I went on the committee, before I was a member of the Birmingham Council, and anything I have got is hearsay, and I do not care to repeat it.

32458. Can you tell me how much increased expenditure the Local Government Board threw upon you in the matter of the sanitary arrangements beyond what Mr. Watson thought there should have been ?—I cannot tell you exactly ; it is some hundreds of pounds.

32459. (*Chairman.*) Is there anything you wish to add ?—I think not, unless you would like to have the correspondence between the committee and the Local Government Board with regard to the sewage disposal at Hollymoor.

32460. You can put it in ; it might be useful to us ?—It is only if you care to have it. (*The correspondence was subsequently sent in. Vide Appendix Papers, p. 440 post*).

32461. (*Mr. Byrne.*) Has the Birmingham Committee ever considered or passed any resolution touching their relations with the Poor Law Authorities who maintain certain classes of lunatics at Birmingham ?—No, the committee have not done so.

32462. It has not been discussed ?—No.

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32463. (*Chairman.*) What authority do you represent on this occasion ?—The Lunacy Visitors of Croydon.

32464. Your evidence will be given on their behalf ?—Yes.

32465. Have the visiting committee been in consultation as regards this matter ?—They have asked me to give my views, and the expression of my views they agree to.

32466. May we take this statement and put it on our notes ?—Yes.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY EDWIN STEPHEN PASMORE, Esq., M.D., M.R.C.P., PHYSICIAN AND SUPERINTENDENT, CROYDON MENTAL HOSPITAL, WARLINGHAM, SURREY.

He is a Doctor of Medicine of the University of London, and a Member of the Royal College of Physicians of London.

He is medical superintendent of the lunatic asylum for the County Borough of Croydon, known as " The Croydon Mental Hospital," situated at Warlingham, Surrey.

He has been medical officer to the London County Council Lunatic Asylum, Banstead ; clinical assistant to Sir William Gowers, M.D., F.R.C.P., F.R.S., at the National Hospital for the Paralysed and Epileptic, Queen's Square, London ; and senior assistant medical officer, and acting medical superintendent, St. Pancras Union Infirmary, Highgate, London.

He has also held other junior hospital appointments.

Introduction.

The witness has had nearly fifteen years' experience in the administration of the insane. He has made a special study of the care and treatment of the insane, the defective and the feeble-minded, and has written and published papers concerning them. With regard to the present system of supervising lunatics and mental defectives by the Lunacy Commission, the Masters in Lunacy, and the Lord Chancellor's Visitors in Lunacy, he is of opinion that :—

(1) There should be a reconstruction of the Lunacy Authorities.

(2) That extended powers than hitherto should be given to the new Commission constituted.

(3) That any further legislation in the directions of the feeble-minded and mental defectives should tend rather to bring them under the Lunacy Authorities than under the Home Office or the Education Authority.

1. *Reconstruction of the Lunacy Commission.*—The witness is of opinion that the Lunacy Commission as at present constituted is inadequate to deal effectively with the inspection and supervision of the asylums and lunatics in England and Wales.

The witness would suggest that—

(*a*) The present Lunacy Commission be amalgamated with the Masters in Lunacy and the Lord Chancellor's Visitors.

(*b*) The present personnel of paid Commissioner increased.

(*c*) The office of unpaid Commissioners be discontinued.

(*d*) The appointment of new officials to be designated " Deputy-Commissioners."

(*a*) The reconstructed Board to consist of :—

(1) Non-visiting Commissioners.

(2) Visiting Commissioners.

By this one would get a deliberate body and a mobile body. The Non-visiting Commissioners to consist of :—

(1) Masters in Lunacy (2).

(2) One Legal Commissioner.

(3) Two Medical Commissioners.

The above-named to constitute the deliberative body of the Commission. All Lunacy enquiries, of whatsoever kind, could be conducted by such a body. It could also constitute a Court of Appeal for visiting committees and lunacy officials, and have powers similar to those exercised for Poor Law purposes by the Local Government Board.

The senior Master in Lunacy to be ex-officio Chairman of the whole Commission, and of the deliberative body, the junior Master to act in his absence, and the Legal Commissioner to have power to act in case of emergency. These to receive a salary somewhat higher than that paid to the Visiting Commissioners.

The Visiting Commissioners to constitute the mobile body and to consist of eight Commissioners :—

Four Medical Commissioners.
Four Legal Commissioners.

In addition there should be four Deputy Commissioners. The Deputy Commissioners are to be subordinate to the Visiting Commissioners. They could visit single patients, workhouses, defective schools, private asylums, etc., as required by the Commissioners ; but all county and borough asylums to be visited as at present by one Legal and one medical Commissioner.

Associated with and subordinate to the Commissioners, there should also be the following :—

(1) Architectural Department.

(2) Accountant's Department.

By such a reconstruction :—

(1) Lunacy enquiries could be better held, and facilitated.

(2) Plans for approval expedited.

(3) Opportunity given for longer and more searching inspection of asylums than at present.

With regard to the further extension of the Lunacy Commission the witness would suggest that whatever number of Commissioners be added half should be legal and half medical.

The present system of visiting by two Commissioners—one legal, and one medical—appears to work admirably, and the witness suggests that it be continued. All the new Deputy Commissioners, however, should be medical.

The present régime consists of :—

Two Masters in Lunacy,
Three Lord Chancellor's Visitors,
Four unpaid Commissioners,
Six paid Commissioners,

The total strength being fifteen.

The witness's reconstruction scheme comprises :—

A. Non-visiting Commissioners :—
Two Masters in Lunacy.
One Legal Commissioner.
Two Medical Commissioners.

B. Visiting Commissioners :—
Eight Commissioners :—
Four Legal.
Four Medical.

C. Deputy Commissioners—four Medical.

The total strength being seventeen.

It will thus be seen that from the witness's reconstruction scheme, the Commission is increased by two paid Commissioners—one legal and one medical—and four Deputy Commissioners—medical—so that the actual addition to the numerical strength of the board as at present constituted is two—the office of unpaid Commissioners being discontinued.

The witness would suggest that the salary of the Masters in Lunacy remains the same as at present; that the three other Non-visiting Commissioners be paid at a higher rate than the present Commissioners; and that the Deputy Commissioners at a lower rate than the present Commissioners. The Visiting Commissioners at the same rate as the present Commissioners.

In witness's opinion the Chancery Visitors overlap with the Commissioners in Lunacy—for although the Chancery Visitors are required to visit Chancery lunatics in private houses four times a year, yet only once a year are they required to visit those Chancery lunatics who are in institutions visited by the Lunacy Commissioners. This shows that it is practically admitted that five-sixths of the work that ought really to be done by the Chancery Visitors is done by the Lunacy Commissioners.

With reference to the Architectural Department, there should be a paid architect, who shall not practice. One of the Medical Commissioners to act as assessor to the architect, for, in the witness's opinion, all asylum plans should be the conjoint work of an ex-superintendent medical expert and an architect. The good results of such an expert combination is seen in the King's new Sanatorium at Midhurst. There is always a great amount of detail in asylum construction—familiar to superintendents—which architects have no opportunity of knowing or studying, and which simplifies, or militates against, the working of a lunatic asylum.

With reference to an accountant's department the witness is of opinion that such a department is absolutely necessary. At present there appears to be no uniformity in the preparation of asylum accounts. A certain amount of rivalry exists among asylums to work at a low rate of maintenance, with the result that some asylums charge to repairs account items which other asylums charge to maintenance account, so that no true comparison can be made under this head.

Taking into consideration the facts that:—

(1) New asylums are being built in the country;

(2) The present yearly ratio of increase of the insane;

(3) The present number of lunatics in England and Wales as compared with the time when the present Commission was first appointed in 1845;

(4) The ratio of the Commissioners to the insane in Scotland and England;

the witness is of opinion that the reconstruction he suggests would not be any too much to meet the present needs. A more searching inspection of asylums is required than at present is made. Some departments of an asylum which do not receive any attention at the Commissioner's visits should be inspected, such as the clerk's department, where the statutory books are kept. The statutory books appear to be never officially checked.

The witness is also of opinion that the present methods of Commissioners are excellent, and suggests that they be continued; that what is really necessary is unification and centralisation of the Lunacy Authorities and an enlarged Commission so as to get longer time for inspection.

2. *Extended Powers.*—Extended powers are also required to enable the Commission to deal more effectively with matters over which they have no control at present, matters which affect the well-being of the insane. Such extended powers would enhance the value of their visits of inspection.

3. *Supervision of Mental Defectives.*—With reference to the supervision of mental defectives, the witness is of opinion that they could be better looked after if placed under the Lunacy Commission. In previous evidence before this Commission the witness suggested in a plan the possibility of dealing in one large colony scheme with all classes mentally afflicted. If this plan were adopted the Lunacy Commissioners could deal more with defectives and they would not then be scattered as they are at present, and under different and overlapping authorities.

In witness's opinion defectives should be notifiable if not certifiable. By this means defectives could be traced in after life.

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Final Recommendations.

In conclusion, witness is of opinion that:—

(1) A reconstruction of the Lunacy Commission is needed.

This reconstruction to be effected by amalgamation with existing Lunacy authorities.

(2) The discontinuance of the unpaid Commissioners and the enlargement of the paid Board.

(3) The supervision of all defectives, feeble-minded and lunatics to be entrusted to the new Lunacy authority.

(4) One authority for England and Wales.

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32467. (*Mr. Byrne.*) Starting from your recommendation that the lunacy authority should deal with all classes of lunatics, I presume you mean that they should have substantial powers over the lunatics now in workhouses?—Yes.

32468. Do you contemplate that it is possible, if desirable, to remove all lunatics from workhouses and to prevent them living there permanently. Would you like to see that?—I should like to see it.

32469. Do you think it is possible?—It is possible, yes.

32470. Can you tell us what is the nature of the evils that you discern in the continual living of lunatics in workhouses?—They do not seem to get that supervision at the workhouses that they get at the lunatic asylums, and it is often observed in cases which are admitted to the lunatic asylum from workhouses that there are evidences of bruising of patients which you never see in lunatic asylums, or very rarely, and means of treatment are adopted at workhouses which are obsolete in the treatment of the insane.

32471. In what way do you think this removal of the bulk of the lunatics from the care of the Poor Law authorities should be carried out. Would you actually remove them from the existing workhouses, or would you collect them in certain suitable workhouses and call those "workhouse asylums" in various localities?—Yes, that might be done; it is possible. Of course the matter of expense comes in, but if they could be collected and placed in workhouse asylums in various localities I think it would be an advantage.

32472. Would that be better, in your opinion, than having them in imbecile or lunatic wards of workhouses and having these special wards inspected and regulated by the Lunacy Commissioners?—Yes.

32473. That would be awkward; it would be a conflict of jurisdiction?—It would be better the other way.

32474. You would rather have them collected?—I should.

32475. What is your opinion about the much-disputed question of the senile dement who is not of a class which requires very elaborate nursing and medical attention? Should he be in the workhouse and uncertified, or should he be certified and sent to a workhouse-asylum?—I think the senile dements, if you collected them in workhouses which you suggested, could be housed in those institutions.

32476. They need not be certified?—They need not be certified.

32477. Except where they require special asylum treatment?—Except where they require special asylum treatment.

32478. You think in practice that distinction could be drawn?—Yes, I think that distinction could be drawn.

32479. And instructions could be drawn up by the central authority to make it almost universal?—Yes.

32480. That you recommend?—Yes.

32481. If the central lunacy authority were given powers over the lunatics collected either in the special wards of suitable workhouses, or in suitable workhouses set apart for the purpose, do you think the whole administration of those places should be put under the lunacy authority, or might the administration be left under the Poor Law and regulation and inspection be given

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to the Commissioners?—I think I should place the whole thing under the Lunacy Commissioners.

32482. It would be an adjustment between two entirely different local authorities?—It would mean there would be only one body dealing with the class of the insane and feeble-minded. With reference to the senile dement, I have said further on in my evidence, with reference to mental defectives, that I should notify, if not certify.

32483. In one of your paragraphs you say you would like to see extended powers to enable the Commission to deal more effectively with matters over which they have no control at present, matters which affect the well-being of the insane. Will you tell us which particular powers you are thinking of?—One would be the power of being able to detain a lunatic in an asylum if he had become insane for, say, a second time. At the present time if a patient has been admitted two or three times to an asylum, and if he recovers temporarily he has to be discharged. I think if it is known that a lunatic is of dangerous tendency, and he recovers temporarily, the Commissioners should have power to instruct the superintendent to detain that lunatic. That is one extended power.

32484. The medical superintendent should be called upon to report such a case to the Commissioners before pronouncing the discharge?—Yes.

32485. Would that be popular with medical superintendents?—I think it would be popular with the whole country. I can give you instances where we often purposed to discharge patients, and we got three or four letters from friends asking us not to discharge them. These patients sometimes get temporarily sane; they get well for a short period, but they might be dangerous lunatics, and under the present Act if you cannot certify them you must discharge them.

32486. We have had several suggestions to meet that difficulty, one that the asylums committee should have power to order the detention of these people, although the continuation certificate could not be given; another that they should be brought before a judicial authority; another suggestion was that the Lunacy Commissionrs should have power; which do you think best?—The Lunacy Commissioners, I think, would be the best.

32487. The best authority?—Yes.

32488. And easily applied to?—Yes.

32489. Would you think it a pity to bring a lunatic from an asylum before a magistrate and then take him back again?—Yes; in fact there are complaints at the present time of people having to be taken to police courts.

32490. You have seen actual evils arising from it?—Yes. Another thing is, I think Section 8 says that in the case of the admission of private patients after they have been seen by two medical men, and if the magistrate has not seen them, they have to be served with notice, and you have to get another magistrate to see them. I think the Commissioner should take the place of the magistrate. The superintendent could report to the Commissioners in Lunacy, and if they were satisfied with his second report the patient need not see a magistrate, because they have a better knowledge of the thing, and you need not trouble to bring a magistrate perhaps from some miles away.

32491. Would you let the Commissioners or their representatives see the patient, or would you say a letter or a report of the medical superintendent ought to be sufficient?—I think a report from the superintendent, plus the past certificates, would be sufficient.

32492. That is to say, it might be a paper matter; it would not be necessary to have an interview at all?—Quite so, because he has been seen by two medical men. That would give a third certificate.

32493. Have you any other suggestions to make as to extended powers?—Yes. Then I think the Commissioners ought to have powers with reference to apportioning the rates of asylums. At the present time there is a great rivalry among asylums to run at a cheap rate. If you come to analyse the accounts of these various asylums you will find in some cases they charge to repairs what ought to be charged to maintenance. I think the Commissioners in Lunacy should have a department, or at any rate should have power of ruling the items which ought to be charged to maintenance, and items that ought to be charged to repairs. In that way one would get an adequate idea of the rate of asylums in the country.

32494. You think that is an important matter?—I think it is most important, because the rate as it appears now is often not exactly what it is.

32495. Have you ever had experience of cases which made you think that the Lunacy Commissioners should have increased powers in respect of the dealing with the property of lunatics, helping them to recover small properties, and to have them properly dealt with?—Yes, I should suggest that too; that they should have that power.

32496. I suppose you often hear of cases in which a patient says he has a house or some money at the bank, and people are spending it?—Yes, very often. I only had a case brought to my notice ten days ago.

32497. That is a very common thing?—Yes.

32498. You are helpless in the matter?—Very helpless.

32499. You can only write a friendly letter to the relations referring to it?—Yes, that is all.

32500. Do you think the Commissioners ought to be able to report to the Lord Chancellor, who would set the Masters in motion?—Yes.

32501. You think that is too cumbrous?—No.

32502. Do you think the Lunacy Commissioners should have some power, and, if the matter is small, be able to deal with it themselves—that they ought to be able to appoint a receiver to deal with the property without the process of going through the Masters.—Yes.

32503. Of course with your reconstitution of the Board that would work itself out?—Yes, quite.

32504. Are there any other points on which you would like to see the Commissioners' power extended?—I think they should have the veto and the approval of the chief appointments in asylums.

32505. Would the veto be sufficient, do you think?—For instance, the Local Government Board have that power now with regard to the Poor Law. I think the same power ought to be extended to the Commissioners with regard to asylums. There have been cases on record where a man might be appointed who is perfectly unsuitable for the post. I think that power should be given to the Lunacy Commissioners.

32506. Do you think the Commissioners would have sufficient knowledge; they are a busy and overworked body; they visit the asylums rarely. Would they have sufficient knowledge of the work of the assistant medical officers?—No, I should confine that to the chief officials.

32507. The new superintendent would, as a rule, be an assistant medical officer at another asylum, or perhaps the same asylum?—I think the Commissioners would be able to deal with the chief officials.

32508. You think they would know enough about it?—I think they would know quite enough.

32509. Have you ever come across instances where you think they should have power to prescribe the use or disuse of part of an aslyum; for instance, if part of an asylum is used for purposes other than those for which it was approved?—I think they ought to have the power to prevent it.

32510. Are there any other points on which you think their power should be increased?—The other point was that under the reconstruction scheme they should have power to deal with everything affecting lunatics and the feeble-minded. That is, that courts of inquiry should be held by the deliberate body which I have set out.

32511. And I presume the power of making regulations would follow?—Yes.

32512. That is to say, they could call in the regulations at any time for amendment?—Yes.

32513. Of county asylums as well as registered hospitals?—Yes, throughout the country.

32514. (*Dr. Donkin.*) There is one question which has received very various answers before us. I see in your scheme you propose that the addition to the number of full Commissioners should be two—that there should be

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eight altogether, four medical, and four legal; I mean the Commissioners who visit. Can you explain the reason for saying there should be an equal number of medical and legal Commissioners amongst those who visit?—For large asylums, I have recommended four medical deputy Commissioners, but for those who visit county and borough asylums I think the present system works very well and I see no reason why it should be altered.

32515. Would you see any reason for instituting it, if it did not exist. In making rather a wide scheme of reconstruction you retain that element in it, an equal number of medical and legal Visitors?—And four deputy Commissioners.

32516. Yes, but I am speaking of the one item. You increase it by two; one medical and one legal; I wanted to know if you had a strong opinion why there should be an equal number of medical and non-medical Visiting Commissioners?—I have no strong opinion on that matter. It might be increased by two medical men.

32517. Would it, in your opinion, be equally well if four educated gentlemen, other than legal, were appointed?—No, I think if the medical man had a colleague he ought to be a legal man.

32518. You think legal qualifications are necessary and essential?—I think so, because men that have had a legal training or a medical training are able to grasp things better than men who have had neither a medical nor a legal training.

32519. Are there many legal questions crop up at visits, in your experience as a superintendent?—No, I cannot say that any special legal questions have cropped up in the visits, as far as I remember.

32520. Do you not think the legal element might be retained in the central body?—I think it ought to be retained in the central body.

32521. But would not that be enough, to have it on the central deliberative body?—I think it requires two men to go round and inspect a large asylum, I think one inspector would be insufficient, and I think if you have to have two it would be better to have a legal and a medical, but I think the deputy Commissioners ought to be all medical.

32522. By adding two members, making the number of full commissioners eight instead of six, and still retaining the visiting in couples, you are not very much increasing the visiting powers of the full Commissioners, are you?—Yes, by two. I should not press that point. The two could be medical men, but under the present scheme it seems to work.

32523. (*Dr. Dunlop.*) You said the present inspection works very well?—Yes.

32524. Are you satisfied with the present inspection of the asylums in England?—No, it is not satisfactory.

32525. Why not?—Because they do not seem to be able to give sufficient time.

32526. Do you think the Lunacy Commissioners go into all the points which it is desirable inspectors should go into. Do they inquire into the mental and bodily health of the patients, and know whether they are being properly treated?—No not always, but they inquire sometimes. If, for instance, there has been a skirmish, or any bruise on a patient, they inquire into that. As far as the bodily treatment of the patients from the point of view of humane treatment, they inquire thoroughly into that, but not so far as the health of the patient is concerned.

32527. Do you think it is advisable that the Commissioners should look into those matters? Should the Commissioner visiting be more or less a consultant?—Yes, I think that part of the visiting might be extended.

32528. And desirably so?—Yes.

32529. It would be a great assistance to medical superintendents and give them confidence in their work?—It would.

32530. And also enable the Commissioners to be much more familiar with what is taking place in the asylum?—Yes.

32531. And what treatment is being adopted in cases that are being treated?—Yes. There is another point which I suggest the Commissioners should look into; for instance a department in the asylum which is not touched by the Commissioners is the clerks' department; a lot of statutory books are kept in the clerks' department, and I have often heard it said no one knows whether the clerk enters correctly the various items in the books that he is supposed to keep; the books which are looked at are the medical books and the books kept by the assistant medical officers, the statutory books of the clerks of the asylum get no inspection. In my opinion they ought to be inspected.

32532. You suggest an accountant's department?—Yes.

32533. That is a subject which might be handed over to such a department as that?—Yes.

32534. Let us come back to the ordinary inspection. You would emphasise the importance of the medical aspect?—Yes.

32535. The Commissioners should see how cases are being dealt with?—Yes.

32536. And should know the troublesome cases?—Yes.

32537. And should know the few in the asylum that petition?—Yes.

32538. It is a certain few that constantly petition?—Yes.

32539. The great majority give no trouble, but a certain few give a lot of trouble?—Yes.

32540. For those duties, is the legal Commissioner the slightest use?—No.

32541. The legal Commissioner is not capable of doing all the duties of a visiting inspector?—No.

32542. Can you take any exception to the medical inspector; is he capable of doing the entire inspection of an institution?—I think the medical inspector quite capable of doing the whole thing.

32543. These being your sentiments why do you insist on legal Commissioners?—I suggested legal Commissioners because at the present time they seem to do their work well, they do their work in a manner which in my opinion there is no fault to find with.

32544. The present Commissioners do the work exceedingly well?—Yes.

32545. You are aware of the presumptive reason why legal Commissioners were appointed at the beginning sixty years ago; it was at the time of scandals was not it?—Yes.

32546. Those days are pretty well past?—Yes.

32547. The circumstances have changed; do you not think it is right to change the Commission to meet new circumstances?—Yes, perhaps it would be a good thing to do.

32548. Nowadays we are more concerned with efficient treatment, new treatment, and questions regarding reception houses and hospitals, than with scandals and restraint?—Yes.

32549. All these are medical matters?—They are.

32550. After that, do you still insist on the desirability of legal inspection?—No, I said to Dr. Donkin that I did not press that the additional Commissioners should be a legal and a medical. I will not insist on that.

32551. As regards single versus double visitation I think you expressed the view that double visitation is desirable?—I think so.

32552. I would like to hear your reasons?—The inspection of an asylum is rather a big thing; it seems to me one Commissioner could take one branch of the asylum and the other Commissioner take the other side, one can look into the different departments not purely medical but which come under the ordinary regime, such as stores books and the clerks' department; so as to cover the thing in a couple of days, you require two Visitors.

32553. Is that barrister's work you are referring to?—No, medical work.

32554. Looking over the stores books and the clerking department?—I mean the statutory books, not the medical books in an asylum; there are two classes of books.

32555. At present the two Commissioners always go together?—Yes.

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32556. They practically do not leave each other in going round the asylum ?—No.

32557. So that practically it amounts to single visitation ?—It does.

32558. Which of the two takes the more active part in the inspection ?—The medical man inquires into everything in reference to the patients, but they both seem to take an active part.

32559. Allowing they both take an active part, do you think it would be well to separate them and then get over an asylum in two days ?—Yes.

32560. That amounts to single visitation ?—Yes.

32561. Is there any objection to one Commissioner taking four days instead of two Commissioners taking two days ?—No; if they spend four days.

32562. Granting an increase of strength, you would not insist on double visitation ?—No.

32563. Have you much personal experience regarding the Lord Chancellor's Visitors and their work ?—Yes, I have had to do with them on occasions; the Lord Chancellor's Visitors at present only visit once in lunatic asylums where the Lunacy Commissioners visit. Otherwise they ought to visit four times a year.

32564. Your opinion is that the Lunacy Commissioners are perfectly capable of doing all the work that is being done by the visitors ?—Yes.

32565. You can say that from personal knowledge ?—From personal knowledge, they do three-fourths at the present time even of those Chancery patients in asylums.

32566. Are the matters they inquire into and the work they do similar ?—Similar.

32567. You state by such a reconstruction lunacy inquiries could be better held and facilitated. May I ask what you refer to there ? It is not quite evident what form of lunacy inquiry it is ?—I think if you have a reconstructed board they should have powers similar to the Local Government Board; they could institute inquiries at lunatic asylums which at present they do not seem to be able to do. In a case like a scandal in a lunatic asylum, not only in the medical department but in every other department, I think they ought to have power to inquire into that.

32568. Inquiry into asylum matters ?—Also patients who are adjudged insane; the work that Masters in Lunacy do at present.

32569. It is both species of inquiry ?—Yes, all inquiries.

32570. (*Dr. Needham.*) You said that the Commissioners when they come, do not inquire into the health of the patients. Do not the Commissioners, when they come, ask about every patient who is in bed ?—I think you must have misunderstood me. I said the medical Commissioner inquired into the health of the patients, but not the legal Commissioner.

32571. I understood you to say the Commissioners did not inquire into the health of the patients ?—They inquire into the patients in bed, but not all patients.

32572. Suppose you have patients in bed, do not the Commissioners inquire why they are in bed ?—They do.

32573. If you have any cases of illness do not they inquire the nature of the illness ?—Yes.

32574. In other words, do they not inquire very minutely into the health of the patients ?—They do inquire into the health of the patients. I understood Dr. Dunlop to mean the mental condition of all patients.

32575. They do not go and examine every patient separately as to his mental and physical condition; is that what you mean ?—I mean in a general way.

32576. I want to get on the notes exactly what you mean. You said they did not inquire into the health of the patients; now you say when patients are not in good health they do inquire what is the matter with them; if they are in bed or suffering from any particular illness ?—Yes.

32577. Do I understand that what you mean is they do not enquire individually into the mental and physical health of every patient throughout the asylum separately ?—That is what I mean.

32578. You say one of the duties which the Commissioners ought to discharge which they do not discharge, is that they do not look at the statutory books which are kept by the clerks ?—Yes.

23579. Will you tell me what the statutory books are, the admission books, the discharge books, the death books ?—Yes.

32580. The register of mechanical restraint ?—That is a medical book.

32581. The statutory books kept by the clerks are the admission registers provided for by the Commissioners' rules ?—Yes, then there are the admission papers.

32582. Those are not books; you said statutory books ?—I cannot remember them all at this moment.

32583. May I enumerate them; the admission books, the discharge books, the death books, the medical journals. Those are the statutory books ?—Yes, those are the statutory books.

32584. Are you aware that at every visit at every asylum the Commissioners sign all these books; they are all laid before them and they do examine them and sign them ?—I know some of them are signed.

32585. But do you know they are all signed ?—I know those are signed, but there are other books, I have not got a list of them here. There are other books, because I have been told by the clerks.

32586. It really is very important. May I call attention to the statutory rules and orders. This is the statutory rule and order with reference to books, and these are the only statutory books there are, of course: "There shall be kept in every institution for lunatics a visitors' book," in which the Commissioners write their entry, "a register of patients, a register of admissions, a register of removals, discharges and deaths, a medical journal, a register of mechanical restraint, a medical case book for patients, a post-mortem book," and then wherever there are private patients a register of all voluntary boarders and a case book of voluntary boarders. Are you aware that every one of those statutory books, all of which I have enumerated, are examined and signed at every visit by the Commissioners in Lunacy ?—Yes, those books are.

32587. Those are the only statutory books ?—But all those books are kept by the medical officer.

32588. Those are the only statutory books that exist; therefore in using the term "statutory books" you have been using a wrong term ?—If those are the only statutory books then I used a wrong term.

32589. Those are the only statutory books, and those have to be signed by the Commissioners at every visit ?—These books are, as a rule, kept by the medical officer. What I wanted to bring before the Commission was this:—At a lunatic asylum the clerk of a lunatic asylum has never anybody to inspect him at all.

32590. The clerk keeps the admission book, the discharge book and the death book ?—Those are the only statutory books he keeps; he does not keep the post-mortem book or the medical journal or the mechanical restraint book.

32591. I told you what he does keep; those three books he has to keep, and he has no other statutory books in his possession. He may have a great many books provided by the committee, but he has no book provided by statute ?—Then I withdraw that expression, because I understood some of the books he keeps do come under the head "statutory."

32592. Can you tell me one of them ?—He keeps a book where you enter the age and name of the patients over and above a register of patients there.

32593. But you get all that in the register of patients; that is a mere asylum book, that is not a statutory book ?—I do not think I could answer the question off-hand.

32594. You have the rules before you which prescribe the statutory books, and they are the only statutory books ?—But there is another set of rules which have been just issued by the Lunacy Commissioners.

32595. That does not come into operation till the beginning of next year ?—In that case perhaps I misapplied the term statutory; but I should like to say that I think the clerks' department should get some inspection.

32596. Why should the Commissioners go and inspect a set of books which are not statutory and which have nothing to do with them?—The difficulty that medical superintendents find, and I think there is a consensus of opinion about it, is that they have great difficulty sometimes with these officials because they do what they like; you cannot get them on to their work at certain times. There ought to be some official inspection of their department.

32597. Is not this rather a matter of administration of the asylums. I do not think we need pursue that because you say you were wrong in using the term "statutory books"?—Yes.

32598. As regards your suggestion that the office of unpaid Commissioners should be discontinued, would not it be a misfortune if men like Sir Charles Bagot and other gentlemen who have retired from the Commission and have acted as unpaid Commissioners were not able to act as such; if the Lord Chancellor were deprived of the power of appointing Commissioners of that kind who have rendered yeoman service to the Commission?—I have heard it said the unpaid Commissioners were not always able to attend.

32599. That has nothing to do with it; is it desirable or undesirable that when a Commissioner retires from the Commission he should be able to be appointed honorary Commissioner so that he can give his services to the country as long as he is able to give his service?—I have no objection, as long as they were former Commissioners.

32600. You say: "By this one would get a deliberative body and a mobile body. The non-visiting Commissioners to consist of two Masters in Lunacy, one legal Commissioner, and two medical commissioners." So that you would have five of them always in London. It would be an enormous waste of time. What are five men to be always doing on a Board in London from Monday morning to Saturday night always at the office. Is it possible you could find deliberative material enough for five men from Monday morning to Saturday night all through the year?—That is a suggestion; it would be reformed when the thing was reconstructed; those who knew better with regard to administration could decide whether the non-visitors should be one, two, three, four, or five. I only threw out a suggestion.

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32601. Would not it be better, as at present, that all the men who deliberate in London should visit the asylums throughout the country so as to get fresh material on which to deliberate?—No, the idea of that body is to act as a court of nquiry, as the Masters in Lunacy do at present.

32602. Would not they be much better fitted for a court of inquiry if they are keeping their knowledge up to date by visiting?—I take it if you had such a board that board would be recruited from your visiting Commissioners who had full knowledge of the subject.

32603. You would take it second-hand instead of first hand?—No. It is the same way with a judge who has been a practising barrister and he is appointed a judge, he does not go over the country getting information, he sits and deliberates with his past experience.

32604. No, he has the evidence and speeches of counsel, does not he?—If a board like that were appointed they would be recruited from experienced men, and would also deliberate on the evidence brought before them.

32605. (*Chairman.*) Is there anything you would like to add?—I would like to add this point with reference to what the Assistant Secretary of the Local Government Board said: I have had experience of Local Government Board inquiries and it has always been my experience that after the inquiry was held the inspector came round and inspected the ground to see whether the grant should be given or not, and in reference to the architectural plans for asylums I should like to say I certainly think they ought not to be taken out of the hands of the Lunacy Commissioners; they should have the final word as regards plans of asylums, because they are the authority best constituted to deal with the intricate details which you have in asylum construction. I must say that that point I should like to emphasise very much; I think that it would be very disadvantageous to the administration of asylums if the plans necessary for the building of asylums were taken out of the hands of the Lunacy Commissioners.

SIXTY FOURTH DAY.

Thursday, 20th December, 1906.

PRESENT.

The Right Hon. The Earl of Radnor (*in the Chair*).

W. P. Byrne, Esq., C.B.
F. Needham, Esq., M.D.
H. D. Greene, Esq., K.C.
C. E. H. Chadwyck-Healey, Esq., C.B., K.C.
The Rev. H. N. Burden.
W. H. Dickinson, Esq., M.P.
C. S. Loch, Esq., D.C.L.
H. B. Donkin, Esq., M.D.
J. C. Dunlop, Esq., M.D.

Hartley B. N. Mothersole, Esq., M.A., LL.M. (*Secretary*).
E. A. H. Jay, Esq., M.A., LL B. (*Assistant Secretary*).

George Thomas Hine, Esq., called and examined.

32606. (*Chairman.*) You are the consulting architect of the Commissioners in Lunacy?—Yes.

32607. You have sent in this statement of your evidence. Will you let us put it on the notes?—If you please.

Statement of the Evidence proposed to be given by George Thomas Hine, Esq., Consulting Architect of His Majesty's Commissioners in Lunacy.

I am an architect in practice at 35, Parliament Street, in the City of Westminster. I am a Fellow of the Royal Institute of British Architects, and a Fellow of the Surveyors' Institution. I have practised as an architect for nearly forty years, designing houses, churches, public buildings, warehouses, factories, schools and other erections.

For thirty years I have especially studied the designing and construction of lunatic asylums for both paying and pauper patients. Among other buildings of this class, I have designed and supervised the erection of the following asylums:—

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Four asylums for the county of London, each accommodating 2,000 patients.
An asylum for the county of Hertfordshire.
" Kesteven, Lincolnshire.
" the county of East Sussex.
" " Worcestershire
" " Dorsetshire.
" " Surrey.
" the city of Nottingham.
" the borough of Sunderland.

Also extensive additions to the Leicester Borough Asylum, and to the County Asylums of Berkshire, Dorsetshire, Somersetshire, and other places.

I have also acted as consulting architect to many asylum

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authorities in England, Scotland, Ireland, Wales and the Channel Islands.

I have studied carefully building construction, and have an intimate knowledge of building materials and the cost and value of building works, and can very accurately appraise the value of buildings, particularly of asylums, my knowledge having been applied to assist in determining the value of asylums which have been the subject of arbitration on the dissolution of partnership between various county and borough authorities.

To educate myself in the designing of asylums I have visited very many of the asylums in this country and abroad, and have availed myself of the information given me by the superintendents of asylums and others in the treatment and housing of the various classes of the insane.

I have also a general knowledge of engineering, and have particularly studied matters applicable to asylums, such as heating and ventilation, water supply and pumping, lighting by gas and electricity; also of machinery for laundry purposes, and cooking plant, and matters of equipment, such as telephones, electric signalling by tell-tale clocks, and fire-alarms.

I generally undertake the direction of the above engineering matters in asylums erected from my plans, and am qualified to examine schemes submitted by architects and engineers for such works in other asylums.

I have acted for ten years as consulting architect to the Commissioners in Lunacy, who send me plans prepared by other architects to report upon—

(*a*) As to their suitability of design.
(*b*) As to construction.
(*c*) As to the estimated cost.

These drawings, which, by the Commissioners' instructions, so as to minimise labour to architects, are submitted in two stages, first as preliminary sketch plans showing only the general arrangement and design, and, when these are approved, secondly as working drawings showing the constructional details and materials used, estimates of the cost having to accompany all drawings.

I examine the preliminary drawings to ascertain whether the buildings are planned so as to afford the best opportunities for economic working; whether they comprise all necessary requirements, with ample light and ventilation and effective sanitary arrangements; and whether they give a proper superficial area and cubic space for each patient, and generally comply with the "Suggestions and Instructions" of the Commissioners in Lunacy. Sometimes, with the concurrence of the Commissioners, I interview the architects and explain to them the faults in their designs and the *raison d'etre* of certain requirements; and, when they are receptive of instruction, I frequently offer suggestions and point out how their designs may be improved.

When the working drawings are submitted I examine them to ascertain whether the construction is sound and the materials specified are of a good durable character, and whether the drawings show no evidence of wasteful expenditure or undue ornament in detail.

The system generally works satisfactorily. In the majority of cases the plans are quickly returned to the authors, who amend them where necessary; and, after being approved by the Home Office, they are returned without loss of time. Frequently the authors gratefully recognise the improvements in their designs due to the suggestions of the Commissioners or myself. Occasionally, however, delays occur, either from unwillingness to adopt the suggestions offered, or the inexperience of the architects in asylum work, and frequently plans remain for months with the local asylum authorities before they are again submitted to the Commissioners.

The most common differences, however, arise from the unwillingness or inability of the architects to reduce their estimates to the amount which I report as sufficient—a point on which the Commissioners are most emphatic, and they invariably refuse to submit plans to the Home Office with their recommendation for approval until they are satisfied that the most rigid economy consistent with sound workmanship has been exercised.

It is within my knowledge that plans have again and again been returned to their authors on account of undue extravagance in one way or another, and in very many cases the estimates have been materially reduced—in one case (a large county asylum) by over £100,000—before the Commissioners would recommend the plans for the approval of the Home Secretary. I have made extracts from some of my recent reports to the Commissioners recording a number of instances in which I have called attention to excessive and wasteful expenditure. (*A copy of these extracts is appended, Vide pp.* 287–289, 559.)

I might also state that two or three years ago I was consulted by the Edinburgh District Lunacy Board to advise them with reference to their proposed Villa Colony at Bangour, with the result that I was able to show them how a saving in cost of fully £100 per bed (on 1,000 beds) might be effected.

When these delays occur, the fault, so far as I am aware, does not arise with the supervising authority, who, I am satisfied, give every encouragement and assistance to Visiting Committees and their professional advisers.

It has been alleged that the requirements of the Lunacy Commissioners involve unnecessary expenditure, and I am aware that it is not uncommon for architects to account to committees for any extra cost in their buildings over the original estimates by the alterations they have been obliged to make to comply with the Commissioners' requirements. While the exigencies of insanity do certainly involve substantial construction and the proper safeguarding of patients against fire and other accidents, the Commissioners to my knowledge discourage wasteful expenditure and extravagance. In my experience they have always welcomed original suggestions or improvements in design which have for their object the curtailment of cost.

It has also been objected that the consulting architect of the Commissioners is allowed to practise privately as an asylum architect, with the result that local architects do not produce the best work. The argument does not appear obvious, as local architects cannot possibly suffer by the advice and assistance which an experienced consultant can give. On the other hand, it is certain that no architect could be useful as a consultant who has not had very considerable experience in designing and directing the building of asylums, and who has not the same opportunities as he would have in private practice of keeping in touch with modern modes of construction and methods of treating the insane.

Referring to the suggestion that a consultant may avail himself of the ideas of another architect to the latter's disadvantage, I would point out that a consultant in private practice (or any architect) if he required such assistance would only have to visit the building on completion, when he could better learn all he wanted to know than he could by studying the original plans.

I would further point out that the exclusive services of a competent architect could not be obtained without very materially increasing the present comparatively nominal fees attached to the office; and that additional work would have to be found in order to employ the whole of his time.

Another objection raised is that in a consultant's case he is the designer and judge of his own work. This is not quite correct; inasmuch as the Commissioners themselves thoroughly understand asylum requirements and are eminently capable of judging an asylum plan. When I submit to them a design of my own it has, I know, their most careful scrutiny, and is, perhaps, examined more critically by them than would be the case with the designs of other architects which are sent to me to report upon.

The Commissioners also know from my earlier works, executed before I was appointed consultant, that my construction could be relied upon; while, with regard to economy, they also know from the estimates which I submit, and the contract prices afterwards presented, that my reputation for being able to design and erect asylums at the lowest possible rate has been justly earned.

I may also state that rarely in my practice does the actual cost of my works exceed my original estimate or the contract price, as can be proved by verified figures or extracts from the minutes of committees for whom I have worked.

On the subject of the growing cost of lunatic asylums and the possible remedies, I have written a letter submitted to the County Councils Association and published in their Minutes of last January. I understand that copies of this letter have been sent to the Royal Commissioners, and I need not therefore further refer to the matter (*For copy of letter see App. Vol.*).

I feel some diffidence in saying so much about myself, but having been requested to give evidence on the questions raised by other witnesses, I feel that it would be discourteous to the Royal Commissioners not to reply to observations which I otherwise might have ignored.

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EXTRACTS FROM CONSULTING ARCHITECT'S REPORTS TO H.M. COMMISSIONERS IN LUNACY.

From Report, 22nd September, 1903, on Laundry Buildings at the Northampton County Asylum.

"The buildings appear to have been designed on a very extravagant scale and without proper consideration of the accommodation required. Both wash-house and ironing-room are double the size of those usually provided for an asylum of from 1,000 to 1,200 patients, and the drying rooms are arranged without regard to economy of space.

"The general arrangement is capable of much improvement, and might be designed to give all the accommodation required at probably half the cost."

From Report, 16th December, 1903, on Laundry Buildings, Northampton County Asylum.

"If you concur in the opinion of the medical superintendent that it is desirable from a medical point of view to erect laundries so very much larger than is necessary for working purposes, I will again consider the plans, but it is contrary to anything you say in your Suggestions and Instructions to Architects. In the meantime, as the plan has not been revised, I do not think it necessary to add anything to my Report of 22nd September last on this subject."

From Letter, 17th February, 1904, on Northampton County Asylum.

"If the Commissioners agree with me, it seems to me the only course to pursue is to inform Dr. Harding that he must submit another design for his laundry on a more reasonable scale before they can consider the matter."

From Letter, 21st December, 1903, to the Secretary of the Commissioners.

"I have your letter of Saturday and will look through the draft suggestions and instructions which you send me and make any notes on them I think desirable. I have not been able to look through the draft yet and do not know whether any suggestions have been offered on the subject of economy in construction, but this seems to me an excellent opportunity of calling serious attention to this matter."

From Report, 20th November, 1903, on Essex County Asylum.

"Perhaps the gravest fault to be found in the general arrangement and the treatment of the buildings is on the side opposed to your instructions with regard to economy. If considered as only a hospital for curative purposes, possibly little would be said against the careful elaboration of detail in the planning of the various buildings, but, having regard to the necessity of studying economy in the erection of public buildings of this class, and particularly in view of the fact that three-fourths of the inmates of an asylum are generally permanently resident therein, and that the majority of these are more or less harmless, and only require the plainest form of accommodation, a simpler and less expensive style of design might be adopted."

From Report, 22nd February, 1904, on Essex County Asylum.

"Entrance Block. This block is extravagant in design and could be reduced without affecting the utility of the building.

"The quarters for nurses and attendants are very much larger than necessary. I find that in the wards and blocks forty nurses and attendants are provided for ninety patients, when less than half the number could suffice.

"With a little careful consideration the building might thus be reduced in size and cost by from 20 to 25 per cent. without sacrifice to its utility.

"A less ambitious building might be planned which would answer every purpose at something like half the cost of this one.

"I would point out, as an example of unreliability of the present estimate, that the chapel is estimated to cost £28,747, being fully three times as much as this building ought to cost, and the medical superintendent's house and stables £5,810, about double the amount that should be expended on this residence.

"Considering this estimate with the drawings generally, there is evidence of a much larger expenditure than is necessary, or which the Home Secretary will willingly sanction."

From Letter to the Secretary of the Commissioners, 14th December, 1904, on Essex Second County Asylum.

"When discussing these designs with Dr. Cooke some time ago he asked what amount of money we had saved the county by our many examinations and criticisms of these plans.

"It is difficult to ascertain with any accuracy from small scale plans like these what would be the actual saving, but, taking the architect's own figures, he estimated the total cost of carrying out his first design for an asylum for 1,656 patients at £469,563, showing an average cost of £284 per bed.

"With his last design he submits an estimate of £450,957 for an asylum for 2,000 patients at an average cost of £225 per bed.

"Thus we find that his latest design, being more compact, easier worked, and more economical on points of detail, is to cost £59 per bed less than his first plan, which shows on 2,000 patients a saving of £118,000.

"Too much weight must not, however, be placed on these figures, it being impossible at this stage of the work for an architect to form anything like an exact estimate, and particularly when he has not had much experience in this class of work."

From Letter, 21st March, 1904, to the Secretary on Napsbury Asylum.

"I think, however, reference should be made to the estimated cost, which appears to me unnecessarily high."

From Report, 1st June, 1904, on Hull City Asylum.

"In my opinion these plans should be referred back with a view to a better and more economical design being prepared."

From Letter to Mr. Trevor, 28th July, 1905, re Hull City Asylum.

"The Commissioners ask me to very carefully examine into all matters of construction and advise them whether any undue elaboration of design or extravagancies on points of detail are contemplated, and I cannot do this without some description or abstract form of specification, such as your printed 'Schedule of Particulars.'

"You will understand that I have no wish to obstruct the progress of this work, but cannot comply with the Commissioners' instructions in the absence of the information asked for."

From Report, 14th July, 1904, on Cheddleton Asylum.

"Although it may involve a little more delay and additional trouble, I am satisfied it will be quite worth while to prepare another design on the lines suggested, and in my opinion a saving in cost would be effected by doing so. The present designs are somewhat straggling, and therefore costly, as is shown by the estimate of £62,000, which works out at a rate of £155 a bed. For buildings of this class, being plain large rooms, the accommodation ought to be obtained at a cost certainly not exceeding £120 a bed, and, if this is borne out in work, a saving of £14,000 would be effected."

From Report, 17th October, 1904, on Cheddleton Asylum.

"The estimate submitted for building works amounts to £47,300, and this, from measurements I have made, appear to have been priced out at about 9d. per foot cube, which I consider a higher rate than is warranted by the present low building prices in the country generally. In my opinion 7½d. per foot should be ample for building works if engineering matters are excluded, and at this rate a total of about £40,000 is produced, being equal to £100 per bed. Allowing in addition a reasonable sum for engineering works, say £20 a bed (estimated as above at £17 10s.), the total cost would work out at £48,000, which is the sum I originally named as sufficient for the new building complete."

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From Report, 24th October, 1904, on Hospital Villa, Bexley Asylum.

"The estimated cost of £15,000 appears to me to be excessive.

"I have ascertained the cubical contents of the building and applied to them a very good price per foot, and, after allowing reasonable amounts for engineering work, such as heating, lighting, water supply, telephones, etc., also other matters of construction, including the solarium and verandahs, I arrive at a sum total of something less than £12,000, which shows an average price of £240 per bed—a very good price, in my opinion, for a building of this character."

From Letter, 24th November, 1904, on Male Villa, Bexley Asylum.

"I have yours of the 21st ult., enclosing copy of Report of the London County Council asylums engineer on the above matter, and beg to say that the explanations given with respect to the drains and the heating of single rooms is satisfactory, but I cannot say the same with respect to the estimate of the £15,000.

I measured the buildings from the drawings before reporting to you on 24th October, and after allowing ample prices for the building, engineering matters, and necessary contingent works, I arrived at a sum of something less than £12,000, and am still of opinion that this sum should be ample to erect and complete the buildings shown on the drawings accompanying this in an entirely satisfactory manner."

From Report, 27th March, 1905, on Medical Superintendent's House, Hants County Asylum.

"The estimated cost of the building, viz., £3,150, is rather high for a house of this size, and with nothing in the external design (which is of the plainest character) to warrant any excessive cost. It should, I think, be built for £300 or £400 less than the estimate, particularly if the suggestion which I made about the attic storey and lowering the roof are adopted."

From Report, 29th September, 1905, on Temporary Buildings, Banstead Asylum.

"With respect to the cost estimated at £30,763, or at the rate of about £100 per bed, I am of opinion that in view of the fact that all the fittings and most of the expensive materials, such as doors, windows, etc., are used again, the work should not cost so much as is estimated. Entirely new blocks of better character than these can at the present time be built for £100 per bed, and I think under careful specification and direction the present reconstruction should be done for considerably less than the estimated amount."

From Report, 13th November, 1905, on Additions, Fishponds, Bristol.

"I have again carefully considered the question of cost, and cannot understand why so large a sum as £13,000 should be required for this—a simple one-storey building for forty-five patients—showing, after allowing a reasonable amount for the general bathhouse, an average cost of £245 per bed.

"The buildings are of stone with freestone dressings and angle quoins, and, apparently slated roofs; and, although substantially constructed, there is no apparent extravagance in detail, and I cannot see that the architect's estimate of 1s. per cube foot is justified, this being about 30 per cent. higher even than London prices, and 50 per cent. higher than that in the generality of country places.

"In my opinion £10,000 ought to be ample for this building, exclusive of furnishing."

From Report, 11th June, 1906, on Bristol Asylum Additions, Fishponds.

"In my two last reports on this building I called attention to the excessive amount of the estimate, and I now find that the total cost has been reduced since I last reported from £13,000 to £12,543. This reduction is immaterial, and still shows an estimated cost of over £220 a bed, after making a proper allowance for the general bathrooms.

"In my opinion simple buildings of this character ought not to cost more than £140 per bed. There are plenty of buildings in the country which have recently been erected for £100 a bed, and unless a material reduction can be shown in the cost as indicated in my last report, I am satisfied that the Principal Secretary of State will not allow the plans to pass.

"The price at which the work has been cubed, viz. 1s. a foot, exclusive of engineering work, is in my opinion very excessive, and either indicates extravagance both in construction and detail, or is based on the cost of buildings of a very different character to asylums."

From Report, 19th July, 1906, on Bristol Asylum, Fishponds.

"In conclusion I can only repeat my statement that additions of a similar character are being made to other asylums in the country at a cost of about £100 per bed—in some cases less, and it is not reasonable to be asked to be allowed to spend £220 a bed for these alterations, a price at which an entire asylum with all its administrative and other buildings, together with the engineering works, airing courts, roads, etc., can well be erected for in the present state of the building market, and I do not see that you can recommend the Home Secretary to approve these plans while accompanied by so extraordinary an estimate."

From Report, 9th October, 1906, on Bristol Additions.

"I do not think any good can result by contesting these details with the Committee, but would suggest that you tell them when they can produce a plan for the same accommodation, to cost no more than £150 per bed—a very liberal allowance—and allowing, say, £2,250 more for the bathhouse, making £9,000 altogether as a limit of expenditure, you will give it your favourable consideration."

From Report, 25th June, 1906, on Farm Buildings, Storthes Hall Asylum.

"Farm Buildings. The proposed block for cows is designed to accommodate sixty cows in two houses, with calf and bull houses and food stores. The general arrangement is satisfactory, but the cow houses are, in my opinion, unnecessarily high, ranging from 14 to 24 feet in height above the floor. Cows require to be kept warm, and if the byres are provided with ample means of ventilation, less lofty buildings would suffice, and some saving in cost would be effected.

"The food stores and mixing room are ample in size, and would serve for double the number of stock, should it be necessary to add to the accommodation at any future time."

"Slaughter House. This, in my opinion, is a more elaborate building than need be provided for an asylum, as it consists of separate large killing and hanging rooms for cattle and pigs. The pig-killing arrangements suggest wholesale slaughtering of the stock in a limited time with all appliances for killing on American principles.

A similarly equipped slaughter house is provided for cattle and sheep, and, unless it is proposed to use it as a slaughter house for the whole district, something much smaller and simpler should suffice."

From Report, 19th July, 1906, on Farm Buildings, Storthes Hall.

"A new plan is submitted of both dairy and slaughter house on a much smaller and more reasonable scale, but providing all that is necessary, and which I think may be approved."

From Report, 17th November, 1906, on Farm Buildings, Storthes Hall Asylum.

"I note that the farm buildings have been revised and cut down by the Board of Agriculture in the way suggested in my report of 25th June last (*see* Sections 12 and 13), and the foods stores also (*see* Section 16), and I can, therefore, only approve the amendments.

"I might add that, in reply to my report of 25th June, Mr. Vickers Edwards objected that the farm buildings in the other asylums were constructed on similar lines to those shown on these drawings, and his Committee preferred to adhere to their form of construction, and this, I understand, you agreed to.

"The slaughter house and dairy appear to be approved as amended subsequent to my report of June."

From Report, 2nd August, 1906, on additions Colney Hatch Asylum.

"I have examined the estimate, amounting in all to £56,207, and find that after allowing a proper sum (based on Mr. Smith's average price per foot) for the official block and boiler house, the patients' quarters work out at about £167 per bed, a price which for simple one storey buildings is very much above the present market price."

From Report, 6th September, 1906, on additions Croydon Mental Hospital.

"An approximate estimate of the cost—£33,000—is appended to the Schedule of Particulars, which shows an average of £167 per bed. Assuming this includes all the building and engineering works, but exclusive of furnishing, the cost is higher than it should be.

For plain simple wards of this character, the cost should not exceed £120 per bed at the outside. Several recent additions to asylums on similar lines have been erected of late years, while building prices are low, £100 per bed, or even less."

From Report, 1st October, 1906, on additions Portsmouth Borough Asylum.

"In view of the alterations required in the place, I have not very carefully examined the estimate of cost of the buildings, amounting to £22,400 and representing an outlay of £151 7s. 0d. per bed, but I am of opinion that, with care and the exercise of reasonable economy in designing, this estimate might be reduced. I should suggest that stone dressings to the windows should be omitted, and all iron work in the verandahs should be as simple and plain as possible. Further, if the plan were simplified so as to involve less passage room, as previously suggested, and the rooms in the roof omitted, I think that the estimated cost might be considerably reduced, possibly to little more than £100 per bed."

From Report, 12th October, 1906, on Brighton Borough Asylum Tower Tanks.

"If there is pumping power sufficient to raise the water another 18 feet in the tower, I would suggest that the tower be reduced in size to 28 feet by 28 feet, and be raised 18 feet, or 20 feet higher, one tank being placed above the other. The tanks might thus be made to contain the same quantity of water with a better pressure, and a very considerable saving in cost might thus be effected, and also an improvement in the architectural appearance.

"The internal iron framework could thus be dispensed with, the tanks being carried on rolled steel joists from wall to wall, and the saving of ironwork would more than pay for the little extra thickness of walls; and, as the cubic contents of the whole would thus be reduced by one-third, the cost would be proportionately less."

The following extracts from a recent Report of the consulting architect on plans submitted by a local authority will indicate the character of the information frequently given to assist in reducing the cost:—

With regard to the specification, I would call attention to one or two points upon which I think some economy might be effected.

All soil drains are specified to be 9 inches in diameter irrespective of the work they have to do, and where 6 inch and even 4 inch pipes would amply suffice, and in fact be better, as more easily flushed clean.

The water-closets, lavatories, and bath rooms are described to be lined throughout with glazed bricks the whole height of the room, where it is generally considered sufficient to line the walls with a glazed dado about 5 feet high, with a hard setting plastered surface above.

The glazed bricks are also described to be of "very best quality" from a particular maker. This is an unnecessary extravagance, when glazed bricks of excellent make, but less expensive than the "very best," can be obtained.

Most of the paved floors are described to be laid with Pennant stone 3 inches thick. This form of pavement is, I believe, much more expensive than granolithic, and is not so good on account of the number of joints.

The floors of the water-closets and lobbies are described to be paved with marble terrazzo. This is a very nice material, but costs considerably more than granolithic, which is quite good enough for this purpose.

The floors of day rooms, dormitories and corridors are described to be laid with 1½ inch oak boards. This is doubtless a very excellent material for flooring, but about double the price of pitch pine.

Other wood floors are described to be laid with 1½ inch boards, which is an unusual and somewhat extravagant thickness.

I would point out that the floors of the scullories and lavatories are described to be laid with wood joists and boards. I have previously pointed out that these floors should be laid with a material impervious to moisture. The Medical Superintendent asked to be allowed to use wood blocks, which are better than boards, but not so good as a material less pervious to moisture.

The floor boards are described to be sawn out of 7 inch by 3 inch scantlings. This would increase the cost, inasmuch as none of the boards would be more than 3½ inches wide. On the other hand it is further specified that no board shall be more than 4½ inches wide, which is reasonable, but is superseded by the first named requirement.

The baths are described to be porcelain glazed inside and out. These are about twice the price of the very excellent vitrified enamel iron baths now produced by the best makers, which have the further advantage of being more durable and less liable to crack.

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32608. (*Mr. Greene.*) You practise as an architect in London. Are you remunerated by fees or salary for the work you do for the Lunacy Commissioners?—I am remunerated by fees; I make my charges against the Commissioners.

32609. Are those charges on a scale, or are they commission or percentage?—They are not commission; I charge by the time that I am occupied in the matter. I adopt the line which was adopted by my predecessor, Mr. Howell; I had several of his accounts to guide me.

32610. You send in your account and the Commissioners pay it, do they?—Yes.

32611. Is there any scale that the Society of Architects lay down for that kind of work that is chargeable by time?—Not beyond this, that when you have exceptional work of that kind to do you charge by time according to the position of the architect.

32612. About how many sets of plans do you have to investigate in the course of a year?—Forty or fifty or perhaps sixty or seventy; it all depends; sometimes I have more, sometimes less.

32613. May I take it fifty is a fair number?—Yes.

32614. What is the average amount of the fees that are paid to you by the Commission?—I find that in the last nine years my fees have amounted on an average to £250 or thereabouts.

32615. That would be about five guineas a set of plans?—It would.

32616. Does it involve your taking any journeys?—Not necessarily. Sometimes I have to take a journey, but that I charge for specially.

32617. Then it is obvious, if your charges are as reasonable as that, that the paying of a stipend of £1,000 a year, which was suggested to us as the amount for a private architect whose whole time would be required, would not be a gain to the country?—That is so.

32618. Have you any reason to believe that you do all the work that is required by the Commissioners?—I do not think I do all the work; I do not know whether they employ any other specialist; they do an amount of work themselves; sometimes I do not receive all the plans.

32619. Does some other architect, do you know?—I do not know, but the Commissioners are quite capable of reporting on a design themselves.

32620. Then I suppose if you charge an average of five guineas for a set of plans, five guineas would represent, perhaps, a day's work, or not that?—Not to me; it would possibly to myself and assistant. I get an assistant to do preliminary work.

32621. If you get all the work which I have been led to understand you do (you are the only consulting architect) there would be very little to occupy your time?—Very little. I do not devote, I presume, one-tenth to one-twentieth of my time.

32622. So that the proposal to have a permanent architect whose whole time is to be given up would be rather an unnecessary proposal to be adopted?—It would, in my opinion, unless some other work could be found for him.

32623. Do you have anything to do with the acceptance of tenders or supervision of tendering for work which the Commissioners are responsible for?—No, my work ceases when I have made my final report.

32624. Then you do not have to inspect afterwards to see if the approved plans have been carried out?—No.

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32625. And still less do you have to see whether afterwards they are used for the purpose which they profess to have been constructed for; you have nothing to do with that?—No.

32626. I dare say you are aware that in several of the Bills that have been introduced into Parliament power has been sought to compel asylum authorities to use the accommodation that has been designed for the purpose for which it is designed, but that is rather outside your function, perhaps?—Yes, it is.

32627. Have you to inspect the site?—I have sometimes with the Commissioners, not always.

32628. The plans are prepared, are they not, by the local authority?—Yes, by the local authority *i.e.*, by their architect.

32629. In most cases are they county surveyors or architects who do them?—It varies; sometimes the work is given to the county surveyor, but generally I think it is an outside architect. It is a very common thing to have a competition.

32630. Is there any definite line of demarcation between the province of a county surveyor and the province of an architect; where does the surveying end and the architecting begin? Is the person who has to discharge those duties fully qualified as an architect?—Not always; very rarely, I should say, is a county surveyor a qualified architect; sometimes he is an engineer and always a surveyor of roads and bridges, but architectural work is generally considered the least essential of his qualifications.

32631. And I suppose most of them are men who are paid small salaries; a few hundreds a year at all events?—In the smaller counties but some of the counties pay very good salaries.

32632. If architecture is their least qualification I suppose you very often get plans which an architect would not have designed; either they are too extravagant or not suitable?—It is so. We sometimes have a good deal of trouble with the plans presented by them, but frequently they employ an architect to assist them who has some knowledge of asylum work.

32633. But ordinarily speaking the county surveyor is a man who might very well be expected to construct a culvert or even rise to designing and erecting a commodious and not unattractive public urinal, but you do not expect him to be a designer of buildings costing £400,000 such as we have recently had an illustration of?—No.

32634. We understand that you have some difficulty with reference to the plans, or the Lunacy Commissioners have been charged in some way with sanctioning expenditure that was excessive. Do you personally apply your mind to the cost; is it any part of your duty?—It is part of my duty; I do apply my mind very rigorously to that.

32635. Do you cut down the expense?—I have assisted in cutting down expenses very materially sometimes.

32636. Is it mainly because the person who has designed these things has not been a properly qualified man?—It is so.

32637. Then instead of furnishing the Lunacy Commission with a permanent architect at a handsome salary to be with them all the year round, the better thing would be to insist on local authorities employing qualified architects instead of surveyors to do the work?—Yes, if they were qualified; the difficulty would be to qualify them.

32638. To qualify county surveyors?—To qualify county surveyors in this particular work.

32639. Why this particular work?—Asylum architecture involves a study of the treatment of housing of lunatics which is peculiar and quite separate from all other forms of building construction.

32640. That is as regards the construction, but as regards elevation and that sort of thing?—That is a minor point.

32641. You have laid down, and we have got copies of them—I suppose they are partly from you—printed Suggestions and Instructions for the guidance of those local authorities who intend to erect asylums?—Yes.

(*The Suggestions and Instructions will be found in the Appendix Papers, p. 413 post*).

32642. Could any qualified architect from these Suggestions understand all the essential requirements of the building he has got to put up?—Yes; he could, I presume, theoretically, but he would require considerable practice to enable him to adapt these requirements to buildings suitable for the purpose.

32643. Then I may take it that almost every architect who got these, unless he was as self-confident as some county surveyors, would be disposed to go and look at other asylums, and find from them what the requisites were?—Undoubtedly.

32644. If these Suggestions and Instructions were kept up to date by the Lunacy Commissioners, and fresh suggestions made whenever further observation required that they should be made, there would be no reason why they should have an architect at all to help them in the matter, provided that some authority did supervise?—No, possibly not; it depends on the intelligence and ability of the architects employed.

32645. Have you been brought into connection at all with the Home Office in reference to plans?—No, I have not personally.

32646. Have any of your corrections or alterations on the plans been submitted to the Home Office for consideration at all?—Do you refer to plans prepared by myself?

32647. No, plans you have passed?—I believe they have; I could not quote an instance; I know an instance the other day where the Home Office referred them to the Board of Agriculture.

32648. Have you been brought into connection at all with the Local Government Board in the matter of plans?—Yes, as regards plans of buildings which I have designed and constructed. I attend the Local Government Board Inspector at the Inquiry and explain to him the plans and all that he desires to know. The Local Government Board take the direction of sanitary matters and sewage work, and they examine the plans and the specifications with reference to sewage works and sanitary matters, and sometimes suggest alterations here and there. I am speaking now of plans prepared by myself. I do not attend Local Government Board Inquiries as to buildings which others are responsible for.

32649. With reference to the plans that you have yourself prepared, it has been suggested to us that it is undesirable for an official architect to himself prepare plans and it has been suggested that you have become in that way the designer and judge of your own work?—Yes; but that is not quite the case.

32650. Will you explain that?—The Lunacy Commissioners always examine plans themselves; they examine every plan that enters their office, and particularly when I submit a plan it undergoes a very critical examination from them. I have been called to them again and again to explain my designs and the reasons for this and the reason for that, and I have had to amend them occasionally to meet their views, as other architects have.

32651. Do they know perfectly well whether they are your plans or whether you are acting as a judge of somebody else?—Of course they do.

32652. Your name appears on the plans?—Yes, certainly.

32653. And you are responsible for the estimate of the cost?—Yes.

32654. So it is thoroughly well known to them in what capacity you are acting?—Absolutely.

32655. If they know that thoroughly well, and that you are getting a fee for it—I suppose they are able to conjecture such a thing as that?—Certainly.

32656. I want to see where the immorality of the transaction is, because it seems to have been suggested that it was wrong. Do you see anything wrong in it?—I do not. I did not know that was suggested.

32657. That was the only meaning of the evidence, that there was something which was immoral in it if you were to act as the designer and judge in your own case. The Commissioners know that you have been employed, know that you will be paid, and themselves investigate the work?—Yes.

32658. You have been their architect for a great number of years?—Yes.

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32659. And they have to take your advice on other matters ?—Yes.

32660. Why should they not be able to take your advice if you have designed a thing; I want to know if you can conjecture any reason ?—I think they do take my advice to some extent. They are perhaps more careful in their examination of my plans than they would be of anybody else's.

32661. It is open to them to consult some other person with reference to plans which they know you have designed and been paid to design ?—Quite so. That was a reservation I believe on my appointment, that if the Commissioners desired to put my plans before some other authority they should be at liberty to do so. I do not know whether they have done that.

32662. I am only putting these questions in justice to you because I rather understood that it was supposed you had been doing something which ought not to be done. I therefore wanted to clear it up ?—I understood from the evidence which I read that the objection was that I might "pick the brains" of local architects, and utilise their ideas in my own designs.

32663. That suggestion I think rather came from a county surveyor ?—Yes.

32664. I should rather infer from your previous remarks that it is not often you would get the chance of picking a county surveyor's brains on architectural matters much to your advantage ?—I cannot say that I do. I may unconsciously obtain ideas or suggestions from others and possibly utilise them afterwards, but I do not see, if I do so, that it is to their disadvantage—only to the advantage of the public.

32665. Turning it the other way, the county surveyor who wants to please his employers by getting out a design would very likely go and look at a building which had been designed by you and in that way pick your brains ?—Certainly, he has every opportunity of doing so. I give him leave to do so and explain to him a number of facts when he comes to see me and assist him in every possible way I can to perfect his plans.

32666. We are told that it prevents architects putting forth their best work, if a gentleman in London like yourself is allowed also to practise. I am trying to follow what the objection is, and give it weight if possible, but I do not quite see why a local architect does not put forward his best efforts, if paid to do so, and in the hope of getting the work eventually; why is he restrained from that by knowing they might come before a gentleman who has to critcise them ?—I think the suggestion is a fallacy.

32667. If that suggestion had anything in it, it would be fatal to any competitions, which are always adjudicated by eminent architects upon the work of competitors ?—Yes.

32668. Of course if local county surveyors are not to be controlled by a person in a higher walk in the architectural profession, great expense might be thrown on the ratepayers ?—It certainly would be so. I quote in my evidence a case where a local surveyor had to prepare the plans for a large county asylum which came before the Commissioners and myself again and again for two or three years with the result, that we have shown, so far, a saving in the cost of over £100,000; that is only one instance.

32669. It is no disparagement of provincial architects and county surveyors to say that the construction of asylums is out of their line ?—Certainly not.

32670. It does not disparage them at all ?—No.

32671. You cannot expect a county surveyor, though he may be extremely competent to erect rural privies, to be able to construct buildings breathing the true spirit of the Renaissance or to reach the higher flights of Gothic fancy ?—Exactly; as a doctor may be a specialist on the heart, and know comparatively little about other parts of the body.

32672 Have you any suggestion which you could make for reducing the cost of buildings which are erected as lunatic asylums—any system of management ? I am not talking of materials for the construction, but is there any mode by which the supervision of the plans could be conducted so as to secure the greatest economy for the ratepayers, combined with efficiency ?—The supervision of plans ? You are not speaking of the construction of the buildings ?

32673. Take the supervision of the plans first, and afterwards the construction of the work ?—I do not think any system could be devised which would be so economical as the present one. I have not considered the point, but I do not see how it is possible to get the exclusive advice and assistance of a competent consultant for less than £300 a year.

32674. You only get the plans and elevations, you do not get the quantities or specifications ?—Yes, sometimes I get the specifications.

32675. Do you find a great tendency in County surveyors to employ very expensive materials ?—Sometimes.

32676. Unnecessarily, I mean ?—Yes; sometimes due to ignorance; occasionally from a desire to make their building ornate.

32677. Have you got any rough rule as to how much an asylum should cube out at ?—No; I think it all depends upon the number of patients. I know the cubic space that a ward should occupy.

32678. You know what I mean, in getting the cost, whether it should be 1s. or 8d. ?—Certainly. The price varies according to the districts and according to the state of trade, but I should think at the present time from 7d. to 8d. per foot would be a fair price for asylum work.

32679. That would indicate it being a very substantial work, I should imagine, with stone dressings or something of that kind, to be as high as that, would not it ?—No; you must remember that comprises also engineering works and equipment. That is a reasonable price in the present day; 7d. to 8d.

32680. I should have thought it was rather low ?—I thought you thought it was too high.

32681. No, I was thinking it was 2d. more that I should expect ?—I frequently get higher estimates than that, but I have done a considerable amount of work myself at less than that price.

32682. (*Mr. Dickinson.*) I should like to ask you with regard to those "Suggestions and Instructions"; whether you had anything to do with drawing them up ?—I was consulted by the Commissioners in their redrafting of them. I was asked if I had any suggestions to offer, and I made a few suggestions here and there, some of which they have embodied.

32683. Do you remember when the note at the beginning was added to these regulations; the note about their merely being suggestions ?—I think this was introduced in the last revision for 1904.

32684. Previous to that they did not even purport to be suggestions; they were regulations ?—No, they were in the same form. I have the two previous forms if you like to look at them; that is the one for 1898, that is the one for 1887. (*The forms were handed in*).

32685. They have not been changed since 1904 ?—They have not been changed since 1904, that I am aware of.

32686. You know what the feeling of local authorities, and local architects, is with regard to these. Am I not right in saying those persons who have been engaged in asylum construction have looked upon this document as almost binding upon them; as far more than mere suggestions; as regulations which they were supposed to comply with, broadly ?—In some cases I think possibly they have. The Commissioners make a distinction between instructions and suggestions.

32687. That is to say in some places they use the word "may" and in some places they use the word "should" or "must" ?—Yes.

32688. That being so, is it not the fact that the general tendency of these regulations is to make the architects build expensively, rather than economically ?—I should not think it should do so. They must build in a good substantial way, they must give a certain cubic and superficial space for each patient, and they must provide all means for the protection of patients. I think possibly if you read these instructions through very carefully you would see that it is the care and protection of the patient which is aimed at throughout.

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32689. There I am quite with you, the care and protection of the patient; but still am I not right (you have had a great deal of experience of local authorities and others) in saying that the tendency, or at any rate the impression, on the minds of the local authorities is that these are regulations which aim at carrying out a very perfect system of custody of lunatics ?—It may be so, and I think the result should be equally perfect.

32690. But at the same time at considerable cost ?—That depends on the ability of the architect, to some extent. Do you suggest that plainer and less expensively constructed buildings would suffice ?

32691. What I am suggesting is that this system of regulations which has been carried out and put before all the local authorities and architects who have had to build asylums, has prevented them, at any rate in former years, certainly until this note was added at the commencement, from trying to build really cheap, and, at the same time, suitable accommodation ?—It may be so, but if you had no instructions and suggestions and no control, what would be the result in the buildings that were erected in the country ?

32692. I am not saying that it is altogether inadvisable, but that is what I want to get from you. I think probably you would agree with me that that is the impression amongst local authorities, that these regulations which are set out, if complied with absolutely literally, would mean an expensive asylum; it may be a very perfect one, but it is an expensive one ?—It may be so; I cannot put myself into the minds of local authorities.

32693. But you see a lot of them ?—I know when I first commenced designing asylums myself, if my recollection serves me, it did not strike me that these instructions necessitated an unusually expensive building.

32694. You yourself have been for some years trying to build a cheaper form of asylum ?—Yes.

32695. Could you tell me which of the London asylums you have built ?—The one at Claybury, the one at Bexley, the one at Horton, and I am now building one at Long Grove.

32696. Am I right in saying that Claybury came out at a cost of £235 a bed—the original cost ?—At the present time or originally ?

32697. Originally. Perhaps you could give us those costs, they are very instructive ?—Originally, when I retired, the cost worked out at £227 a bed, so that works which have been done since then have probably brought it up to the figure you name.

32698. Claybury was an expensive asylum, was it not ?—It was expensive at the time; it is not an expensive asylum at the present day. You will remember that that was designed under the régime of the Middlesex magistrates, before the Local Government Act came into force.

32699. But it was your design ?—It was my design, under their instructions.

32700. That was an expensive asylum, was it not ?—Not expensive for the work, it was a very cheap asylum for the quality of the work; other asylums in the country which were built before this, or at the same time, have cost more money than Claybury.

32701. I am not saying that there are not more expensive asylums than those you have built ?—I have built cheaper asylums since Claybury.

33702. I am not trying to attack you at all in this respect, but I want to find out how far these regulations do or do not tend to expensive construction. With regard to Horton, what was the price of Horton ? I have got £233 as being the original cost of that ?—I make Horton Asylum to work out, according to my certificate, at £204 a bed; but they have done some work since then, and you must remember that the work was executed by the Works Department of the County Council, and the cost exceeded the certified amount by £39,000. That would make up your figure.

32703. You had nothing to do with the Manor Asylum ?—No.

32704. That was intended to be a cheap asylum ?—Yes.

32705. The original cost per bed was £143 ?—Yes, it was.

32706. The plans, of course, of Manor Asylum came before the Commissioners ?—Yes.

32707. And I suppose you advised upon them ?—I am not sure that I did.

32708. Yes, I have got your memorandum upon it. The total cost including engineering works is estimated at £19,840, and after allowing a sufficient sum for a nurses' block and two new wards works out at about £120 a bed ?—That is the additional building, that is not the original asylum. I did not report on the original building.

32709. You only reported on the additions ?—Yes.

32710. "The two new wards work out at about £120 a bed, which is ample but not immoderate"; that is what you said ?—Yes.

32711. (*Dr. Needham.*) Might I point out that these are temporary buildings, not permanent ones.

32712. (*Mr. Dickinson.*) At any rate, that was an attempt that was made to build very cheaply ?—Yes, but you must understand that does not mean the whole asylum, that means additional wards; that is to say the patients' quarters represented about half the cost of the whole building; therefore if the whole building cost £240 a bed, it would be quite fair that the wards should cost £120 a bed.

32713. You do not know about the Manor Asylum. I was going to ask you whether it was not the fact that it took a very long time to get those plans approved; there was a very great deal of criticism upon them ?—I cannot tell you; the plans of the originial asylum never came under my notice.

32714. Then you do not advise on all the plans ?—No.

32715. You do not know who advised on those ?—I cannot tell you.

32716. You have studied asylums at home and abroad a good deal ?—Yes.

32717. And I presume you have studied American asylums ?—Yes; I have never been to America; but I have seen the plans of American asylums.

32718. Here again I am going to make a general observation, and I should like to know what your view is. Should I be correct in saying that the plans of even the best American asylums would never pass the Lunacy Commissioners in England under these regulations ?—I cannot say that; I have no doubt they would undergo a very severe criticism, but whether they would pass or not is quite another matter; the Commissioners are open to suggestions.

32719. But I am speaking of these regulations; I do not say the Commissioners could not waive their regulations ?—Very possibly.

32720. They would not comply with the regulations ?—Very possibly, and our plans would not comply with those abroad.

32721. No, but of course they build very much more cheaply there ?—Do they ?

32722. As far as we are able to ascertain ?—I find that the cost of asylums abroad varies very much indeed. It is very difficult, in the first place, to ascertain what the accurate cost is, but I find in some cases that the cost of asylums in Germany exceeds materially the cost of our asylums. On the other hand Alt Scherbitz, which was built under special conditions, was a very cheap asylum indeed.

32723. Alt Scherbitz was built on a plan which would never comply with those regulations, would it ?—Probably not, but the regulations, if you read them, it seems to me do not insist upon a connected asylum, and the Commissioners would allow a design on the Alt Scherbitz principle to pass, I believe.

32724. That is rather what I want to get at. I understand from you the Commissioners are not adverse to allowing cheaper designs to pass ?—That is so; so long as they comply with the regulations securing the care and comfort of the patients.

32725. But many people think when you start building an asylum under these regulations you start with an idea that you are called upon to spend much more money than possibly the Commissioners would pass in the end ?—That may be. An architect could not design an asylum upon these instructions, supposing he had never seen or knew nothing at all about an asylum; he would have to visit an asylum in the first instance to know in what

form they are designed, and the requirements of them. He could not, unless he were an unusually ingenious man, evolve a design from these instructions alone.

32726. No, but he would start with his hands tied in certain directions. Let me give you an instance. No doubt you will be able to answer that. The question of floor space, that requires 50 feet and 40 feet, does not it, for night and day use?—Yes, in the ordinary wards.

32727. That does not include all the space of workshops and other matters?—No.

32728. Could you give me an idea what in an ordinary asylum, including all the covered places in which the patients are during the day time, these regulations work out per inmate—a great deal more than 90 feet?—Not necessarily. Do you mean including workshops?

32729. Including workshops, laundries and other things?—That is a difficult matter to determine. The space which is required in the wards is for the patients' normal accommodation. The workshops are in addition to that, and are calculated in proportion to the number of patients in the building; the laundry would be calculated in proportion to the number of clothes that would have to be washed, in the same way. You cannot say that if you take the whole area of an asylum it would not exceed 90 feet—it might exceed twice 90 feet for each patient, but I should not think it would be as much as that.

32730. It comes out sometimes as a matter of fact to four times?—I have never calculated it, but I should say on first consideration it would not be anything like that; if it were it would be an extravagantly designed asylum. I should say double the space would be nearer the mark. You must remember that there are a number of rooms besides the rooms occupied daily by the patients, the recreation room, chapel, kitchen, laundries, attendants' quarters, single bed rooms, sanitary rooms; rooms all essential to the working of an asylum.

32731. And available for all the patients?—No.

32732. The workshops?—The workshops would be available for a small number of patients; only those who are capable of working.

32733. To give you one other instance only; a person starting to build an asylum under these regulations is bound to throw out a separate structure for all the lavatories, closets, and so forth, is he not?—Yes, it is suggested that he should do so upon hygienic principles.

32734. It is more than suggested. Of course, if these are mere suggestions, and are looked upon as mere suggestions, one can understand what you say; but I put it to you that in practice no one building an asylum now would send in a plan with any chance of success that did not contain a very extensive piece of masonry for the purpose of closets and lavatories, separate corridors and everything else. They could not carry it through if they did not, could they?—No, but in the first place it does not follow that that must be expensive. The baths and the lavatories must be provided for somewhere; it is merely an appropriation of space outside the general structure, rather than inside; the only addition would be the little connecting neck between the two buildings.

32735. Do not let us get wrong about the facts. Am I not right in saying that in all the asylums now designed under these regulations they do build a separate building, separate masonry and everything; I have seen the plans and of course you have seen them, with a separate building from the top to the bottom for all the lavatory accommodation?—Generally, and I think it is the best thing that can be done.

32736. I do not quarrel with it in the least, but that is the result of these regulations. When you say it is the best thing which can be done, supposing you were setting out on the problem which is before us, namely, building asylums of an absolutely cheap kind for a class of patient that is in no way dangerous, a regulation like this surely would not be necessary?—If you are building a cheap asylum you would not ignore sanitary considerations; you provide for the closets and the lavatories being in a position that they can be well ventilated.

32737. Quite so, but knowing as you do the lavatory accommodation and all that rather elaborate system which holds good in our asylums, surely that would not be necessary for an asylum for the care of the feeble-minded?—I think something might be saved in the details in the buildings, and possibly to some extent under the direction of an able architect in the construction and design, but hygiene must be considered in the cheapest building.

32738. Of course. So I hope it is in our own domestic houses, but I understand from what you say that the result is that you think no asylum could be built for less than £240 a bed?—I think they can be built for less; and they frequently are built for less. I can give you instances of asylums that have cost less. Your own asylum at Bexley, so far as I was concerned, I think only cost £195 a bed. You probably know I was instructed to build an asylum that would only cost £175 a bed. That was the condition I was employed upon, and I said: "I will not undertake it on those conditions, but I will do my best. I do not think it can be built for that;" and I did my best.

32739. If I may say so it was very cheap?—Your Committee have recognised since that it was not the truest economy to spend the least money in building that asylum, and in their recent asylums at Horton and Long Grove they have introduced forms of construction which, although more expensive in the first instance, will prove more economical in the long run. They have lined the corridors, for instance, in the main building with glazed brickwork; they have introduced a more durable form of flooring, using at Long Grove teak instead of pitch pine in the flooring, which is much more expensive, but they think in the long run it will prove more economical.

32740. That is what I rather want to get from you. You say that these asylums can be built cheaper than £240, and that you have been able to do it, and I agree; but the asylum such as we know, the institution such as we see it, in your opinion cannot be built for much less than that. It is only a question of the saving of £10 or £20 a bed, or something like that?—The cost of an asylum depends on the state of the building market. It is easy for building prices to rise from 10 to 15 per cent., or fall to the same extent. Therefore an asylum which cost £240 a bed at one time might cost about £215 at another.

32741. Do you think from your great experience of building for lunatics that it is impossible to give proper accommodation for lunatics of a harmless character at a less price than, roughly, £200 a bed, quite apart from the present system of building these more or less magnificent buildings?—No, I do not think it can. Two hundred pounds a bed, you say?

32742. I am putting it at £200?—As an average price at the present day I think it is impossible to build asylums of the character now required for less than £200 a bed.

32743. You are begging the question. You are putting in the very words I do not want, "of the character now required." I am asking whether you could not devise a quite different character of asylum which would meet all the purposes of housing the harmless lunatic?—Have you read the letter I wrote to Mr. Willis Bund?

32744. Yes, and there you make some valuable observations, which will be valuable to us, I think?—I think possibly we could save somewhat in the blocks for the ordinary patient, the quiet, working, chronic imbecile patient, persons who come out of the workhouse, who do not require to be housed in very extravagantly constructed buildings, but if simply housed on the lines of their own homes it would be quite sufficient in those cases; and I think something might be done to reduce the cost of asylums by adopting the form of cottage home, we will call it, for the quiet and tractable cases. But you will understand that will not apply to the whole of the patients in an asylum; there are a certain number of patients who must be housed in a particular way, an expensive way, if they are to be cared for and properly protected.

32745. May I follow that up by asking whether with that opinion which you hold, there has been any attempt made in the last ten years to initiate such kind of construction?—I do not think there has; I have tried it once or twice, I am trying it at the present time with the Commissioners' approval. A block of buildings in a South Wales asylum was built as a temporary structure, was condemned, and had to be pulled down. I

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suggested to the committee who called me in that it need not be pulled down, but I could reconstruct it by building up walls of concrete around the present timbers, and in other ways converting these temporary structures into permanent ones at a much smaller cost than pulling them down and rebuilding, and the result is that I have got tenders for doing this in blocks to house 250 patients at a cost of £34 a bed, whereas you at Banstead are spending £100 a bed in the same work.

32746. That is excellent. It is rather fortunate that accident occurred, that it was burnt down, otherwise we should never have had that experiment. With that one exception, may I take it the Commissioners and yourself have not attempted to bring about any such form of cheaper construction?—You must remember that evolution is sometimes slow, and it is only of late years that we have understood very much about what is commonly called the ferro-concrete principle, that is a combination of iron and concrete; now it is becoming more used, and in a few years I think will form a common material for buildings of all classes.

32747. I am glad to hear that; but at all events we have known the difference between palaces and cottages for some years, and it always seemed to me we might have tried to approximate, for lunatic asylums, the latter rather than the former. I will not trouble you about points of dispute. I take it from your answers that I am not very far wrong in saying that these regulations would tend to choke off any attempt to build anything such as you have built at Cardiff; to even suggest it. No one would think of passing such a thing as you have suggested, £34 a bed, as a new scheme under these regulations?—Will you read the note inside the first page?

32748. I know that note; that is your recent addition?—That should be the key of the whole principle.

32749. It is a very new key; it is a recent valuable addition, but at the same time, hitherto all these years it has not been there?—I do not think the subject of economy is a very old one; it is only within the last decade that we have heard very much of the excessive cost of public buildings.

32750. I always thought it was one of the duties of the Lunacy Commissioners to guide the public in that way. In fact, if I read your statement aright, you quite rightly pride yourself on having cut down a lot of expenditure?—Yes.

32751. For some years, too—ever since you have been in the office?—For some years, yes.

32752. (*Dr. Loch.*) With regard to these Suggestions (*See Appendix Papers, p.* 413 *post*) is this clause on page 6 (d) new? It reads, "cottage blocks, of simple and inexpensive construction and arrangement, for working, quiet, and convalescent patients"?—Yes, I think that is introduced since the previous instructions; it is new.

32753. All that section 13 is new?—Yes, I think the whole of that is new.

32754. With regard to the correspondence you quote at the end of the statement you have sent in, I notice that the letters are all comparatively recent—1903 to 1906?—Yes, I have only taken these as examples from the reports that I have issued.

32755. Would you say the period of economy came in in 1903?—No, I will not say that; but for some years past there has been a movement in favour of more economical construction of public buildings generally.

32756. Would your correspondence for these years correspond to your correspondence for, say, other three years, eight or ten years ago?—No, I should say that latterly my strictures on extravagance have been more frequent.

32757. With regard to Long Grove, did you build that?—Yes, I am building it now.

32758. What is your cost per bed there?—I cannot tell you; it is not completed yet, but it will be very much the same as the cost of Horton.

32759. (*Mr. Dickinson.*) It is a replica of Horton, is it not?—No, it is not quite a replica of Horton. The main asylum is on the same plan, but it has a number of outside villas as well.

32760. (*Dr. Loch.*) With regard to Horton, your figure was £204?—That is my figure.

32761. You said something about £39,000 being added?—The figure Mr. Dickinson has quoted was, I suppose, one he got from an official source. I can only give the figures I am responsible for. I know I heard afterwards that the building cost £39,000 more than I certified for as the proper amount.

32762. That makes a great difference in the total?—That makes a great difference in the total. Therefore the actual cost I say is probably correct with the higher figure.

32763. Where does your responsibility *qud* architect stop?—When I have issued my final certificate.

32764. Was this place completed before the £39,000 was spent?—No, the work was executed by the Works Department of the London County Council.

32765. Is it your allegation that it was simply that method of building that made the addition?—No, but it cost more than it ought to have done. They made a loss instead of a profit. Had a builder made a loss upon it no one would have known anything about it except himself. He would have been paid his contract amount. I presume they were paid the actual amount.

32766. That is to say, on this contract the builder stood to lose £39,000?—If a builder had erected it, and had made the same loss, he would have lost that money out of his own pocket.

32767. Had you before you at the outset the data and specifications, when it was a question of building at a sum less by £39,000?—The actual amount on completion is not necessarily the amount of the contract; it varies according to alterations; there may be extras, there may be omissions.

32768. But is there a great variation between the cost at which you start and the cost at which the figures come out at the end, owing to changes and alterations?—Very often there is; not in my works as a rule, I generally build them within the contract price.

32769. This £195 at Bexley; is that the total expenditure per bed?—That is the total expenditure per bed, so far as I am concerned. There were works done after I left by the engineer, additional works, which no doubt, increased the amount.

32770. That you have nothing to do with?—I have nothing to do with that.

32771. Do you know the amount of it?—I cannot tell you beyond what I have got here in the Blue Book of the Commissioners.

32772. (*Mr. Dickenson.*) We put the original cost of Bexley at £213. That would include what work you have done and the other work done afterwards?—You have to add, possibly, certain matters of equipment and fitting up.

32773. That is to say, I have two figures, original cost and cost to date, and the cost to date is £204. That I presume is owing to more patients?—Possibly.

32774. That is the reason of the difference between the original cost, £213 per bed, and the cost up to date, £204—more beds?—Probably.

32775. (*Dr. Loch.*) If after you have dealt with a building there is a still further cost, in regard to that your figure does not represent what you may call the public cost of that institution?—There may be alterations and additions. They fit up, perhaps, a stove for drying the horsehair, that is an instance I know of, and fittings, and equipment of that kind, which are sometimes put down to the building cost.

32776. But are those under your supervision in any sense?—No.

32777. When you have teak put down instead of pitch pine, on whose authority is that done?—The committee's.

32778. Without reference to the Commission?—Yes.

32779. Without reference to yourself?—Without reference to myself; the committee acting either with or against my advice do a number of things.

32780. But is that irrespective of the estimate as passed by the Lunacy Commissioners and the Home Office?—No. In this case where teak was introduced it was before

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the contract was made, and therefore it is included in the contract price.

32781. But that contract price came before you?—It has been before the Home Secretary and been approved by him.

32782. And you approved of it, therefore?—I approved it. I acted for a committee and I concurred in it. I think, although it is expensive in initial cost, it may be economical in the long run.

32783. Generally speaking, would you say in addition to the figures which you would give as the cost of a bed, there is in counties, when an asylum is built, a further sum in excess of that, as in these cases?—Not necessarily.

32784. Would it happen often?—It would in the course of years. It is some years since Bexley was finished, and every year they are doing something to the place.

32785. I meant at the outset when the building was built?—No, not generally.

32786. But in those cases it was immediately after the building?—Not necessarily immediately afterwards.

32787. Within a couple of years' may we say?—Within the last six years.

32788. With regard to foreign prices, have you got tables?—No.

32789. You have never worked it out in detail?——I have had a number of estimates given me of asylums, but I found on careful examination of them that they were not comparable with our prices; sometimes they included the land, sometimes they included the furniture, and it was very difficult to arrive at prices which would compare with the building prices in England.

32790. When you build an asylum in this way, what is the standard of your remuneration: you are not acting as consultant I understand?—No, as architect; I have a commission of 5 per cent. on the contract price.

32791. And are no other expenses paid?—Not generally, unless it is at a distance; then I am paid travelling expenses.

32792. Irrespective of the £250 that was referred to in what you said to Mr. Greene, you would, as consulting architect to the Board, do a good deal of private practice in lunatic asylum building?—Yes, the bulk of my work is private work.

32793. You get that work which your position as architect to the board more or less facilitates?—It may be so; I cannot say what influence my position as consultant has upon local committees.

32794. Would it not appear to them that, being consultant, it would be better for them to go to you and get the thing through, through your hands?—Possibly it might.

32795. When a county sends up asking that there should be an asylum built, the plans would be passed by the Lunacy Commissioners and the Home Office?—Yes.

32796. Then you might be architect of the asylum which they have passed?—Yes.

32797. Then the next step would be getting out the tenders on the specification?—Yes.

32798. Do you prepare the specification?—Certainly.

32799. Is that accepted by the County Lunacy Committee; do they have any adviser on their side on the specification?—No, they direct the specification. I go to them in the early stages of the work and explain certain matters, and say, "How will you have it; will you have the building built of brick or stone, the roof slated or tiled; will you have the woodwork of this character or that?"

32800. You give them the prices when they are considering the specification?—Yes, when they ask for them.

32801. You give them the average prices?—Yes, all the nformation they desire.

32802. But you know how often a specification may be submitted or passed without the authority who is wishing to build knowing the details because the prices are not submitted with the first draft?—That is so.

32803. Would the lunacy committee of the county be in the position of working on specifications unpriced and passing the whole series in that way?—The committee of visitors I presume you mean—that is what they call them. They have the opportunity of ascertaining everything, and I give them every facility in my power to understand what they are going to do.

32804. But they have, on their part, no other adviser once you undertake the position of architect to them on that question?—No; it is very rare that they would call in a second architect as consultant.

32805. The next question would be, on the specification tenders would come in to you?—First bills of quantities would be prepared by an independent surveyor.

32806. I was skipping that step?—When the drawings and specifications are completed they are sent to a quantity surveyor, who measures them and prepares a bill of quantities, and this bill of quantities is sent round to builders who desire to compete, and on that bill they base their tenders.

32807. The tenders are addressed to whom?—The committee.

32808. Who opens the tenders?—The chairman of the committee at the meeting, always, in my experience.

32809. In no case are the tenders sent to you?—Never.

32810. In no case are they opened by you?—Never, unless a little matter might come in which the committee would authorise me to examine, but certainly not as a rule.

32811. When the tenders come in, are you an adviser to the committee as to the acceptance of the tenders?—Yes, generally.

32812. Are the tenders placed in your hands with a view to choosing and selecting which should be accepted?—No, the committee discuss the tenders and the men who send them in ask if I know anything about them, I tell them what I know and they get other information. As a rule they select the lowest tender unless there is something absolutely wrong with it, or the man is not a man in whom they have confidence.

32813. Who is their adviser on the other side in the acceptance of tenders apart from yourself?—The committee themselves, and their clerk. They generally instruct their clerk to obtain information of the financial position of the builder. Occasionally the committee know him as a responsible man and are acquainted with work that he has done elsewhere. He is judged on his merits.

32814. Do you ever suggest to builders that they should stand for any contract at any asylum with a view to putting in a low price in the hope of getting the contract?—I do not think I should have much influence with a builder in suggesting that he should put in a low price. I should certainly not do it.

32185. It has never occurred, in any instance?—It has never occurred in my recollection. Sometimes committees, instead of advertising, select a number of builders, say a dozen, who should be asked to tender; it is quite possible if I saw one of the builders selected I might say: "Now will you go in for this if you are invited." That would be the extent of any communication.

32816. Would that be in accordance with ordinary professional arrangements? Would that be the ordinary way of doing business?—There is nothing unusual about it, nothing improper about it. If the committee invite a certain number to tender they send out an invitation to them through their clerk.

32817. As to the supply of particular things such as heating apparatus or cooking apparatus in one of these big establishments, are those in the hands of many firms or few?—There are a great number of firms who do that sort of work.

32818. Do you find that you practically use a large number, or that there are only a few which you use?—I employ a variety of firms. We do that in the same way. I prepare a specification and a certain number of firms whom the committee select are invited to tender to send in their schemes; then the selection is agreed in the same way I report on their schemes and the committee make their selection.

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32819. The fact that you are the special consultee of the Lunacy Board does not put you in the position of giving a kind of custom to special sets of firms ?—No.

32820. It is said that these London asylums are practically replicas ?—No; two or three of them. The one I built at Bexley was very favourably regarded by the committee and they desired me to build another on the same lines, which I did, and a third they also wanted lately, on the same lines, but I told them I could see where improvements could be made and recommended them to the Committee. They were quite agreed and allowed me to vary the plan accordingly.

32821. But you would take it that practically the work put into that was just the same as if it was a new building, really newly conceived. Practically the work was equal to doing a new building again ?—Not quite.

32822. You would get your 5 per cent. commission ?—No, I did not, the committee made an arrangement with me.

32823. That was done really by special arrangment—I wanted to meet that point ?—Yes, it was.

32824. Have you anything to do with advising the committee as to the amount they should spend on a house for a superintendent. It has been said in evidence that very large sums have been spent on these—£6,000 for instance ?—I never heard of a house which cost £6,000. It has been stated so, and I have been looking up the cost of houses in several instances for modern asylums, but I cannot find anything approximating £6,000.

32825. What are your figures ?—The highest price I can find in any of my work is £3,300 and it goes down as low as £2,452—they range between those two figures.

32826. Would the difference possibly be in equipment ?—No, the size of the house possibly, position and cost of building at the time. At a large asylum where the superintendent has a higher salary and more responsibility he would get a rather better house; in a smaller asylum he would not get so large a house.

32827. Would the difference between £6,000 and the figure you mention be made up possibly by the cost of equipment ?—I do not know an instance where £6,000 has been spent on a house.

32828. In any way ?—No.

32829. With regard to the county surveyors, have you run through the list. You speak quite positively as to the numbers of them that are attached to important county councils or boroughs that are not architects ?—I do not know one that is an architect by education and training.

32830. Is not the county surveyor to the county of Surrey ?—Yes, he is.

32831. Might not further inquiries show you that others were ?—Quite so; I do not say that is not so, but those whom I have had to do with have, generally speaking, been engineers or surveyors.

32832. (*Dr. Needham.*) You have not time to look into specifications; you inspect the plans and criticise the plans, but you do not as a rule look into the detailed specifications except when they are referred to you specially; it is only on occasions you look into the specifications ?—In performing your work, you mean—yes.

32833. It would take a good deal more time than you have at your disposal to look into the specifications minutely of every work ?—It would.

32834. In the specification would appear the extra work which involves so much addition to expense which does not appear on the plans ?—Quite so.

32835. It is for that reason that the Commissioners have spoken of having attached to their staff an architect to do that kind of work ?—Yes.

32836. Which would, I suppose, occupy a great deal of time ?—Yes.

32837. And that is the only way of promoting economy in those particular things ?—It is. In cases where the estimates have been excessive you have sent me the specification as a means of discovering where the excess lay.

32838. Lately the Lunacy Commissioners did send you a specification and asked you to go very carefully through it with the view of discovering, if you could, what had been unable to be discovered before, the reason of a far too large estimate for works which were proposed which the Commissioners would not sanction: is not that so ?—It is so.

32839. You talked about the Glamorgan asylum, and the buildings at £34 a bed. It ought to be mentioned, ought it not, what those buildings consist of; that they were built upon the old foundations ?—Yes.

32840. And that a good part of the old building was used ?—Yes.

32841. It was merely casing them in concrete and finishing them ?—Yes.

32842. It was not the construction of new cheap buildings ?—No, I said instead of reconstructing them I adapted the present shell and covered it with the concrete.

32843. It was a mere adaptation of the existing building ?—Quite so.

32844. I only wanted it to be understood that £34 a bed would not represent a cheap form of building, a cheap form of construction which might be employed elsewhere. You do not think that is possible ?—No, utterly impossible.

32845. As regards the note which is put on the first page of the 1904 copy of the Suggestions; you are aware that as far back as 1887 this note appears, which has been continuous since, and existed long before 1887: "As the building is intended for the accommodation of pauper patients, superfluous decoration should be avoided both in the exterior and interior of the building, which, however, should be rendered as cheerful and attractive as considerations of economy will permit." That has always appeared ?—Yes.

32846. This was an expansion of that ?—Yes.

32847. These regulations of 1904 were submitted to you and received your approval ?—Yes; I think I wrote you a letter which brought about that result.

32848. Of course you are aware that the idea of economy as a prominent idea is quite of comparatively recent growth, a few years' growth ?—You mean generally, not as affecting the Lunacy Commissioners ?

32849. I mean as affecting the Lunacy Commissioners as well as other people, the central authorities generally ?—Yes.

32850. It is of comparatively modern growth ?—Yes.

32851. At one period efficiency was considered more than economy ?—Yes.

32852. Since that growth is it a fact within your experience that the Home Office have been exceedingly careful to promote economy to the fullest extent in the construction of asylum buildings ?—That is so.

32853. Plans have been over and over again sent back with that view ?—Yes.

32854. And the Commissioners have also endeavoured, to the fullest possible extent, to promote economy in asylum work; is that your opinion ?—I think they have; it is certainly my opinion.

32855. As the result of the examination of plans and correspondence which has taken place ?—Yes.

32856. It has been suggested that the instructions promote expensive construction of buildings by putting into the minds of people who are going to build Asylums that they must build them in a certain form ?—Yes.

32857. The instructions themselves say, "The Commissioners are very desirous of not in any way discouraging the evolution of new designs for asylums," and so on, with the object, I suppose, of encouraging the provision of cheaper asylums on the part of local authorities ?—Yes.

32858. Do you think the effect of withdrawing the instructions to the architects would be that local authorities would make many more costly mistakes, and that it would be an extremely difficult thing to build an asylum at all without them ?—I am quite sure it would. The very fact that the plans which come up in the first instance from inexpert architects of local authorities, are more or less extravagant, and are cut down in many ways as to size and form of construction and detail, shows that the influence which the Commissioners exercise over local authorities is in the direction of economy.

32859. Has it occurred to you to have sets of plans presented to you which have had to be practically reconstructed from the beginning ?—Yes.

32860. That has happened more than once, from persons having no previous architectural knowledge to speak of ?—Yes.

32861. (*Mr. Dickinson.*) From people who have tried to comply with the regulations ?—It may be. Sometimes they do not look at the regulations. I have to refer them to the regulations.

32862. (*Dr. Loch.*) After the plans are made ?—Yes.

32863. (*Dr. Needham.*) The question has also been asked as to water closets with necks. Is it at all more expensive, except for the bit of neck which is not worth considering, to put the water-closets in a projection with a cross ventilating neck, than it would be to put them as part of the main building opening into the corridor ?—I think I stated as much just now, that the only extra expense is this neck connecting with the main building.

32864. And the building out of what Mr. Dickinson calls a separate building, does not add to the expense ; is that so, or is it not ?—It is a difficult matter without having all the plans before you and measuring them to assert absolutely that it would not cost more, but I say I think the only extra expense is the connecting link.

32865. As regards the cubic space, is it fair to take the whole of the cubic space of the building, including chapel and recreation room, and stables and kitchens, and all those things, and to cube it all, and to say that gives so much for each patient ?—I will not say it is not fair.

32866. But is there any practical use in it ?—Not a bit.

32867. I suppose you cannot do without air. If you have an entertainment room, which you must have, if you have a dormitory, if you have a day room, the patients cannot be in the day room and the dormitory and the entertainment room at the same time ?—No.

32868. And yet you cannot deprive each of these places of air ?—Certainly not.

32869. Therefore you must have the air space there, and I do not quite see the bearing of it.

32870. (*Mr. Dickinson.*) I should like to ask whether, taking all these spaces into consideration in the asylum, the lunatic does not get much more space than an ordinary person living in an ordinary house ?—Probably he does more than in his own home.

32871. More than you in your own home ?—Yes, but their homes are generally very insanitary.

32872. (*Dr. Loch.*) The measure of cubic space is higher in a lunatic asylum, is it not, than even in a normal institution ?—What institution do you refer to ?

32873. Take a workhouse ?—I do not know ; I should not say more than a workhouse hospital, and certainly not so much as hospitals or infectious hospitals or buildings of that kind. There is nothing like the same cubic space allowed in asylums.

32874. You are taking it on a hospital basis for your lunatic ?—Some of them are like hospital wards, and they have a large space.

32875. In some places there are more, in other places less, but in a large number there are not acute cases ?—Yes. Do you refer to the space allowed as too much ?

32876. I think it is a high standard ?—As compared with hospitals or workhouses ?

32877. With what you may call residential institutions ?—I do not think you will find it is ; I have not the figure before me, but in my opinion it is not more than it would be in similar institutions.

32878. (*Dr. Needham.*) I am only asking you these questions to get your accurate opinion on the notes ; it is not that I want to controvert anything you have said. I should like to ask about a few things given in evidence the other day. Do you know anything about the county asylum for Lindsey, the Lincolnshire asylum. The superintendent's house there is said to have cost, for the structure, £4,619. The furniture is mentioned as £492, but as the Commissioners have nothing to do with that I do not know that I need trouble you with that. I have been in the house, and it is a comparatively small house. I cannot conceive how it is possible it could have cost much more than half £4,619 ?—When was that house erected ?

32879. It is quite recently built ?—I do not know it ; it is ten years since I was there.

32880. We will take Cardiff. You know the house at Cardiff which is said to have cost £3,478 ?—Yes, it possibly might, from what I have seen of it.

32881. At Croydon the house is said to have cost £3,200 ; the estimate was £2,449, which included a corridor ?—I have not seen Croydon.

32882. Then Napsbury. That is said to have cost £3,000 ?—Yes, I think it would cost that.

32883. Is that an extravagant house ?—No ; Napsbury is a large asylum.

32884. Is £3,000 a large sum for a superintendent's house ?—In a large asylum, no.

32885. You think it is not ?—No, I do not think it is.

32886. If you are going to take 6 per cent. it represents £180 a year, which is a large rent for a country house, is it not ?—Yes, but a doctor is an educated man in a good position. If he were in private practice he would occupy perhaps as good or better a house than you would give him.

32887. What does a house of that sort consist of, because everything is relative ?—Three sitting rooms.

32888. Large sitting rooms ?—No. Drawing-room perhaps 20 to 22 feet by 17 feet ; dining-room perhaps 20 feet by 17 feet, and a third room 16 feet square ; the hall, staircase, kitchens ; and bedrooms over and servants bedrooms in the roof.

32889. How many bedrooms altogether ?—Six to eight, according to the size of the house.

32890. (*Chairman.*) That costs how much ?—It costs about £3,000.

32891. As much as that ?—At Napsbury. That is the general price of houses of that character.

32892. (*Mr. Dickinson.*) In that locality ?—In that locality, yes.

32893. (*Mr. Byrne.*) Do you say £3,000 is the price for a house like that ? You mean a house built by a local authority ; you do not mean if I built a house such as you describe it would cost that, do you ?—It depends how you would like your house fitted up, and how built—of brick or stone or woodwork.

32894. If a house is built suitable for an ordinary professional man, would it cost £3,000 ?—Yes. You know that house at Wells ?

32895. No. I ask generally, would it cost about £3,000 ?—About £3,000.

32896. (*Dr. Needham.*) As far as you know, and as far as you have seen, is there any special extravagance in the houses of medical superintendents ?—No, not generally.

32897. If you were building a house for a professional man of the same standing as a superintendent of an asylum, would you build him a less or a more expensive house ?—I should build him a house of about the same character.

32898. And to cost the same money, you think ?—Yes, the price would vary according to the character of finish and local building prices.

32899. (*Mr. Dickinson.*) Do you know what the salary of that medical officer at Napsbury was ?—No, I do not know ; I should think he would have £1,000 a year.

32900. £1,000 a year and a house ?—Yes.

32901. (*Dr. Needham.*) Then as regards chapels, Napsbury cost £6,000 ; I should have thought it cost a great deal more ?—I should think that is very cheap.

32902. Cardiff cost £6,800 ; Storthes Hall is to cost £7,500 ?—Storthes Hall is an asylum for 2,602 ; that would be a cheap building.

32903. At Storthes Hall you had to do with the plans ?—Yes.

32904. Do you remember the original sum the Committee proposed to spend on Storthes Hall chapel was £10,000, and that it was reduced to £7,500 ?—I cannot tell you at this moment.

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32905. What, per seat, is a fair estimate for the building of an ordinary unadorned church ?—The recognised price, by ecclesiastical authorities, is £10 a sitting.

32906. These are not, of course, nearly that ?—These are not so much.

32907. Do those strike you as being extravagant ?—None of those strike me as being extravagant for a church.

32908. Now as regards cottages; I see there are four pairs of attendants' houses which cost £463 a house, in the county of Stafford. I believe that ought to be £385, which included water supply and pig sties for each of the cottages, and sewage disposal and boundary fences ?—£385 a house is a very high price.

32909. It seems a good deal ?—Yes.

32910. County of East Sussex, piggeries for 200 pigs cost £2,525; £2,280 was the estimate ?—No; they did not.

32911. Did that include a slaughterhouse and other buildings ?—Yes, a slaughterhouse and other buildings.

32912. Considerable other buildings, or not ?—No buildings for cows, but for fodder and food preparing rooms, and slaughterhouse, and piggeries, and they cost about £2,100.

32913. Not £2,525 as stated by the Local Government Board ?—I do not know where that figure is derived from.

32914. There was a question of replacing slates by tiles, which cost an additional £3,000; can you explain that ?—Yes. After the tenders were in and accepted——

32915. And after the plans had been sanctioned by the Secretary of State ?—Yes, it was suggested in the Committee that it would be better to tile the roofs than to slate them, so they asked me what would be the cost. I told them I could not tell at that moment; we should have to alter the pitch of the roofs; that it certainly would not exceed £3,000. They went to the county for authority to spend up to £3,000, but we spent I think about £1,200.

32916. Then the statement that £3,000 was spent is not accurate ?—No, but we did not tile the whole of the roofs; we found that for some of the roofs the pitch would have to be raised so much that it would not be worth while to do it; it would be too expensive, so the lower roofs, the workshops and other roofs were slated, and only the main roofs were tiled, with the result that the actual cost was £1,382. £3,000 was allowed.

32917. (*Chairman.*) Why was it thought better to have tiles ?—The Committee thought in the first place it would be cooler in summer and warmer in winter, and would look better.

32918. Is that your opinion ?—That is my general opinion.

32919. Does anybody live under the roof ?—I think there that possibly it would not affect the heat and the cold, because there is a fire-proof ceiling between them, and if I remember rightly the principal idea of the Committee was that it would look better, more in keeping with the buildings in the county which are built in the old Sussex style generally.

32920. (*Dr. Needham.*) Do you know whether that was referred to the Lunacy Commissioners, because the plans had then passed out of the hands of the Commissioners ?—I cannot remember.

32921. (*Dr. Dunlop.*) In your statement you take up the position rather against a permanent architect in the office, a permanent clerk of works of the Lunacy Commissioners, as being unnecessary ?—I do not take up a position against it, but I say unless you can find other work it will be an extravagant system; it would not employ all his time.

32922. Do you think other work does exist ? Is the work there waiting to be done ?—That you must ask the Commissioners. I do not know whether he could undertake other work; he might undertake some of the work the legal Commissioners would do, or he might inspect the works when they are erected, see whether the buildings had been carried out in accordance with the plans and the specifications.

32923. Do you not think that would be very valuable work and worth a good deal of money ?—I think it would.

32924. And ultimately end in economy ?—It might.

32925. Do you not think an inspecting clerk of the works, for that is what a resident architect would be——? —Yes, he could be that.

32926. And see that the original estimates and plans are properly carried out and not unduly altered ?—Yes.

32927. There are many other little details, alterations and repairs to asylums, that he could give an opinion on which might ultimately lead to economy ?—Yes.

32928. A good resident clerk of works ?—Yes. Most asylums have their own resident clerk of works.

32929. But a central man might possibly check local extravagance, if such exists ?—Yes.

32930. You are more or less responsible for the drafting of these Rules and Suggestions ?—Yes.

32931. (*Dr. Dunlop.*) You are familiar with the action of the Commissioners regarding the passing of plans, are you not ?—Yes.

32932. And with these Suggestions ?—Yes.

32933. Do you think the Commissioners have, as a matter of fact, sufficient power to check extravagance? Have you any personal opinion you can express on it ?—That is very doubtful. I cannot tell what they can do when the plans leave me; that is a question you should ask the Commissioners.

32934. Undoubtedly some expensive plans have passed them recently ?—Certainly.

32935. What date were the Napsbury plans approved of, for instance ?—I should think six or seven years ago.

32936. It is at least five years ago ?—Yes.

32937. Would you pass those plans nowadays, the plans or the estimates of Napsbury Asylum ?—Yes.

32938. Would you, as the consulting architect, pass the plans of an asylum which has a large recreation hall in the hospital block ?—I should call attention to it.

32939. Would that absolutely prohibit the erection of such a gross piece of extravagance as that ?—My report is to the Commissioners. The Commissioners take what action upon it they think well.

32940. Have you the satisfaction of feeling, as their expert adviser, that your report is law and must be obeyed? —No.

32941. Do you not think if your position were improved so that you were a responsible party and had the final deciding of plans, or at all events very nearly so, it would be a very much stronger and better position ?—For me certainly, and possibly for the local authorities.

32942. And for the ratepayers ?—I mean for the ratepayers, the local authority as representing the ratepayers.

32943. For such an important position as that, do you not think it would be advisable that the man should be an all-time servant and do no other work; it would be a judicial position almost ?—He would certainly have a better position and greater authority.

32944. Do you not think the greater authority would be a great advantage to the country generally, and to the ratepayers' pockets in particular ?—Certainly; that is provided the man had the ability and knowledge to exercise his authority.

32945. And the pluck to exercise it ?—Yes.

32946. A plan such as the Napsbury Asylum would not have been approved, probably, had there been such an official ?—It might not.

32947. You know Napsbury ?—Yes.

32948. The recreation hall in the hospital block was a waste of many thousands of pounds, was it not ?—Yes.

32949. Can you tell me how many fractions of a mile of terazzo flooring there are in Napsbury ?—There is a great quantity; I cannot tell you exactly.

38950. Another point in which the Commissioners' authority, subject to efficient expert advice, might be exercised is the substitution of rules for these suggestions ? —Yes.

32951. It would be a very much stronger position ?—Yes.

32952. These suggestions are not literally carried out at the present moment ?—No, unless they are on vital

points and the Commissioners insist upon it. But a great many of these are mere suggestions ; if the county authority prefers to exercise its own judgment on such matters the Commissioners frequently yield to them.

32953. They are only suggestions of what their opinion is, and their expert adviser, yourself, disagrees with many of these suggestions and finds fault with them ?—It might be so.

32954. In your statement you make the remark : " Three-fourths of the inmates of an asylum are generally permanently resident therein, and the majority of these are more or less harmless, and only require the plainest form of accommodation." That does not agree with the suggestion No. 10, in which it says : " For a certain proportion," presumably a limited number, " of working patients, buildings of a simple description may be provided." So that in your opinion that instruction should be very much enlarged ; instead of a certain proportion of working patients, a majority of the inmates should be supplied with a cheaper description of building, according to your own statement ?—What I understand of the position is this, I report to the Commissioners, the Commissioners report to the Home Secretary, and he is the final authority.

32955. But you give these instructions ?—Yes.

32956. You, yourself, do not insist, or you are not of opinion that these suggestions should be insisted on, in all cases as they stand ?—Yes, I think on vital points they should be insisted upon, but where it does not effect economy or where there is a divergency of opinion on a question of design sometimes it is well to yield to a local authority and let them make the experiment.

32957. But this suggestion seems fairly clear : " For a certain number of working patients," that is a certain proportion of 40 per cent. of the patients, " buildings of a simple description may be provided ?—Yes.

32958. Your own statement is that the majority of three-fourths of the inmates only require the plainest form of accommodation ?—Yes.

32959. I should have thought your suggestion of economy distinctly disagrees with the suggestion of the Commissioners, is that so ? You apply the economy to a large number, the Commissioners to a small number?—I say the majority of three-fourths.

32960. That is something more than " a certain proportion of the working patients " ?—You mean to say that is more than 40 per cent.

32961. More than " a certain proportion " ?—Yes.

32962. This suggestion you do not want to see literally carried out ?—No.

32963. It would be much better to have a hard and fast rule drawn up, amended as often as necessary, but insisted on ?—On vital points, but not altogether ; because you must allow some freedom of design to the local architect, or you would get no improvements.

32964. Here is another point in which you criticise an extravagance : " W.C.'s, lavatories and bath rooms are described to be lined throughout with glazed bricks the whole height of the room." Suggestion 43 states that " The bath rooms, lavatories, water-closets, slop rooms, etc., should be faced internally with glazed brickwork or tiles either the whole height or to dado height." So that the original plans were in harmony with the Commissioners' suggestions but were cut down by you ?—Yes, it was so. You must remember that report is one to a local architect offering suggestions whereby he could reduce the cost of his design.

32965. The point I want to get out is the local architect's original plan was in harmony with the Commissioners' suggestions, and yet you, as their expert adviser, cut it down ?—Yes, it was in harmony, and it would be still in harmony after it was cut down.

32966. It would be more satisfactory to have hard and fast rules, revised as often as necessary, but insisted upon ?—It might be in the majority of cases.

32967. Another point in which these suggestions appear to me, after visiting a few asylums, not to be carried out thoroughly is No. 27, which states : " The various wards and apartments may be connected by covered ways or passages of communication, which ought to be no wider than is necessary to give convenient access to the several part of the building." Has that been carried out ?—Yes, generally.

32968. Can you tell me the width of the corridors in Claybury Asylum ?—They range from 10 to 15 feet.

32969. It is your own designing ?—Yes.

32970. Would you say a 15-feet corridor is no wider than necessary for convenient access ?—It is wide, but those corridors are used as visiting rooms.

32971. They are enormously long ?—Yes, it is a big asylum, they are turned to another use. They are the the same in Bexley and other asylums ; certain portions of them are made specially wide for the purpose of serving as visiting rooms ; it is found the most convenient form of visiting by the patients' friends.

32972. A very expensive form of providing visiting accommodation ?—No.

32973. To bring it to a point, you are of opinion that these suggestions should be reduced into rules and insisted upon by the Commissioners, the rules being carefully revised on all essential points ?—My opinion, to put it in another way, is the Commissioners or their architect should have more power.

32974. Increased powers in the matter ?—Increased powers, yes.

32975. (*Mr. Byrne.*) Is the architectural work that goes to the Lunacy Commissioners requiring the advice of an architect enough to occupy the whole time of a competent and highly paid person ?—The work which at present devolves on the architect of the Commissioners does not require the whole of his time. Whether other work could be found for him to do to occupy the remainder is another matter.

32976. Do you consider that there is any necessity in an asylum to have chapels separate from the entertainment rooms, or that the same building, if properly designed, might be used for both ?—That is a question of opinion.

32977. It is ; I only ask your opinion ?—I think it is desirable, but it is more a medical question than an architectural one.

32978. With regard to the farm buildings attached to asylums, of course the farm is an essential part of an asylum and it should be an absolutely permanent matter, it will always be used. Do you think, therefore, that the farm buildings of an asylum should be on the scale which a large wealthy landowner living in that neighbourhood would use for his own farm buildings ?—Not necessarily.

32979. Do you mean there ought to be a better scale or a lower scale ?—A lower scale.

32980. With regard to the work which you do as architect when appointed architect to design and supervise the building of a county asylum, do you do the whole work connected with that asylum, namely the designing of it, preparing the specifications, the taking out of the quantities ?—No, I do the designing, the specifications, and the superintendence ; I do not take out the quantities.

32981. That is an additional, and a very large expense, is it not ?—It is ; quantity surveyors charge from 1 to 1½ per cent. on the cost, on these big buildings. On smaller buildings they charge more.

32982. On big London county asylums costing £450,000 your remuneration is £24,000 or more ?—Unless there is some special arrangement.

32983. But for a new asylum, where it is not a replication, you would get £24,000 for designing it, taking out the specification and having a clerk of the works on the place to see that those specifications were attended to. Would that be included ?—No, the clerk of the works would not be included.

32984. The county council would pay for that in addition ?—I have never built an asylum except for a London authority that has cost so much money.

32985. I mentioned a London authority ?—I have not received so much money from the London authorities ; they generally make special arrangements with their architects.

32986. I see you have practised as an architect and have carried out works of a very miscellaneous sort.

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Do architects get 5 per cent. from private individuals on work of that scale ?—Yes.

32987. Habitually and universally ?—Within my knowledge leading architects do. There are men who work for next to nothing, who want work; men in small positions.

32988. But as regards the average architect ?—I work on the authorised scale adopted by the Royal Institute of British Architects.

32989. Is that scale adopted by many private individuals ?—Certainly by the majority.

32990. You think the bulk of architects now designing houses ?—Yes.

32991. Public buildings, warehouses, factories, schools and other erections are as a matter of practice paid for at 5 per cent. on the total amount ?—Yes.

32992. (*Chairman.*) Is there anything you would like to add to your evidence ?—No.

CHARLES BURNEY, Esq., M.A., called; and Examined.

Charles Burney, Esq., M.A.

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32993. (*Chairman.*) So that we may have it on the notes, will you kindly tell us how long you have been a Master ?—Twenty-nine years last month; we were called chief clerks formerly.

32994. You have been so kind as to give us a statement of your evidence, may we put that on our notes ?—Yes.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY CHARLES BURNEY, ESQ., M.A., MASTER OF THE SUPREME COURT.

I should wish to preface my remarks by stating, (1) that I am not the Senior Master in the Chancery Division, whom it is usual to consult in matters affecting the general body of Chancery Masters ; (2) that I have not considered myself at liberty to consult any of my colleagues, and that therefore I have no authority to express their views. I should desire, therefore, that my evidence should be considered as expressing only the views held by myself individually.

I have had twenty-nine years' official experience, having been appointed a Chief Clerk (which was the former style of our office) by Sir George Jessel in November, 1877.

I have had the advantage of reading the evidence which has already been given before the Commission by Lord Justice Cozens Hardy, Mr. Keely, the Official Solicitor, and the statement of Mr. Christopher James.

I understand that the points on which my evidence is required is as to the practicability of carrying out the suggestion made by Lord Justice Cozens Hardy, that the work now performed by the two Masters in Lunacy as regards the administration of the property of a lunatic or person of unsound mind should be transferred to the Chancery Division, to be dealt with by the Judges of that Division with the assistance of the Masters and staff in Chambers. I suppose that, put briefly, this suggestion involves a transfer to the Chancery Division of the business governed by those portions of Part IV. of the Lunacy Act, 1890, which are headed "Management and Administration," (ss. 116–131), and "Vesting Orders" (ss. 133–143).

I apprehend that except so far as concerns appointments of Committees of the person and allowances for maintenance it is not the intention that any jurisdiction, at any rate so far as the Masters are concerned, with regard to the person as distinct from the estates of lunatics, etc., should be transferred.

I cannot pretend to be familiar with the present practice in the Lunacy Office ; but I suppose that the work transacted there comprises such matters as appointments of Committees of the persons and estates of lunatics found by inquisition, the appointment of receivers under s. 116 (2), the passing of the accounts of Committees of the estate and receivers, settling allowances for the maintenance of the lunatic or person of unsound mind and his family, and generally dealing with questions affecting the management of his property.

Assuming that I am right in this view, duties analogous to these are performed by the Masters in the Chancery Division every day. The appointment of a guardian of the person of an infant and an allowance for his or her maintenance is analogous to the appointment of a Committee of the person or receiver as the case may be, and allowance for maintenance of a lunatic or person of unsound mind. The appointment of a guardian of the estate of an infant is analogous to the appointment of a Committee of the estate, or receiver, as the case may be, in the case of persons suffering from mental infirmity. I ought, however, to point out that in the Chancery Division, whilst guardians of the persons of infants are appointed every day in proceedings commenced by originating summons without suit, the cases in which a guardian of the estate is so appointed are comparatively rare. This arises from the fact that the Court is not in the habit of making such appointments where there is a legal hand to deal with the estate. Guardians of the person are not accountable, nor is security given or accounts rendered by guardians of the estate where the whole income is allowed for maintenance. It follows that we do not deal largely with the estates of infants except in proceedings for administration where such infants are interested.

On the other hand, in proceedings commenced by writ or originating summons for administration, or in suits still pending commenced under the old practice, the Masters are constantly dealing with questions affecting property, such as sales, purchases, mortgages, leases, repairs, and the like ; and they and the clerks working under them are thoroughly familiar with the machinery necessary for business of this description.

I do not understand the statement made by the official solicitor in his evidence that the greater part of the administrative work now dealt with by the Masters in Lunacy would, if transferred, be dealt with by the Judge in person. [*Answers to Questions* 29281–29283.] The reverse is the case. The Rules of the Supreme Court require that an order for administration should be made by the Judge in person, but when once the order has been made it is the exception, and not the rule, for the Judge to be troubled with the details of administration.

So far, therefore, as regards the nature of the work, I am unable to see any reason why it could not be transacted quite as efficiently and quite as economically in the Chancery Division as in the Lunacy Department.

As regards vesting orders, I ought to point out that the jurisdiction in chambers is limited. Order 55, *r.* 13A of the Rules of the Supreme Court defines what orders under the Trustee Act, 1893, can be made in chambers. These include (1) vesting orders consequential on the appointment of a new trustee, and (2) vesting orders after a judgment or order for sale, conveyance, or transfer of land or stock. Any application not falling under one of these two heads must be made by petition. Only under (2) can an order be made by a Master without reference to a Judge, for by Rule 15A, a vesting order consequential on the appointment of a new trustee must be made by the Judge in person. In these latter cases the summons comes before the Master, whose duty it is to see that the proper parties are before the court and the evidence sufficient. He then adjourns the summons to the Judge to be dealt with by him on the day in each week set apart for adjournments from chambers.

The next question which I have considered is whether the transfer to the Chancery Division of the lunacy business would impose too great a burden on that division, and particularly on the staff in chambers.

I understand from Mr. Keely's evidence that in the year 1905 about 1,900 summonses were heard by the two Masters, of which about 500 were originating under s. 116 (d). (*Questions* 28130–28141). I cannot think that this amount of business distributed amongst twelve Masters could be considered as imposing any great extra burden.

In one branch of our work there would, no doubt, be a large increase. I refer to the number of accounts which would have to be passed. The whole trend of modern practice in the Chancery Division has been in the direction of avoiding the lengthy and expensive accounts which were an essential part of every decree for administration under the old system, and probably

year by year the number of such accounts will become less.

The following figures taken from the judicial statistics give the results for ten years from 1896 to 1905, both inclusive:—

Number of accounts other than receivers' accounts: 1896, 714; 1897, 757; 1898, 658; 1899, 662; 1900, 645; 1901, 690; 1902, 625; 1903, 529; 1904, 599; 1905, 593

Comparing these figures with the following for the five years prior to the commencement of the Rules of the Supreme Court, 1883, which introduced the beneficent system of partial administration by originating summons, it will be seen how large a revolution has been effected: 1878, 1,930; 1879, 2,189; 1880, 2,388; 1881, 2,286; 1882, 2,172.

In the case of lunatics and persons of unsound mind accounts will have to be passed in every case. I believe that Mr. Keely states the number of pending matters to be almost 3,000. I am without particulars as to the magnitude or otherwise of such cases, but I suppose that some of the accounts which have to be passed are very small. The work of dealing with accounts devolves chiefly upon the clerks of the several Masters before whom they are vouched. Question of principle, which the clerks do not feel themselves competent to deal with, or queries made by the parties are brought before the Master and disposed of by him.

I assume that in the event of transfer the staff in Lunacy would be distributed between the several Chancery Chambers. With this additional assistance I am of opinion that this extra work, even though the number of accounts should be largely increased, could be dealt with with reasonable dispatch.

The transfer to the Companies Winding Up Department under the Companies (Winding Up) Act, 1890, of the work connected with the winding up of public companies had the effect of taking from the Chancery Chambers a large amount of business. Whilst I am very far from agreeing with the Official Solicitor in his estimate of the work at present transacted in Chambers in the Chancery Division, it is undoubtedly the fact that there is no longer the pressure which I can remember in the early days of my official career, and which certainly used to result in regrettable though unavoidable delays.

Assuming that the suggested transfer be determined on it is essential that there should be one uniform system of procedure, and that the Lunacy procedure should be assimilated to that in the Chancery Division. Any attempt to run two different systems side by side would be difficult if not impossible. Lord Justice Cozens Hardy has pointed out that the mode of procedure without suit in the matter of an infant affords an analogy which can be readily applied to the case of persons of unsound mind.

I do not share the objections which the Official Solicitor appears to entertain to the system of linked Judges, and I think that he exaggerates its inconveniences. After the experience of six years working of the system I do not think that it can be said to be otherwise than efficient. Where special circumstances require it one Judge will always retain a particular case and deal with all applications in it which require to be brought before him. In practice, however, so far as my own experience goes, this is seldom found necessary.

I do not think it would be feasible to interfere with the system with regard to Lunacy business, and I venture to think that that was the opinion of Lord Justice Cozens Hardy. I refer to his answers to Questions 28418–28421. It would not, I suggest, be possible to arrange that one of the Chancery Judges should be the Judge in Lunacy, for it would be difficult if not impossible for him to deal with work from twelve Masters, of whom only four would be attached to his branch of the Chancery Division. Nor do I think it would be possible for one of the two linked Judges in each branch to be treated as the Judge for Lunacy matters. During the Sittings, when he is dealing with witness actions, he would either have to devote part of the time allotted to such business to dealing with applications adjourned from Chambers, which would result in delay in the trial of actions, or would have to hear the Lunacy applications at the end of his day's work, which would be oppressive to the Judge.

I cannot see the slightest difficulty in practice in making arrangements in Chambers for hearing any particular matter in the presence only of the parties interested. We constantly have to deal with questions of a delicate nature affecting infants, and are perfectly well able to secure that the proceedings shall not be public.

Charles Burney, Esq., M.A.

20 Dec. 1906.

CHARLES BURNEY,
Master of the Supreme Court.

December 12th, 1906.

FURTHER STATEMENT BY MASTER BURNEY.

It has occurred to me since I forwarded my former statement that the statistics which I now send may prove of some service to the Commission. (*Vide Tables* I–V *appended.*)

In my original statement the only figures given were for the purpose of illustrating the decrease in the number of accounts passed by the court in consequence of the application of procedure by way of originating summons to questions arising in administration, by far the most far-reaching change in practice which has occurred in modern times. These figures are insufficient for the purpose of showing the total number of accounts dealt with by the court, inasmuch as the accounts of receivers have also to be reckoned with, as well as what I have for the purpose of the statistics described as general accounts.

I have taken my figures from the yearly summaries of business in chambers, which are compiled for the purpose of the "Judicial Statistics," and forwarded by us to the Home Office. In order that the effect of recent changes may be thoroughly tested, I have taken the returns covering the whole period from 1882 to 1905 both inclusive. Originally the returns were made up to November 1st in each year. In 1894 a change was made and since that date they have coincided in point of time with the natural year.

These returns show that whilst the general accounts passed by the court have been reduced by something approaching 75 per cent., the reduction in the number of receivers' accounts passed may be put at something over 25 per cent. For the last eight years the number of accounts under this head has stood at pretty nearly the same figure in each year. This particular class of account is largely fed from one source, actions by debenture holders, which have greatly increased of late years, and in which the first step is invariably the appointment of a receiver.

From the same returns I have also compiled statements showing the number of summonses of all kinds issued and the number of orders drawn up during the same period.

Down to 1891 the returns included an item which was entitled "Number of Appointments (by summons, adjournment, and otherwise) disposed of." After 1891 the returns seem to have been modified, and this item appears no longer. It would be impossible, without an amount of trouble which would I think be disproportionate to its utility, to get out a similar statement even for one year.

I ought to have pointed out that prior to 1891 the accounts of official liquidators were passed in chambers. I believe that that class of account was not uniformly dealt they with for the purposes of classification. In some chambers were classed under receivers' accounts and others under the head styled in the returns "Accounts other than Receivers' Accounts."

I do not think that it is a fair inference to draw from the returns that (except, of course, as to the winding-up business which has left us) there is less real work done. Personally I am of opinion that the effect of the modern practice has been to promote dispatch and economy in the transaction of the administration work of the Court, and to enable quite as good results to be obtained with far less labour. But I think that the Returns do show that these results have been arrived at by getting rid of a large amount of detail, which formerly occupied the time of the staff in chambers, and that therefore there must be time available for other duties.

CHARLES BURNEY.
Master of the Supreme Court.

December 15th, 1906.

Charles Burney, Esq., M.A.

20 Dec. 1906.

TABLE I.

NUMBER OF RECEIVERS' ACCOUNTS PASSED IN EACH YEAR FROM 1882 TO 1905, BOTH INCLUSIVE.

Year ending 1st November.	Number of Accounts.	Year ending 31st December.	Number of Accounts.
1882	1,266	*1894	1,182
1883	1,268	1895	1,123
1884	1,301	1896	1,159
1885	1,316	1897	1,028
1886	1,289	1898	860
1887	1,162	1899	858
1888	1,266	1900	810
1889	1,155	1901	814
1890	1,185	1902	820
1891	1,125	1903	831
1892	1,139	1904	817
1893	1,135	1905	847

* The return for 1894 is from November 1st, 1893, to December 31st, 1894.

TABLE II.

NUMBER OF GENERAL ACCOUNTS PASSED IN EACH YEAR FROM 1882 TO 1905, BOTH INCLUSIVE.

Year ending 1st November.	Number of Accounts.	Year ending 31st December.	Number of Accounts.
1882	2,172	*1894	948
1883	2,415	1895	893
1884	2,092	1896	714
1885	2,219	1897	757
1886	1,834	1898	658
1887	1,650	1899	662
1888	1,495	1900	645
1889	1,559	1901	690
1890	1,278	1902	625
1891	1,156	1903	529
1892	1,089	1904	599
1893	991	1905	593

* See note under Table I.

TABLE III.

Charles Burney, Esq., M.A.

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TOTAL NUMBER OF ACCOUNTS PASSED IN EACH YEAR FROM 1882 TO 1905, BOTH INCLUSIVE.

Year ending 1st November.	Number of Accounts.		Total.	Year ending 31st December.	Number of Accounts.		Total.
1882	Receivers' Accounts -	1,266		*1894	Receivers' Accounts -	1,182	
	General Accounts - -	2,172			General Accounts - -	948	
		3,538	3,538			2,130	2,130
1883	Receivers' Accounts -	1,268		1895	Receivers' Accounts -	1,123	
	General Accounts - -	2,415			General Accounts - -	893	
		3,683	3,683			2,016	2,016
1884	Receivers' Accounts -	1,301		1896	Receivers' Accounts -	1,159	
	General Accounts - -	2,092			General Accounts - -	714	
		3,393	3,393			1,873	1,873
1885	Receivers' Accounts -	1,316		1897	Receivers' Accounts -	1,028	
	General Accounts - -	2,219			General Accounts - -	757	
		3,535	3,535			1,785	1,785
1886	Receivers' Accounts -	1,289		1898	Receivers' Accounts -	860	
	General Accounts - -	1,834			General Accounts - -	658	
		3,123	3,123			1,518	1,518
1887	Receivers' Accounts -	1,162		1899	Receivers' Accounts -	858	
	General Accounts - -	1,650			General Accounts - -	662	
		2,812	2,812			1,520	1,520
1888	Receivers' Accounts -	1,266		1900	Receivers' Accounts -	810	
	General Accounts - -	1,495			General Accounts - -	645	
		2,761	2,761			1,455	1,455
1889	Receivers' Accounts -	1,155		1901	Receivers' Accounts -	814	
	General Accounts - -	1,559			General Accounts - -	690	
		2,714	2,714			1,504	1,504
1890	Receivers' Accounts -	1,185		1902	Receivers' Accounts -	820	
	General Accounts - -	1,278			General Accounts - -	625	
		2,463	2,463			1,445	1,445
1891	Receivers' Accounts -	1,125		1903	Receivers' Accounts -	831	
	General Accounts - -	1,156			General Accounts - -	529	
		2,281	2,281			1,360	1,360
1892	Receivers' Accounts -	1,139		1904	Receivers' Accounts -	817	
	General Accounts - -	1,089			General Accounts - -	599	
		2,228	2,228			1,416	1,416
1893	Receivers' Accounts -	1,135		1905	Receivers' Accounts -	847	
	General Accounts - -	991			General Accounts - -	593	
		2,126	2,126			1,440	1,440

* See note under Table I.

Charles Burney, Esq., M.A.

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TABLE IV.

NUMBER OF SUMMONSES ISSUED IN EACH YEAR FROM 1882 TO 1905, BOTH INCLUSIVE.

Year ending 1st November.	Number of Summonses.	Total.	Year ending 31st December.	Number of Summonses.	Total.
1882	Originating - - - 907 Non-originating - - 34,478		*1894	Originating - - - 3,181 Non-originating - - 16,814	
	35,385	35,385		19,995	19,995
1883	Originating - - - 1,251 Non-originating - - 32,839		1895	Originating - - - 3,078 Non-originating - - 15,764	
	34,090	34,090		18,842	18,842
1884	Originating - - - 2,933 Non-originating - - 26,745		1896	Originating - - - 3,257 Non-originating - - 15,976	
	29,678	29,678		19,233	19,233
1885	Originating - - - 3,143 Non-originating - - 24,818		1897	Originating - - - 3,170 Non-originating - - 15,103	
	27,961	27,961		18,273	18,273
1886	Originating - - - 2,985 Non-originating - - 22,039		1898	Originating - - - 3,155 Non-originating - - 14,900	
	25,024	25,024		18,055	18,055
1887	Originating - - - 3,473 Non-originating - - 21,961		1899	Originating - - - 3,074 Non-originating - - 15,375	
	25,434	25,434		18,449	18,449
1888	Originating - - - 3,721 Non-originating - - 21,499		1900	Originating - - - 2,909 Non-originating - - 13,684	
	25,220	25,220		16,593	16,593
1889	Originating - - - 3,686 Non-originating - - 21,373		1901	Originating - - - 2,895 Non-originating - - 14,690	
	25,059	25,059		17,585	17,585
1890	Originating - - - 3,625 Non-originating - - 20,726		1902	Originating - - - 2,700 Non-originating - - 15,023	
	24,351	24,351		17,723	17,723
1891	Originating - - 3,517 Non-originating - - 19,857		1903	Originating - - - 2,774 Non-originating - - 14,903	
	23,374	23,374		17,677	17,677
1892	Originating - - - 3,548 Non-originating - - 18,446		1904	Originating - - - 2,744 Non-originating - - 15,147	
	21,994	21,994		17,891	17,891
1893	Originating - - - 3,694 Non-originating - - 17,127		1905	Originating - - - 2,596 Non-originating - - 14,137	
	20,821	20,821		16,733	16,733

* See note to Table 1.

From 1898 Notices under Summonses for Directions are included under "Non-originating Summonses."

TABLE V.

NUMBER OF ORDERS MADE FROM 1882 TO 1905, BOTH INCLUSIVE.

Charles Burney, Esq., M.A.

20 Dec. 1906.

Year ending 1st November.	Number of Orders.	Total.
1882	Drawn up by Registrars - - - - 16,740 Drawn up in Chambers 8,982 25,722	25,722
1883	Registrars - - - 16,972 Chambers - - - 7,143 24,115	24,115
1884	Registrars - - - 17,096 Chambers - - - 4,388 21,484	21,484
1885	Registrars - - - 15,810 Chambers - - - 4,697 20,507	20,507
1886	Registrars - - - 11,574 Chambers - - - 7,599 19,173	19,173
1887	Registrars - - - 10,324 Chambers - - - 9,137 19,461	19,461
1888	Registrars - - - 10,600 Chambers - - - 9,478 20,078	20,078
1889	Registrars - - - 10,383 Chambers - - - 9,836 20,219	20,219
1890	Registrars - - - 9,924 Chambers - - - 9,662 19,586	19,586
1891	Registrars - - - 10,211 Chambers - - - 8,612 18,823	18,823
1892	Registrars - - - 10,377 Chambers - - - 9,240 19,617	19,617
1893	Registrars - - - 10,204 Chambers - - - 7,272 17,476	17,476

Year ending 31st December.	Number of Orders.	Total.
*1894	Registrars - - - 9,493 Chambers - - - 7,318 16,811	16,811
1895	Registrars - - - 9,104 Chambers - - - 6,567 15,671	15,671
1896	Registrars - - - 8,591 Chambers - - - 7,339 15,930	15,930
1897	Registrars - - - 7,806 Chambers - - - 7,521 15,327	15,327
1898	Registrars - - - 7,654 Chambers - - - 7,784 15,438	15,438
1899	Registrars - - - 7,561 Chambers - - - 7,979 15,540	15,540
1900	Registrars - - - 7,236 Chambers - - - 7,076 14,312	14,312
1901	Registrars - - - 7,065 Chambers - - - 7,787 14,852	14,852
1902	Registrars - - - 7,033 Chambers - - - 7,543 14,576	14,576
1903	Registrars - - - 6,965 Chambers - - - 7,882 14,847	14,847
1904	Registrars - - - 6,707 Chambers - - - 7,435 14,142	14,142
1905	Registrars - - - 6,407 Chambers - - - 6,504 12,911	12,911

* See note to Table I.

Charles Burney, Esq., M.A.

20 Dec. 1906.

TABLE VI.

NUMBER OF APPOINTMENTS (BY SUMMONS, ADJOURNMENT, OR OTHERWISE) DISPOSED OF.

Year.	Number of Appointments.	Year.	Number of Appointments.
1882	97,733	1887	92,497
1883	98,064	1888	93,359
1884	93,809	1889	92,179
1885	93,246	1890	89,265
1886	87,463	1891	80,656

N.B.—After 1891 the Returns do not give this information. Of course the figures refer to appointments before Clerks as well as Masters. The figures are valuable as showing that in 1891, the first year after the winding-up business had left the Chancery Chambers, there was a drop in the number of appointments of nearly 9,000.

32995. (*Mr. Greene.*) I do not think you have mentioned, what I should like to have on the notes, that in addition to being one of the most experienced Masters, and longest connected with the office of Master, you are the editor, and have been for many years, of the Annual Practice of the High Court?—I have been one of the editors.

32996. And you have therefore had the operation of the rules more particularly than anybody else, it may be, brought to your notice ?—I should not like to say I have had it more than anybody else, but it has naturally been before me constantly.

32997. In connection with that work ?—Constantly.

32998. I do not know whether I am going too far if I ask you whether you have considered whether any alteration such as is suggested by Lord Justice Cozens Hardy and others of absorbing the Lunacy Department into the Chancery Division, would require an Act of Parliament to accomplish it or whether it could be done under the powers which the Lord Chancellor has in lunacy and in connection with the Supreme Court ?—I cannot say that I have considered that; I did not gather that it was a point to which my evidence should be directed. I honestly do not know.

32999. I quite feel it would require some consideration. I did not know whether you had incidentally applied your mind to it ?—No, I have not.

33000. I have no doubt you have had some personal experience, as a solicitor, with the Lunacy Department ?—Yes, but of course it was thirty years ago, and probably things are altered very much indeed ; it was in the days of Master Barlow and Master Warren. I do not suppose my experience of that would be worth very much.

33001. Some difficulties have been suggested in connection with bringing the Lunacy Department into the Chancery Department, or rather the work relating to the management of estates of lunatics—difficulties have been suggested on behalf of the Lunacy Department. I would like to know whether in the Chancery Division you would take into the custody of the Court the securities which may be the property of infants and so protect them from being misappropriated ?—I think the readiest answer to that would be to point to the returns of the Pay Office, which as far as my recollection serves, the last time I looked at them showed, I think, that the Court was the custodian of the property of suitors to the extent of something like £75,000,000. Of that, far the greater part comes from the Chancery Division, and a large sum no doubt from the Lunacy Division ; the amount from King's Bench Division is infinitesimal.

33002. It is suggested for the first time by Lord Justice Cozens-Hardy that Lunacy should be absorbed into Chancery, if I may so phrase it. On behalf of lunacy it is said, "We afford better protection to the estates of those we act for than they would get in Chancery" ?—I really do not know what protection they afford.

33003. I am going to put that to you. When the lunatic is possessed of securities we have it given in evidence by Master Fischer that the securities are deposited in Court or at a bank, I suppose by the Master, and that the Committee of the person or property, or the receiver, has no access to the securities, and therefore cannot misappropriate them. We are told the same thing would not be carried out in Chancery ?—Precisely the same process can be, and is, frequently followed. Securities which the paymaster would hold are transferred into the name of the paymaster, bonds and things of that nature. Bearer bonds, as an illustration, are constantly deposited in a box in Court to which access can only be obtained by an order made in Chambers, which, I apprehend, is giving precisely the same protection.

33004. I want to follow this out to see whether it is as practicable as may be in its working. What case is it you would say would occur in which a box would be deposited in Court containing Japanese bonds, or any bonds with coupons, payable to bearer of course ?—Where it is desirable to protect the property, and it is not of such a character that it can be transferred into the name of the paymaster.

33005. Take, say, bearer bonds, the coupons of which have to be cut off half-yearly or quarterly, what would become of them ?—I do not know that I could exactly answer the question off-hand as to the precise process, but there is a machinery I am sure in the Pay Office by which the Pay Office can collect those ; I think so.*

33006. As I understood Master Fischer's evidence in a case of that kind, and I gave him the illustration of foreign bonds, they would be deposited at a bank so that the bonds themselves would be secure from fire and fraud, and the coupons would be collected and paid over to the account of the lunatic or his committee. I understood from him that that gives a superior protection to the property of the lunatic to that which he would get if it was simply being worked through the Court of Chancery ?—I am quite sure that it is not so. The exact process I do not know that I could at this moment describe. I would rather have liked to consider that with the deputy paymaster ; but that complete protection can be given I am sure.

33007. Of the capital ?—Yes, certainly.

33008. Now in the case of real estate I will assume for a moment that we transfer Lunacy over to the Chancery Division, and the alleged lunatic is possessed of a few cottages and a little rural property; how would that be managed or dealt with ?—As I think I put in my statement it occurs generally in cases where there are suits. We do not to any large extent deal with the property of infants, except in suits. An application would come before the Master to deal with the repairs to the property and so on, or whatever it is, and the evidence which the Master would require would, in a very small case, be very much slighter than he would require in a large case. That, I understand, is the point to which your question is directed.

33009. No, I was rather thinking if the transfer is made. I want to compare what you could do for them in Chancery, if we transfer Lunacy over to you, with what they allege is done for them in the Lunacy Department ?—I would rather like to know what they say is done.

* The Witness subsequently sent in the following note :—"Since the above answer I have ascertained by inquiry at the Pay Office that the Paymaster will take charge of ordinary bearer bonds, and that the dividends are collected by the bank in the ordinary course of banking business. In the case of foreign bonds, where the dividends are capable of collection in that manner, the bonds are deposited in a box and the coupons cut off in the presence of some person authorised by an order, the bonds being immediately redeposited."

33010. (*Mr. Chadwyck-Healey.*) You could order the deeds into Court ?—Yes, every day that is done. If necessary that can be done.

33011. (*Mr. Greene.*) Now let us see what the management would be supposing, for a moment, we transfer the management of the lunatic's property into the Court of Chancery. I want to follow it out and see whether the Lunacy Authorities are right in saying that you would not deal as adequately with it as they do. Supposing the case of property brought into lunacy much in the same way as the property of an infant is brought into the Court of Chancery to have his person and property cared for in Chancery. What would you do if there was real estate ? Would you appoint a receiver or manager for it ?—Not necessarily; it will depend whether that property is in the hands of trustees, and whether those trustees are proper to continue the management. If there is a suit for the administration they cannot exercise their powers of management except under the direction of the Court.

33012. But to take the case which I believe is the commonest in lunacy, of a person found lunatic who is of age and who is in possession of freehold and leasehold estate and ordinary securities of personal property, what would be the way in which you would indicate that the Court of Chancery would protect that property ?—I apprehend in that case it would be necessary to appoint a receiver for the reason that, in the case you put, the person is absolutely entitled. There is therefore no legal hand to protect the property. In that case a receiver would be appointed who would have to give security, and would periodically have to pass his accounts.

33013. (*Mr. Chadwyck-Healey.*) That would be the committee of the estate ?—Precisely; or the receiver under Section 116.

33014. Yes, if there is no committee ?—Yes.

33015. (*Mr. Greene.*) Whatever the name may be, the hand would be the hand of someone appointed by the Court ?—That is so, in the case you put.

33016. And there is no reason for saying that you might not appoint someone, just as well as the Court of Chancery does at the present time ?—I confess that I do not understand how such a suggestion can be made, having regard to what we are dealing with every day.

33017. You would then be able to control the receiver who would be appointed by the Chancery Division, instead of by the Lunacy Department ?—That is so.

33018. They have someone whom they call committee of the estate; whether he is called committee of the estate, or whether he is called receiver would he have the same duties under you, and would he have to report to the Court, and would he be an officer of the Court, punishable for contempt of court, liable to all the liabilities which a defaulting or dishonest officer of the Court would be liable to ?—That is so, certainly.

33019. Then it is difficult to see why you could not, with equal efficiency, secure the protection of the property of the lunatic ?—That, after very careful consideration, is my deliberate opinion.

33020. That would be done by allocating to the linked Judges in rota the particular individual lunatic cases ?—The point of the way in which the business should be allocated to the different Judges, is, in my opinion, one of the very first importance. I have read all the evidence that has been given on that subject very carefully. Having read very carefully Lord Justice Cozens-Hardy's evidence, I could not reconcile it with a particular question which was put to the Official Solicitor, which rather suggested that one of the two linked Judges would deal with the lunacy work. After reading that evidence, and that of Mr. Christopher James, I told him that I could not reconcile the two, and he said he would see Lord Justice Cozens Hardy. I saw Mr. James on Monday, and he saw Lord Justice Cozens Hardy on Tuesday, and Lord Justice Cozens Hardy said that he would like to see me. I had an interview with him yesterday, and I showed him what had been put to the Official Solicitor, and he said, "It is a complete misapprehension of my meaning," and I then read to him the paragraph of my statement beginning "assuming that the suggested transfer," and the next two paragraphs, and Lord Justice Cozens Hardy authorised me to state to the Commission that he was in entire agreement with every word of that; that his idea was not to interfere at all with the linked system, that he was of opinion that the lunacy business, if transferred, should be dealt with entirely in the same way as the work now assigned to the Chancery Division, and that he himself, being the chief author of the linked system, was entirely opposed to anything that would interfere with it.

33021. (*Mr. Chadwyck-Healey.*) There would be no difficulty in working under the linked system ?—I may say there would not be the slightest difficulty. Questions affecting particular infants arise not infrequently, and sometimes it is found desirable that, instead of Mr. Justice Warrington (if I may take the instance of my own Judges) dealing with it one sitting, and Mr. Justice Parker the next sitting, there should be continuity, and that Mr. Justice Warrington, for example, should always deal with it. There is not the slightest difficulty in making arrangements for that if necessary, but as I have said in my statement I have not found, in practice, that it is very often necessary.

33022. (*Mr. Greene.*) It would be quite possible for the linked Judges to arrange that the particular case of Mr. A. B., a lunatic, should always be reserved for the consideration of Mr. Justice A. or Mr. Justice B. ?—Yes.

33023. Suppose a case were allotted to Mr. Justice A., he would deal with it, and his Masters would deal with it ?—No, there is a mistake there. There are two linked Judges, but the Masters are allotted to the two; all the four are allotted to the two. The case is assigned to the particular Master according to the initial letter, whether Mr. Justice Warrington or Mr. Justice Parker is dealing with it, and the Master follows the whole from the commencement to the end.

33024. According to the initial letter of the name ?—Yes; for example, my own letters are A to D. If I had an Adams it would be *re* Adams, and I should know all about it from the beginning. Whenever an application was dealt with by the Judge the Master would be sitting by his side, so that diminishes the necessity for constantly having the one Judge dealing with it, because the Master knows what was done by the one Judge if it comes to the other.

33025. I am obliged to you for this information, because we have been told there are very great difficulties in transferring this ?—I have read the evidence and I am bound to s y that I cannot see the difficulties which have been raised, particularly by the Official Solicitor.

33026. We have got the case brought into the Chancery Division, carried before the Master, and carried before the Judge, through every stage, the Master and the Judge always being in communication ?—Yes.

33027. (*Mr. Dickinson.*) I understand the same Judge does not always take it ?—No.

33028. (*Mr. Greene.*) But you admit that it is quite possible, *inter se*, the Judges can arrange that always Mr. Snookes should come before the same judge ?—In special cases, but it would interfere seriously with the working if that was carried out to any large extent.

33029. But there might be exceptional cases ?—There are exceptional cases. I spoke to Mr. Justice Warrington on this subject two days ago and he told me that he had several cases of infants in which he took special interest, and in which he had arranged that every application should come before him, although it was in a sittings in which he was not dealing with that class of work.

33030. Supposing there was an alleged lunatic who was a relative or a connection of the Judge, it might be a reason for having that Judge always to sit on that matter, or it might be a reason for handing it over to his learned brother. In such cases where there was obviously a good reason for the exercise of the power they could allot to each other ?—Yes. We do have before us occasionally very delicate questions indeed affecting particular infants. I do not think for one moment the Judge who deals with the first application in connection with that infant would be likely to lose his hold of it with the risk that another Judge might come to some different conclusion. That is a case in which he would exercise the power of retaining it so that every application should come before him.

33031. So that as regards the management of the property, at all events, there would be complete continuity of tenure of it in the Chancery Division ?—The Master would have it from the beginning.

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33032. With reference to the disposal of the person of the lunatic, the Court of Lunacy claim that they have this advantage over the Chancery Division, that they look to see whether the receivers or committees or guardians discharge their duties to the patients. Have you any means in the Chancery Division, or do you exercise any power over the guardian of an infant to see that the sum of money which is allotted for maintenance is truly spent and is judiciously spent, and do you get returns with reference to that?—That is not management of the property.

33033. That is disposal of the income which may be allotted for maintenance?—In the first place I was not aware that that was, to a large extent, done in the case of mere committees of the person. I was told only on Saturday by one of the officials in the lunacy department that committees of the person only, did not account; and that was my impression before. If that is so, they are in precisely the same position as guardians of the person, who are not accountable.

33034. Would you allow me to point out that what they claim for lunacy administration is that the Chancery visitor goes to see the patient and has information from the Master as to the amount of allowance which is allotted or money allotted for expenditure of the infant, and he therefore is able to see that it is properly spent?—There is nothing at all like that.

33035. Therefore, even if we transferred the jurisdiction of lunacy as regards the management of estates, we could still under the amalgamating powers of the Act transfer to the Lunacy Commission the duty which the Chancery visitors now discharge of seeing that the patient is properly treated and properly surrounded, and his advantages are commensurate to the amounts which have been allotted to him by the Court?—Yes, and I think that that would be much more economical for reference to the Master on such a subject necessarily involves costs where you have to deal, as we have, with a great number of very small cases, cases where infants have very small property; it is very difficult to keep the costs in those cases down to a proper proportion. We do all we can, but it is very difficult.

33036. I am putting to you, because I know there is no greater authority for me to put it to, that a new suggestion has now come forward for the first time, that lunacy should be absorbed into Chancery so far as the administration of estates is concerned. Two Royal Commissions have already reported that the Lunacy Division should be merged into the Lunacy Commission, but that would then make the Lunacy Commission have to administer property, which it is not constituted properly for. The present suggestion is quite new; that of Lord Justice Cozens Hardy and yourself?—It is the first time, as far as I know, that it has been put forward so formally as it is now, but I believe that twenty-five years ago a former colleague of my own, who was for a great number of years the senior Master, proposed the very thing.

33037. Not to a Commission?—No.

33038. (*Mr. Chadwyck Healey.*) You are referring to Master Hawkins?—Yes.

33039. (*Mr. Greene.*) I admit to being very much captivated with the proposal, and I think I see how practical it is. We have, of course, met with a great deal of resistance, of passive resistance, from the lunacy department, who do not see the advantage as keenly as perhaps I do and as others do. I am trying to follow this out to see what there is to be said by the lunacy people for their view. You do not agree with them at all?—My own deliberate opinion is that the work as far as I know (of course I am speaking without knowledge of the actual working of the lunacy business) and conceive to be the fact, could be done in the Chancery Division.

33040. When you say "lunacy business," you mean lunacy estate management?—Yes. I cannot conceive that in the nature of things there can be any difference as to administering the property of an infant, or property which comes before us not necessarily because the person is an infant, but it may be because of questions arising under a will—I cannot see any difference in administering that property because the disability is one of lunacy instead of infancy. It seems to me inconceivable that there can be any difference.

33041. The lunacy authorities are very confident in their view and perhaps the sublimest achievement of faith of every witness was the belief of Master Fischer in the lunacy department, and I want to get it quite clear that you, after considering it, do not agree, but totally disagree with their contentions?—Having given the most careful consideration I have been able to the matter, I am able to say what I could not say when this statement was prepared, though I thought I might say it, that every one of our body is of opinion that the character of the work is precisely the same.

33042. In your draft evidence you say, "Guardians of the person are not accountable nor is security given or are accounts rendered by the guardians of the estate where the whole income is allotted for maintenance?"—That is the fact.

33043. Could that be remedied in practice, or by rule?—I think it would be very undesirable to introduce that which would lead to a great deal of additional expense. During the experience that I have had I do not remember a single case in which, in my own division, the case has been brought before the Judge that there has been misappropriation of the maintenance money. Speaking from recollection I do not remember a case.

33044. No, but what lunacy claims to do is to see that the committee does give security?—He does not give security if he is merely committee of the person.

33045. I understand in lunacy he is watched by the visitors to see whether he does adequately spend the money which they allow?—Without a good deal of additional expense that could not be done in Chancery.

33046. That you would not object to see sent over to the Lunacy Commissioners to do?—Certainly not.

33047. They would have the staff of visitors who would go and see, supposing £500 a year were allowed for the maintenance of a lunatic, that he was not put into a little house in the East End of London, the person managing him getting 30s. a week for his maintenance?—That is a question affecting the person rather than the property. I can very well conceive that a different jurisdiction might deal better with it than our own jurisdiction, which I think is quite as well, if not better, able to deal with the property.

33048. Is there any time when the Court of Chancery gives any sort of opinion or direction, without having a summons taken out and an order made thereon after hearing solicitors and counsel. Are you able to move in your division without all the business of summonses and perhaps solicitors, a large profusion of them, and it may be counsel all appearing to decide these little matters?—I do not quite follow who is to put the Court in motion.

33049. A summons is taken out on behalf of the committee of the lunatic or guardian or receiver to sell some leasehold cottages. What would happen? A summons would have to be taken out before the master?—Yes.

33050. What would the stamp be on that?—A 3s. stamp, on an ordinary summons.

33051. Then there would be some affidavits?—Yes.

33052. Who could respond to the summons?—Not necessarily anybody.

33053. The next of kin?—Not in the case of an infant.

33054. The tenant in tail might want to come?—If there is a suit you have two sides of the record; you have the plaintiff and the defendant; each of them would appear; but in the matter of an infant many of these cases are altogether *ex parte*; there is only one person appearing.

33055. Then you have to judge of the merits of the application without counter evidence?—A very large portion of our administrative work is not in the nature of contentious work at all. You really have evidence before you by experts as to the value, the propriety of the lease, the rent, and so on. We have to deal with that on the evidence; it is not a matter which admits of contention.

33056. It is rather an expensive thing. Some questions were put on this side of the table that a good many counsel appear in chambers, and that it would be made much more expensive, I think Mr. Winterbotham said it would be much more expensive, because counsel would be employed?—Mr. Winterbotham said if the work were transferred the greater part of the work which is now done by

the Masters would go to the Judge. All I can say is I disagree with him absolutely. A certain amount must go, because the jurisdiction of the Master in Chancery is different from the jurisdiction of the Master in Lunacy. I do not know whether the Commission quite understand that. As I understand the evidence which I have read from the Master in Lunacy there are certain matters in Lunacy in which the Orders must be made by the Judge, but from the Order of the Master in Lunacy an appeal would lie, and they are rare. The jurisdiction of the Master in Chancery is entirely different. In theory every Order which is made by the Master is made by the Judge; it is not the Order of the Master at all. It is altogether incorrect to say that a deed, for example, is to be settled by the Master; the deed is settled by the Judge, although of course he never sees it; he does it by his Master. The result which flows from that is this, that there is no appeal from the Master in Chancery. Every suitor who is dissatisfied with what the Master does is entitled, as of right, to an adjournment to the Judge. If they are foolish adjournments the Judge has it in his power to correct that in the matter of costs. The Master is an impersonal officer except so far as his certificate is concerned, that is called the Master's Certificate; in every other respect he is only sitting as representing the Judge. Therefore there do come before the Masters questions of large discretion which the Masters consider ought to be dealt with by the Judge, and the large majority of adjournments are not adjournments at the instance of the parties because they are dissatisfied with what we do, but adjournments by us because we think that the Judge ought himself to deal with the questions involved; it is a perfectly different jurisdiction. A Master in Lunacy in one respect possibly might be able to deal with it better than we could, that is to say, his training has been that of a barrister, ours has been that of a solicitor. The great thing that we require is a knowledge of affairs, the exercise of common sense. We are dealing with matters which the ordinary competent solicitor would deal with every day. I will say at once we are not competent to deal with questions which involve a thorough knowledge of law. Those would by us be adjourned to be dealt with by the Judge.

33057. In matters of administration of lunatics' estates your masters possess exactly what is requred in the first instance ?—That is my view.

33058. If there is any question of construction, which you have a doubt about, of a document or the application of a statute, you would refer it to the Judge ?—Generally speaking I should say that the master requires the maximum of common sense and the minimum of law.

33059. That being so, if the administration of estates were handed over in that way, do you think that the comparative cost before the Master would be greater or less to the lunatic than it is now ?—I cannot say that. Perhaps Master Baker can answer that better than I can.

33060. I do not know whether you, as a Master of the Chancery Division, would know that the uprising of a bevy of counsel on every occasion would increase the expense ?—Speaking generally of administration, with which we are chiefly dealing, it is a very rare thing to have counsel. Every now and then questions arise as between corpus and income in which it may be necessary, but speaking generally in all questions of administration as distinguished from construction and so on, it is quite the exception to have counsel before us.

33061. If counsel do come before you, they are only allowed on taxation if they are certified for ?—Yes, but Sir George Jessel once told me to be very careful not to disallow counsel except in very trivial matters.

33062. At all events as a matter of form, a certificate for counsel used to be asked for ?—It is asked for.

33063. And it is given ?—Because our experience is that it is a very rare thing for counsel to be brought before us in Chambers where they ought not to be brought.

33064. When a matter is reserved to the judge and sent to him, do counsel appear there for all sorts of parties ?—Yes; the rule is quite clear as to the allowance of counsel before the judge. It was established a great many years ago, and I can put it very briefly. The Master sees counsel attending before the Judge in Chambers, and he allows the attendance of that counsel as of course, unless the judge has specially disallowed the attendance, and except on applications for time. On applications for time, he never allows counsel unless the judge specially certifies for it. Otherwise the rule is that counsel are allowed.

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33065. It has been said on behalf of the lunacy department that the costs would be increased very much if business were transferred to Chancery, because when matters were presented to the judge counsel would be employed, and numerous parties have to be brought in, and that therefore the total expense to the lunatic's estate would be much greater than it is at present in lunacy ?—I am afraid I do not follow that.

33066. Do you mean that you do not agree with it, or you do not follow it ?—I think I understand it. It is suggested if we were to do it instead of the present Masters, we should require persons to be brought before us other than those who are required in lunacy. I do not understand why.

33067. Would it be more expensive by reason of your rule of having counsel before the judge. If a question is remitted to the judge, would the expense be much greater than it is now, when it is dealt with by the Master in Lunacy ?—I should say that probably would be the result.

33068. In contrasting the benefits of coming to Chancery or remaining in Lunacy, one disadvantage which is offered for consideration is the increased cost which would be incurred if it went into Chancery ?

33069. (*Mr. Chadwyck-Healey.*) But that is always under the control of the judge, or could be made to be ?—Yes. Obviously, if the case is one which the Master feels he cannot deal with, it is adjourned to be taken by the Judge, who is attended by counsel, the cost must necessarily be more than if it is dealt with by the Master in Lunacy himself.

33070. (*Mr. Greene.*) In one case you have a gentleman who does not feel competent to deal with it, and in the other case you have a Master in Lunacy who probably feels competent to deal with anything whatever. With reference to privacy, it has been suggested that an interested public seemed to throng the Master's Chambers waiting to listen to all the details of what takes place. Is there anything like that ?—I venture to say, if I may, that it is absolute nonsense. I do not think our work is of sufficient interest to induce people to come, but if there happened to be a case which was of public interest, and I should see the room filled, I should say, "Persons who are not suitors must go out. It is not a public court."

33071. Before the Master it is not a public court, nor before the judge ?—Certainly not. If I were sitting beside the judge and saw a shorthand writer or anybody taking notes, it would be my duty to call the attention of the judge to the fact, who would not allow it to be done.

33072. I think you have given us some illustrations of cases in which judges have ordered them out ?—I do not think I have said that. I have said there is no difficulty in securing privacy.

33073. (*Mr. Chadwyck-Healey.*) But the doorkeeper does not admit anybody but the parties to the particular application ?—That is so.

33074. (*Mr. Greene.*) So that we need not fear at all the objection that there would be a want of proper privacy ?—If I may be allowed to do so, I can illustrate my statement by a concrete instance. A case came before me in Chambers within the last fortnight or three weeks. It came on with the ordinary 11 o'clock summonses. Nobody present could tell what the nature of the application was. It was in the matter of somebody's trusts. An affidavit was handed to me, which I read, and I saw that it related to a very delicate matter connected with an infant. I said to the solicitor, "Are you ready ?" He said, "No. I must have an adjournment because I want some Minutes." I said at once to him, "I want to get this before the Judge next Monday." I think this was on a Wednesday, and I said, "If you are ready on Friday, bring this application to me at a quarter to 11, and I can deal with it at a time when nobody else is in the room." During the afternoon work we only have before us parties in the one particular matter. That is devoted to long appointments. There is no difficulty whatever in saying, "I will deal with this application at a time when there will be nobody else in the room at all." The question of whether we can deal with the thing privately or not is really not

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worth consideration. There is no difficulty about it. When it comes before the judge there is no difficulty about it. I might point to Mr. Justice Warrington's list to-day. There are three cases before him this afternoon, each of which is marked "*re* . . . . . an infant."

33075. Now I will ask another question with reference to the amount of business which is done by the Master. What time do your summonses begin?—Eleven o'clock.

33076. You have something to do before then?—I have clerks to see, Orders to endorse, questions to answer, and so on.

33077. At 11 o'clock your summonses begin. Up to what hour do they go?—A great deal of our work is not summonses at all. It would be impossible for one Master to say exactly how every Master transacts his own business. Each Master forms his own idea how best to do public work with the least delay.

33078. How many pieces of business do you have put into your list from 11 to 1?—I have no hard and fast rule, and the number of cases depends on the state of the business. Before I came here to-day I had dealt with nine or ten cases of very various kinds. Some of them, of course, were not ready to be dealt with.

33079. You would not think ten pieces of business was a very large amount for you to get through in a morning. You would not think ten pieces for the whole day was an ordinary day's work?—It depends entirely on the nature of the cases. A list of five cases may be much heavier than one of twenty. The work in the Michaelmas Sittings is not a good criterion of work done in ordinary Sittings. My own experience is there is less work during Michaelmas sittings than in the later sittings during the legal year. Of course as the long vacation approaches we get much heavier lists. Many times I have disposed of between thirty and forty cases in a day.

33080. We understand that five cases in the morning and four or five in the afternoon is about the average business transacted by the Masters in Lunacy, sometimes not so much. I am going rather outside the computation. Does that in any way indicate to you whether the work is heavy?—I cannot tell; it depends on the nature of the cases.

33081. The business in the Chancery Division has rather lessened in volume since the Companies Winding-up Act of 1890, has it not?—Greatly. The two great things which have had the effect of reducing the volume of business which swells the returns are these: First, the introduction of the system of administration by originating summons. I do not quite know whether the Commissioners would understand how that effect has been brought about. Formerly the practice was to issue a writ (I am speaking after the abolition of Bill and answer), then a statement of claim was delivered (I am speaking of an ordinary administration case) setting out the Will, possibly between quotation marks if there were some particular clause in the Will requiring construction. Then there would be a statement of the grant of probate, a further statement perhaps if it were necessary of the state of the family, then as the result of all that, quite inconsequently, an order for administration would be made, and the result would be this; you would first take an account of the testator's debts; that would involve work in chambers, first those debts could only be ascertained by advertising, then in answer to those advertisements claims would have to be brought in which would have to be adjudicated upon. Then it would go on to direct accounts, all of which would have to be brought in, vouched by a junior clerk, queries disposed of by the master, then there would be class inquiries which would have to be answered by pedigree evidence. All that would be embodied in the certificate of the master, and he having made his certificate, the next step would be that the cause would be heard on further consideration, and on further consideration the question which was involved in the construction of the words in the statement of claim, which were quoted, would then be decided. Now a summons is issued which asks directly that that which was arrived at by that circuitous process may be decided, and the results as far as chamber work is concerned, is this; that all that detail of taking the accounts, finding out the debts, ascertaining the next of kin, and so on, which occupied the time, to say nothing of the huge cost, is to a very large extent gone. The number of cases commenced by originating summons which result in accounts and inquiries is, as compared with the total number, small, whereas it was almost universal before.

33082. You have suggested in your statement that assuming that the suggested transfer be determined on it is essential that there should be one uniform system of procedure, and that the Lunacy procedure should be assimilated to that in the Chancery Division. Do you mean that there should be a sort of summons taken out applying only for the particular relief or particular decision that is wanted?—What I meant was that it would be very difficult for us to be taking precisely the same class of work on two different systems; that as you bring the matter of an infant before the court by an originating summons entitled in the matter of an infant, so any business connected with a person of unsound mind should be brought, as I think Lord Justice Cozens-Hardy suggested, by originating summons entitled in the matter of a person of unsound mind.

33083. That would remain on the files?—Yes, and the matter would always be attached to one master.

33084. Would there be any difficulty in assimilating the system of lunacy to that of Chancery in matters of this sort?—I cannot suppose there would. I am speaking without knowledge of the lunacy practice, but I cannot see where the difficulty would come in.

33085. You say you speak without knowledge of the lunacy practice, and the lunacy master when he was here said he could not speak of the Chancery practice. My difficulty is to see whether two people have both got the same things in their minds?—It is obvious I cannot speak with knowledge of the lunacy practice.

33086. You have suggested it should be assimilated, and it may be done by rules and orders in the Chancery Division?—If you once get over the difficulty of transfer, then I take it it is entirely a question for the Rule Committee.

33087. In the event of the transfer of the staff in lunacy, you assume the staff would be distributed between the several Chancery chambers?—I understood that was what was contemplated.

33088. Let us start at the top and see what we are to do with the masters in the suggested transfer?—I am afraid I am scarcely the person who should be asked to discuss that.

33089. Is there anything in the Chancery division which we could find for them to do, or must we leave what they do to be determined by someone who always provides something for idle hands to do. You have suggested the staff should be distributed; where does the staff begin?—I am afraid there is one difficulty I should have to suggest to the commissioners, that is there would have to be a levelling of salaries.

33090. Perhaps you will allow me to ask a question. I was going to ask the judge who is coming to-morrow. You remember the six clerks in chancery?—No, it was before my time.

33091. You remember Master Wainwright?—Only as taxing master.

33092. When the six clerks in Chancery, of which he was one, were turned into taxing masters, they were allowed to keep their high salaries, although they discharged the office of taxing master?—That is a question I do not know anything about.

33093. Without changing their salaries, supposing they were left their present salaries, is there any work in connection with this transfer that you could suggest for the present Masters in Lunacy?—I cannot tell. Obviously they could not be under the Chancery Masters.

33094. They might be co-equal?—I do not see how it is possible, because the whole scheme, and I think personally the whole success of the scheme, depends on its simply being amalgamated with the rest of the work of the Chancery Division.

33095. If that is so and you can see no use for them you quite answer my purpose, because I can suggest a great deal of use for them if we annex them to the Lunacy Commission?—I think I ought to say I am only answering your questions as to the Masters, because I think that at the

beginning of the system it would be a great advantage to have the clerks in the lunacy department transferred to us, because, obviously, lunacy is a matter which goes on in many cases for a great number of years, and it would very difficult for anybody all of a sudden to take up a case of which he knows nothing without having the advantage of the assistance of the staff.

33096. I want to see if we can recommend something which is quite practicable instead of offering recommendations for which we may be snubbed by being told they are quite visionary and impracticable. I quite assent to the proposition that the clerks would have to be distributed either between the Chancery Division or some possibly to the Lunacy Commission. With reference to the Masters, we must find a use for them amongst the Lunacy Commission. I was thinking what we could do to utilise their experience. As regards the Chancery Visitors, have you any suggestions to make about them. Could you utilise them ?—I do not know enough of the duties of the Chancery Visitors.

33097. With reference to the Official Solicitor, does he come before you in any way. I do not mean personally; please do not suppose we have a word to say against him; he is an accomplished gentleman, whose integrity and ability I do not depreciate in the slightest, but I want to see whether so far as lunacy administration is concerned it would be desirable to have a salaried officer like the Solicitor to the Treasury to do the work, or whether it is better in the interests of the public that a gentleman should have not only a salary and carry on a business of his own, but be able to earn by conducting the business of those who are lunatic and unable to check him; whether it is desirable to turn that department which works in lunacy into a public department like the Solicitor to the Treasury ?—I feel considerable difficulty in answering that question, if I may be forgiven for saying so. It is outside my province, and I do not think I ought to be asked that.

33098. Does the Official Solicitor have to take part in suits in the Chancery Courts ?—Constantly.

33099. For infants ?—This is one part of his duties. There is a particular rule which provides that if an infant or a person of unsound mind has not entered an appearance then an application must be made for the appointment of somebody as guardian *ad litem* for that infant, and it is the almost universal practice in those cases to appoint the Official Solicitor.

33100. He appears for the infant, conducts the suit, and charges his costs, which the plaintiff eventually has to charge against the defendant ?—Yes. Then again the judge occasionally says, "I think I shall call in the Official Solicitor to look after the interests of certain persons." I have a special case in my mind; but I will not mention names. There are also cases where he appears before us under the special rule dealing with what are called dormant funds in court exceeding a certain sum. The Official Solicitor has to be served to watch the process of paying those out.

33101. Supposing all the estate management of the lunacy department is transferred to Chancery, would it be possible for there to be some permanent official established to conduct the work which is done at present by the Official Solicitor, who would have no interest whatever in prolonging litigation or in making the litigation expensive; would the public trustee do it if we got such a person? —Personally I should say not.

33102. Is there any cheaper or more efficient way which occurs to you of having matters which are now managed in lunacy by the Official Solicitor, done by some official of the Chancery Court ?—I am not aware of anyone who could undertake those duties.

33103. I understand there has been assumed by the Chancery Division a jurisdiction to deal with property of persons of weak mind for their benefit. Can you give us an illustration of that ?—There are several cases in point; where funds are in court orders have been made to pay those funds to persons to apply them for the benefit of the infant. I am speaking of cases rather with hesitation in the presence of Mr. Chadwyck-Healey, but I think the leading case on the point is *Vane* v *Vane*, and there is another, *re Brandon*, and it has been decided the Court of Chancery could not appoint guardians, but they can make orders for the payments of money for the purpose of the wants of the person who is under disability.

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33104. In what cases would there be money in Court ? —Constantly there is money in Court to which a person is entitled, who has become for example of unsound mind—I do not mean technically—who is what we call "not so found by Inquisition."

33105. A feeble-minded person perhaps is entitled to the income or corpus of a certain fund in Chancery; is that it ?—Yes.

33106. The Court claims jurisdiction to say whether that shall be paid to somebody on his behalf and so discharge the payers of the income, or whether they appoint someone to do that for the alleged feeble-minded person ?—It has been done in several cases; probably most of them were before the 116th Section, which makes it much easier.

33107. (*Mr. Chadwyck-Healey.*) It is occasionally done now ?—Occasionally.

33108. (*Mr. Greene.*) That is fifteen years ago ?—Yes. It is rare; I cannot say more.

33109. That is a very different thing from adopting a suggestion which has been made by the Law Society that the Chancery Division should be able by injunction or some similar process to restrain extravagant young men from squandering their fortunes; it is not analogous at all ?—No.

33110. The Court assumes that jurisdiction, so as to enable the person to get a discharge for money he ought to pay, by conveying the estate to people who can act for the feeble-minded person ?—No, the money is in Court Therefore it is merely paying the dividends on that to a person who, the Court is satisfied, will apply them for the benefit of the person of unsound mind.

33111. *Pro hac vice* he is an officer of the Court ?—He is not a guardian. The Court has decided—I think Mr. Chadwyck-Healey will say I am right—that it cannot appoint a guardian of a person of unsound mind, but it can apply money for his maintenance; but the cases are not frequent.

33112. He is *pro hac vice* an officer of the Court—the man who receives this ?—He gives an undertaking to the Court.

33113. That is the only way in which the Court of Chancery exercises jurisdiction for the benefit of the feeble-minded, as apart from those who are lunatic ?—So far as I know.

33114. (*Mr. Dickinson.*) In order to get it on the notes, would you kindly give us a description of the Master's work. How many Masters are there ?—Twelve.

33115. What are their salaries ?—£1,500 a year now. I believe that I am right in saying that of late years the Masters when they are appointed begin at £1,200 a year, and rise, I think it is by annual increments of £100, to £1,500.

33116. What are their relations to each other, are they on an equality ?—Absolutely, with one exception. The senior Master has a recognised position because there devolve on him certain duties in correspondence and so on. The only difference is that he has an extra £100 a year.

33117. But he has no extra authority ?—None whatever. He calls us together if there are questions affecting us all. It is very desirable there should be somebody of the kind, because it is not merely somebody capriciously calling us together, but somebody with a recognised official status.

33118. What is the exact relationship of the Master to the Judge ?—The relationship of the Master to the Judge is what I thought I had explained just now. He really is, if I may put it so, his officer, he is sitting there and representing the Judge. Except as regards his certificate, he is an impersonal officer. Nothing he does is in his own name except that he has to certify in his own name; in all other matter it is "Mr. Justice Warrington at Chambers"; he does not sign his own name, it is the Order of the Judge, not the Order of the Master.

33119. The relation of the Master to the Judge is one particular Master to one particular Judge ?—The relationship to each set of linked Judges now is that the four Masters are attached to those two Judges. Our Chambers are printed in this way, "The Chambers of Mr. Justice Warrington and Mr. Justice Parker." The duties of the Judges are interchangeable. The first case was assigned

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by ballot to Mr. Justice Warrington, the next one was assigned by ballot to Mr. Justice Parker, but the duties which devolve upon the Master in each case are discharged by us all, according to our letters. I take A to D, and for example an application which comes to Chambers in any suit under those letters, which is assigned to either of those Judges, would have to be dealt with by me.

33120. Then the transfer of the Lunacy administration work to the Chancery Division would be divided among all the Chancery Judges and among all the Masters ?—That is what Lord Justice Cozens-Hardy authorised me to say was his intention.

33121. It would be treated in the same way as the Chancery business is now ?—Yes, only it would be adding so many cases relating to persons of unsound mind to the work which we discharge which is of all sorts and kinds.

33122. And the distinction between any lunatic's estate and anybody else's would be lost sight of altogether ?—Yes, there would be nothing in which there would be a different method of procedure.

33123. How long have you had these twelve Masters ?—I have been a Master for twenty-nine years, and there has been no addition to the number of Masters since then. Going back longer than I can say there have been twelve Masters, that is over thirty years at any rate.

33124. There has been the same number of Masters and you have not had to vary the number of Masters by reason of any increase or diminution of business ?—No, they have remained the same.

33125. But I understand you to say the business has decreased ?—Business has decreased which involved detail, that is to say inquiries and so on which involve the work of the staff has decreased largely, as the returns which I have furnished show, but the work which devolves upon the Masters in some respects shows an increase. It is so technical it is rather difficult to explain. Take the question I raised before of an originating summons for administration. That comes before us always in the first instance. The Order is not made by us, it must be made by the judge, but it is not a mere formal thing; there is a question of construction, perhaps, therefore I adjourn it to the judge. The duties which devolve upon us are rather heavy in that respect, and difficult sometimes. We have to see what the point is; we have to see, as far as we can, that there are the proper parties before the Court to enable it to decide the question. Only this morning I sent a summons back requesting the solicitor to call the attention of the counsel to the point as to whether another party ought not to be added in order to have the question properly disposed of. Then we have to see the evidence, sometimes it is very heavy, sometimes one affidavit is enough, sometimes there are disputed facts which involve evidence on both sides, sometimes it is merely a question which one affidavit is sufficient for. Having done that, when the matter is ripe for adjournment to the Judge, it is adjourned to be heard by the Judge either in Court or in Chambers, but in each case the Master has to prepare a note for the judge which is really very special *précis* writing indeed. That means a very considerable amount of business for the Master. I am glad this question has been put to me because some of the Masters feel that it is not quite appreciated that the diminution in the volume of work has affected the staff much more than it has affected the Masters.

33126. That is the reason I want to ask you how it is that you think the addition of all this work, which is of considerable amount, in number at any rate, could be done without any addition to the Masters ?—Might I call attention to what I have said with regard to Mr. Keely's evidence in which Mr. Keely says that last year there were about (I think I have overstated the amount) 1,833 summons. I have said about 1,900 summons. That is work that is done by two Masters. If I divide 1,900 by twelve I am giving an additional number of 150 summons in the course of a year to each Master. I cannot say that I think that requires any addition to the number of Masters, because necessarily the fact that accounts are decreased involves this that inquiries and things which take up the time of the Masters have decreased also. That was the work which occupied our time. A great deal of work which occupies less time, but which is very troublesome we still have to transact, but from the diminution of the number of Orders involving inquiries there must be time, formerly occupied by work before the Masters, which is available for other work now, and the addition of 150 applications per annum to each Master is such that I am confident we could perfectly well grapple with it with the present number of Masters. The great increase will be in the accounts, and a very small proportion of those really come before the Masters at all.

33127. Do I understand the matters Mr. Keely refers to are 3,000 ?—I am not quite certain about those figures.

33128. Master Fischer said if you transfer 3,782 cases into the Chambers of the Chancery Judges, and Lord Justice Cozens Hardy said he would recommend that, they must have very little to do at present. I want your definite opinion as regards that. Can that number of cases be simply transferred to the Masters in Chancery without any inconvenience to them ?—In my opinion yes, subject to this, that the lunacy staff should be transferred. In my opinion there is not the smallest difficulty in dealing with it with the present number of Masters.

33129. Although you do not seem to know exactly what amount of Master's work those 3,000 cases entail ?—I have called attention to the fact that the Master's work last year was 1,900 cases. I divide that by twelve.

33130. But you do not know the volume of the cases ?—I have sufficient knowledge to know the cases are not likely to be more arduous than our own. We have every conceivable kind of work that can be imagined. It is not merely administration work; it is very difficult work, some of it.

33131. (*Dr. Dunlop.*) Assuming we advise the handing over of this work to the Chancery Division, how would that affect the lunacy percentage ? There is no percentage charged in the Chancery Court ?—Yes, there is a percentage, it depends on the amounts of the estates that come before us, the amount certified. I could not give you off-hand what it is, but there are rules which provide for the amount. There cannot be a higher fee than £200 taken on any one certificate.

33132. Does the infant pay any annual percentage on its income ?—No, certainly not.

33133. A lunatic does—2 or 4 per cent. according to the procedure ?—If you are going to assimilate fees, there is nothing which answers to that.

33134. We should lose that money ?—Unquestionably, if not only as to administration, but as to the fees you are going to assimilate, there is nothing to answer to that, that I am aware of.

33135. These comparatively few cases in the lunacy department pay an annual sum of £31,000, with £9,000 profit ?—There is nothing to answer to that.

33136. Do you think if the work were handed over to the Chancery Division it would be in favour of the lunatic's estate—a lot of that money would be saved ?—They would save an immense sum of money, of course.

33137. And it is not justifiable to charge all that money if you can have it done cheaper ?—I am probably not the proper person to answer that question.

33138. (*Mr. Chadwyck-Healey.*) I do not know how far you are in a position to say the views which you have expressed, and the statement you have handed in to the Commission to-day, are the views of the body of the Masters ?—I think I could say, but I should very much prefer that that question should be answered by my friend Master Walker, who is senior Master. I know, and if Master Walker were not here I could answer it at once; but as he is here, he is rather the proper person to answer it.

33139. (*Dr. Needham.*) Can you suggest any way in which very small properties of lunatics could be administered very inexpensively ?—I do not know that I could suggest that.

33140. Could it be done by an application under the 116th section ?—Of course, I feel a difficulty here, because I am not sufficiently acquainted with the practice under the 116th section, but I think it might be possible to so arrange applications that there might be a considerable saving of expense. I could not possibly go into detail on such a point.

33141. No method has occurred to you?—I should want to know more about the lunacy part of the business; moreover, I do not think it is a thing on which I could express an opinion without consulting the general body of the Masters.

33142. (*Chairman.*) Is there anything you would like to add?—There is nothing more if it is quite understood that I have expressed to the Commission the views of Lord Justice Cozens Hardy, because he authorised me to say that he felt very strongly on the point, and that I had his full authority to state what I have already stated. If that is on the notes it does not occur to me to add anything.

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EDMUND WILLIAM WALKER, Esq., called and examined.

33143. (*Chairman.*) We are much obliged to you for coming this afternoon. You are the senior Master in the Chancery Division?—I am. I have been for the last two years. I may say I have had very short notice, and I have made no preparartion for coming here to-day.

33144. How many years have you been Master?—Thirty-three.

33145. I think you have seen Master Burney's evidence in chief which he has given to us?—Yes, I have read his printed statement.

33146. You have also heard a great deal of his cross-examination?—Since I have been in the room I have heard what he has said to-day.

33147. Do you agree with his evidence?—I do. He and I are quite of one mind on this point.

33148. And all the Masters?—Yes. I think I can answer for all my colleagues too. I called a meeting of them last evening. Of course we had very little time to consider the question, but we unanimously came to the conclusion that if the authorities thought proper to transfer this business to the Masters in Chancery, we could perfectly well do it, and that we were perfectly willing to do it; but that was subject to this condition: the work if it is to be well done must come to us just as our ordinary work comes. I think it would be impossible to fix upon a particular Master or Masters to take lunacy work separate from other work, also for a particular judge or judges to take it, because that would throw the whole of our chamber arrangements completely out of gear. At present the arrangement is, as no doubt Master Burney has explained, that we have linked judges; two judges acting together in three divisions; each pair of judges has four Masters; the business is allotted by rota to the judges and alphabetically amongst the Masters. It all goes on in a uniform course, but if one or two Masters or more are taken away to do special work and to deal with a particular judge upon special work, every other matter of business would be disjointed; it would be most inconvenient. I do not think we could do it in that way.

33149. I think we quite understand if the work were taken over by the Chancery Division it would have to be taken over and carried out in the same manner as the present work?—Precisely. In that way we could do it perfectly well.

33150. Is there anything you would like to add, before I ask Mr. Greene to put some questions?—No, I do not think so. I have been into this question with Master Burney, and he and I are quite at one about it.

33151. (*Mr. Greene.*) I presume that the Chancery Masters would require some additional clerical help?—I think they would. I do not think it would be right to put it on the present staff; I am afraid the work would get into arrear.

33152. But it by no means necessarily follows that as many clerks would be wanted, distributed all over the Chancery Division, as there are now in the Lunacy department?—I should think not; I should think one extra clerk to each of us would be enough. I do not really know.

33153. How many would that mean?—That would mean twelve.

33154. I think there are seventeen or nineteen now?—I believe there are.

33155. Are you assuming that the taxation would go also to the Chancery Division?—I should think so, but that I have nothing to do with; we are not taxing officers.

33156. Supposing the Chancery Division took over the administrative work so far as estates are concerned and the taxing work also it could all be done in the Chancery Division, leaving the personal regard for the lunatic, looking after their persons, for the Masters to do?—For the Masters in Lunacy to do. I do not think we could undertake that work. That is not suggested anywhere.

33157. Looking after the persons you would not under take?—I should think not. Having regard to other work, I do not think we could.

33158. I quite feel that, but you do in Chancery look after the persons of infants?—Undoubtedly.

33159. Your hypothesis is that the persons of lunatics should be looked after by a department like the Lunacy Commission, which is conversant with and have the necessary staff for looking after persons?—We do not look after persons of infants in the same way as they look after the persons of lunatics. We look after the persons of infants through guardians. If an infant is in difficulties or gets into trouble or requires a little talking to we have the infants down to our chambers and interview them, and talk to them in a fatherly way, but we do not pretend to exercise personal custody or control of infants.

33160. That is only when you have an infant who is rather too big a handful for the guardian?—Yes. As regards infants, I believe they involve infinitely more anxiety, trouble and tact in dealing with them than lunatics. A lunatic once found is a stationary object, the infant is changing from year to year; as it gets older it wants different treatment every three or four years, different education, and different considerations arise; some infants as they advance in life get very troublesome.

33161. Matrimonial ideas rather upset some infants?—Yes. I think it is more responsible work than looking after lunatics.

33162. People under Section 116, in so far as the Masters in Lunacy have to look after them, would not go over to them so far as their persons are concerned?—No.

33163. Anything to do with their property you would be able to undertake?—Yes.

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WILLIAM FREDERICK BAKER, Esq., called and examined.

33164. (*Chairman.*) You have been Taxing Master for seventeen years?—Yes.

33165. And have had a large practice as a solicitor before that?—Yes.

33166. You have been so kind as to give us a statement of your evidence. May we put that on our notes?—Yes, certainly.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY MASTER BAKER, TAXING MASTER OF THE SUPREME COURT.

I have been a Taxing Master for seventeen years. Before that I was in practice as a solicitor for twenty-one years and had experience of proceedings in lunacy.

I have read the notes of the evidence of Lord Justice

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Cozens Hardy, Master Ambrose and the Official Solicitor which the Secretary has forwarded to me.

I have directed my attention mainly to the subject of the taxation of costs in lunacy.

Formerly, and until shortly before my appointment in 1889, those costs were taxed by a Chancery Taxing Master, but on the retirement of Mr. Bloxam in that year the taxations were transferred to the office of the Masters in Lunacy and have since then been taxed by the former principal Clerk to Mr. Bloxam.

I think I may say that I am quite familiar with the general nature of the professional work to which bills of costs in lunacy relate. There is not in my opinion any material difference between this and the work which forms the subject of a large proportion of the bills of costs in Chancery taxations. There is certainly no reason for differentiating between professional charges for Chancery and Lunacy business, and indeed under the Lunacy Rules of 1892 (R.110) the Rules of the Supreme Court for the time being in force as to costs are to apply to the costs of proceedings under the Lunacy Acts 1890 and 1891.

I am of opinion that costs in Lunacy should be taxed by a Taxing Master. These costs assimilate very closely to costs relating to infants and their estates. I find that those cases call for vigilance and the careful exercise of discretion, and I always feel the responsibility of dealing with them. That responsibility is certainly not less onerous in the case of the administration of lunatics' estates.

There are also occasionally contested cases in Lunacy in which heavy costs are incurred involving the consideration of substantial fees to counsel, solicitor, and witnesses. These should certainly be taxed by a Master in fact, and not merely in his name.

There is also the question of uniformity to be considered. It is, in my judgment, a first essential that as far as practicable taxations should be in accordance with a settled and uniform practice, and to this end it is of the greatest importance that the Masters who deal with the taxation of costs should have frequent opportunities of discussion and co-operation. This has now been largely secured by the Rules of the Supreme Court, January 1902, but for some reasons with which I am not acquainted the operation of the Rules is suspended *inter alia* as to Lunacy costs. These Rules were the outcome of the Report of the Taxation of Costs Committee in 1901. The Lord Chief Justice (Lord Alverstone) was Chairman of the Committee. I am at liberty to annex a print of the Report and the proposed Rules which accompanied it. (*A copy of the Report and the Rules will be found in the Appendix Papers, p. 441 to 444, post.*)

The amalgamation, so far as it has been brought into operation, has, I believe, proved of advantage to the suitors and the profession. There is more uniformity than there could be under the old system with its scattered taxing departments, and there is constant intercommunication between the Taxing Masters. We have appointed a Committee of Masters to whom any Master may refer any difficult questions upon which he wishes advice and we have not infrequent meetings of the whole of the Masters to settle questions of practice of general importance. This is, of course, in addition to the daily discussion of points between individual Masters.

The substantial exceptions to the scheme contemplated by the Report are costs in the Probate, Divorce and Admiralty Division and in Bankruptcy. Each of these Departments has either Registrars or a Master who taxes costs personally and they have separate offices and staffs, and there would be difficulty at present in finding room for Masters and staff to take over their taxations.

The larger and more important of the companies winding up costs are and have been by direction of the Lord Chancellor for a long time past taxed by the Taxing Masters upon request for the Registrar in Companies (Winding up); and Lunacy costs remain the exception to the salutary rule that costs shall be taxed by a responsible Master or Registrar who has been either a member of the bar or a solicitor and has had the advantage of a legal education and of experience in the practice of his profession.

A Taxing Master must now be a Master of the Supreme Court (0. 61 R 1B.) The Supreme Court of Judicature Officers) Act 1879 Sec. 10 provides that a person shall not be qualified to be appointed a Master of the Supreme Court unless he is or has been a practising barrister or solicitor of five years' standing, or has practised for five years as a special pleader or as a special pleader and barrister.

There are at present eleven Taxing Masters one of whom was a barrister and the others solicitors.

I notice that in his evidence (*Question* 29259) the Official Solicitor suggests that "you do not want a trained lawyer to tax 'costs'." It is difficult to accept this expression as intended to be taken seriously, but if it is really the considered opinion of Mr. Winterbotham it exhibits a remarkable misapprehension of the work and responsibilities of the Taxing Masters.

We tax all the costs in the Chancery and King's Bench Divisions, including the Commercial Court, the Crown Office and King's Remembrancer's Department, Municipal and Parliamentary Elections Cases, Appeals from County Courts as to Returning Officers' charges, and all the compensation cases under the Lands Clauses and Light Railways Acts.

We tax upwards of a million and a half of costs every year. Last year the total was £1,623,267 of which £347,973 was taxed off.

There is infinite variety, and questions of much difficulty involving a competent knowledge of law, the relevancy of evidence and kindred subjects constantly arise. The amounts which depend upon many of these issues are often very substantial and counsel are frequently brought in to argue them, and indeed I am afraid that in many cases the taxation of costs is of more pecuniary importance to the parties than the original merits of the case. Lunacy costs belong to a class of cases in which the vigilance of the Taxing Master is the sole protection to the suitor, and there are the occasional contested cases to which I have referred, and I cannot concur in Mr. Winterbotham's opinion that a layman is as competent as a lawyer to tax them and that the present system should continue. In my opinion it is an anomaly which it is difficult to justify; I am of course dealing with the principle and not with individuals.

Nor do I agree with Mr. Winterbotham that the taxation of lunacy costs in the Supreme Court Taxing Office would involve in effect going to eleven or twelve different departments. It is one department, one rota clerk refers the cases to the different Masters, who are now located together, and there is no delay involved. The Masters in Lunacy and their taxing department are rather widely separated, but there is nothing in the point.

In the Supreme Court Taxing Office taxations take place before the Master himself, and there is no such thing as "objections" to a clerk's taxation. I have a good many years' experience now, and I know of no period when costs were taxed by the Taxing Masters with as little trouble to the profession and as rapidly as at present.

I am afraid I may appear to be sounding our own praises, but I desire only to put the facts before the Commissioners, and to point out what appear to me to be the fallacies of Mr. Winterbotham's suggestions on this subject.

There would be no difficulty in securing privacy in the taxation of costs in lunacy. We have no printed list of cases, except the sitting Masters list, which is intended for small and urgent King's Bench cases. Cases often come before us in which it would be wrong that the taxation should take place in public, *e.g.*, cases dealing with female infants. The Master takes all cases in his own room, and there is no difficulty in excluding those not concerned in the case. In fact it is rather the rule than the reverse to have only the parties in the particular case before the Master during the taxation.

If it were thought desirable one Master could be appointed to tax all costs in lunacy. Under Order 65 R. 18, the work of the taxing office, is subject to any order the Lord Chancellor may make, regulated and distributed by the Taxing Masters. We have on our own initiative dealt with commercial court cases, and election petition work under this rule, by sending that class of cases to a particular Master for each class for a year or so with a periodical change to another Master for the class, so as to secure continuity, and, at the same time, avoid a one man system for an indefinite time.

The arrangement has worked well for these cases, and I believe has proved satisfactory to the profession, but I do not think there would be any occasion for such exceptional treatment of lunacy costs which are so nearly identical with Chancery routine work.

I do not think there would be any economy as to costs in transferring small cases in lunacy to the County Courts. The scale of County Court costs applicable to such cases, differs very little in material particulars from the lower

scale of costs in the Supreme Court. It all depends upon how the work is conducted, and the system administered, including the not unimportant operation of taxation of costs "in reference to the nature and importance of the case, the amount involved, and the general conduct of the proceedings." Order 65, R. 27, Reg. 38, directs the Taxing Master to have regard to these considerations, and I know that the costs in small cases are very closely criticised in the taxing office.

The extra cost of a London agent is very small, and consists mainly in one extra copy (close copy) of the affidavits and perhaps the accounts. The country solicitor and London agent are with this exception treated as one person in the allowances for costs.

The question of fees and percentages is a matter of detail. It was considered by the Taxation of Costs Committee (of which I was a member), and did not appear to present any difficulty.

The percentage on taxed costs is 2½ per cent. on the amount allowed. This is not charged on taxations in lunacy, and revenue loses about £1,800 a year under this head.

The consideration that any particular department standing alone makes more or less profit is somewhat misleading. The Supreme Court Taxing Office earns about £35,000 a year, and deducting salaries only there is a profit of upwards of £11,000 a year, but establishment charges and the proportion of judicial time expended on the cases, and the consequent cost under that head have to be considered, and I think the better view is that the work and the expense of the Supreme Court of Judicature as a whole must be regarded, and not the rather nebulous profit of any particular department.

In conclusion I suggest that the Rules of January, 1902, should be brought into operation as to lunacy costs.

It will be necessary in my opinion that the number of Taxing Masters should then be increased to at least twelve. The work is now almost more than we can get through and the pressure is at times very great. Hurried taxations are bad for suitors. It is not my province to attempt to indicate what, if any, rearrangement amongst the existing staff of Masters of the Supreme Court could be made to provide the additional Master for the taxing office. There is no doubt in my opinion that the burden of the taxing work of the King's Bench Division was underestimated by the Taxation of Costs Committee, and to put more work upon us without more help would be prejudicial to the efficiency of the department.

33167. (*Mr. Greene.*) You were, I think, in practice yourself as a solicitor for a good many years ?—Twenty-one I think.

33168. In what year did you become Taxing Master ?—1889.

33169. At the time you became Taxing Master, was Mr. Bloxam in office ?—I think he was in office, but he was invalided, and I never worked with him.

33170. He was a Taxing Master of the Court of Chancery ?—Certainly.

33171. He had, as I understand it, taxed the Lunacy costs ?—That is so.

33172. I find that under the General Orders of 1853, made for the practice in Lunacy, it is provided by Rule 48 that where it is ordered that any costs, charges and expenses be taxed, the Taxing Master of the Court of Chancery in rotation, or the Taxing Master to whom the taxation of costs in the matter stands referred, as the case may be, is to tax and certify such costs, or costs, charges and expenses, and also to certify the names of the respective solicitors to whom the same shall be paid, and due notice of attending the taxing master, and so on, shall be given to the parties by the Master, and so on. In that way the taxation of Lunacy costs was dealt with by the Taxing Masters in Chancery ?—I must take the method of its coming to us, from you, as that is before my time. I only know that we did in fact tax them.

33173. I suggest to you that it was under the General Orders of 1853, and that under the Lunacy Regulation Act 1862, the 11th section, the Lord Chancellor may make orders as to costs ?—I have no doubt that is so, but I have not personal knowledge of it.

33174. Under the Act of 1853 and the Orders of 1853, the 153rd section of the Act and the General Rule 48, and also the Act of 1862, the Lord Chancellor provided for the costs in Lunacy being taxed by the Chancery Masters ?—I assume so.

33175. If I am wrong in the authority, I want you to set me right, but assuming I am right, up to what year did they continue to do the taxing for Lunacy ?—In the sense that Mr. Bloxam taxed them, I think that we taxed them up to 1889. I think until about two years before his retirement they went on the rota, but that is before my time. I think they were put on the rota up to about two years before his retirement, and then he took them individually.

33176. In his Chambers was a gentleman of the name of Corley, I believe ?—Yes.

33177. He was a clerk there, and he took to taxing the lunacy work in the Lunacy Division ?—Are you referring to when Mr. Bloxam was alive ?

33178. After his ceasing his work ?—Mr. Corley was appointed (I am not quite clear as to the original terms of his appointment) a clerk, I believe, in the Masters in Lunacy office, and took these taxations.

33179. Then the Act of 1890 passed, and Rules under the Acts of 1890 and 1891 were made in February, 1892, in Lunacy ?—Yes.

33180. I see that by Rule 114 it says "the costs of proceedings under the Lunacy Acts 1890 and 1891 shall be taxed by and under the direction of the Masters," and Rule 115 says, "Where it is ordered that any costs or costs, charges and expenses be taxed the Master shall tax and certify such costs" ?—That is the Masters in Lunacy.

33181. Therefore the result of that was that in 1892 the work which was formerly done by the Taxing Master in Chancery was transferred to the Masters in Lunacy ?—Quite so.

33182. If I understand the words rightly it required that the Masters themselves in Lunacy, should do the work ?—No doubt.

33183. Because the emphatic words which I have called attention to are "The Master shall tax," and "they shall be taxed by and under the direction of the Masters" ?—Quite so.

33184. Ever since that date have they in fact been taxed by a clerk in the office ?—My knowledge on that subject is only the result of enquiry.

33185. Master Fischer has told us that they are ?—Undoubtedly I think they are taxed by Mr. Corley.

33186. I put these Rules to Master Fischer, and he said that the clerk made the certificate, and that if there was any dissatisfaction the parties were entitled to appeal to him ?—With deference I think not. I think the appeal nominally is to the Master in Lunacy, but goes direct to the judge.

33187. I understood that Master Fischer said that he could dispose of any objection to Mr. Corley's taxation, and if there was an appeal from him, or his decision was not liked, that it would then go to the judge ?—I think that is a misapprehension.

33188. There has, therefore, been a total disregard of these taxing rules in Lunacy by the Masters abrogating their function and leaving it to a gentleman who is a clerk in their office ?—That is a matter for you to express an opinion on, not for me.

33189. That seems to be the fact ?—Apparently. My means of information are that I had to inquire into this in 1901 for the Taxation of Costs Committee.

33190. I was only putting what Master Fischer has told us ?—If Master Fischer has said that he does deal with objections I should not like to say that is not so; I may have been misinformed.

33191. So that, at all events, there is the existence in the office of a gentleman who taxes costs who apparently has no statutory recognition ?—Apparently.

33192. I think in the year 1901 a Committee consisting of the Lord Chief Justice (Lord Alverstone), Lord St. Helier, Lord Justice Mathew, Mr. Justice Kekewich, Sir Kenneth Muir-Mackenzie, Master Mellor, Master Johnson, Master Spofforth, yourself, and Mr. Tanner framed a report with a view to focus the taxation of costs in the Supreme Court ?—Yes.

33193. Without having to set out the report, which has been rendered accessible to us, *in extenso*, I will

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put a few points to you so as to get it on the notes as to what is the view of that distinguished Committee in reference to the taxing of costs in Lunacy. You point out on page 4 that the Chancery Division taxations amounted to £914,000, of which about 58 per cent., or £530,000, was solicitor and client taxations against an estate or a fund in Court. Generally speaking there is no opposition or protection to clients except the vigilance of the Taxing Master and his staff ?—Quite so.

33194. Those cases are cases where costs would come out of the estate ?—Yes.

33195. Is that a type of the class of costs which has to be got out of a lunatic's estate—where all the parties are paid out of his estate ?—Very largely so, almost exclusively so.

33196. Therefore they require the vigilance of somebody on behalf of the lunatic to say that even those who profess to represent him are not unduly heaping up the costs ?—It is the most responsible part of our work.

33197. To see that the guardians are guarded ?—Certainly.

33198. In lunacy, *a fortiori*, because the client cannot himself criticise the acts of his guardians ?—Quite so.

33199. Your report went on, that the taxations in Lunacy are much of the same character ?—Yes.

33200. You say in your report, page 5: "Taxations in lunacy are nominally under the control of the Masters in Lunacy, but are in fact done by a first class clerk, formerly clerk to Master Bloxam of the Chancery Taxing Office, who at one time took all the Lunacy taxations. This official is responsible for these taxations and signs the certificates of taxation. His time, with a junior clerk, is fully occupied ?—That information I derived from inquiry of Mr. Corley.

33201. Your Committee acquired it ?—Yes.

33202. We may take it as a fact that that was known to this distinguished Committee, that this was going on in Lunacy, that the most difficult part of the work of taxing was being done by a gentleman in Lunacy, not the Master himself ?—Yes.

33203. In Chancery the work is done entirely by the Master himself. You say on page 5: "His clerks look after the fees of taxations and may give appointments, but the Master himself alone undertakes the detail work of taxation." That refers to the King's Bench Division, and the Probate, Divorce, and Admiralty divisions, but I think it is the same in Chanecry ?—Not quite. Each Master has a principal clerk and a junior clerk. The Master taxes. I personally never sign a certificate for taxing in respect of a bill I have not personally been through.

33204. Then I may take it, in the Chancery Division, the litigant gets the advantage of the Master, assisted in what way he may choose by his clerk ?—A large amount of detail is done by the clerk; the judgment as to *quantum*, and questions of that kind is by the Master.

33205. Instead of, as in Lunacy, it being left to a clerk ?—Yes.

33206. May I take it that many matters involving very large sums fall within the discretion of the Taxing Master ?—Very large.

33207. I will give you two illustrations; such as instructions for brief which may run up to several hundreds of pounds, or instructions to counsel ?—I have known them run to £5,000.

33208. Instructions for brief ?—Yes. That was under the Metropolis Water Act, including many other things than solicitors' six and eight pences, large items, disbursements in preparing the case.

33209. Instructions for brief may run up to a very large sum ?—Yes.

33210. You have to estimate, as best you can, the labour of the solicitor in preparing for trial ?—It is one of the items on which the Taxing Master is most often in opposition to the solicitors.

33211. Take the case of Lunacy; if a lunatic has an inquisition or a trial with reference to supersedeas, there may be a protracted trial and the costs may come to a very large sum ?—Yes.

33212. Those are at present left to the discretion of a clerk in the office, instead of being dealt with, under the rules, by a Master ?—I believe so.

33213. Is it not a fact that your committee, appreciating that, made a report and proposed certain means of rectifying it ?—Yes.

33214. I think they reported on page 3 that Clause 4 of the second column of the Schedule to Order, 61 Rule 1, and Rule 114 of the Rules in Lunacy, 1892, and certain of the Divorce rules would require alteration there would be some other consequential revision of rules so as to enable the taxation of the lunacy costs to be again restored to the Court of Chancery ?—Quite so.

33215. I think you drew up a draft form of rules for the purpose, so as to provide that in lieu of Rule 114 of the Lunacy Rules of 1892, which I have referred to, the following rule should be substituted: "Costs of proceedings under the Lunacy Acts, 1890 and 1891, shall be taxed by the Masters of the Supreme Court for the time being acting as Taxing Masters of the Taxing Department of the central office of the Supreme Court or such Taxing Officer as the Lord Chancellor may from time to time appoint" ?—Yes.

33216. I believe that the rules were made on the 13th December and the rules came into operation in January, 1902, for the transfer, but with regard to lunacy the operation was in some way to be deferred ?—Quite so, and in consequence of those alterations the lunacy rules were never brought before the Rules Committee and were not adopted by the Rules Committee; they are in suspense.

33217. The rules I have got in my hand are dated December 13th, 1901 ?—They would be known as the rules of January, 1902.

33218. They provide that there shall be amalgamated with the central office the following offices, namely, the Taxing Department of the Officers and Masters in Lunacy?—Yes.

33219. Then they provide, Clause 3, that the two preceding rules shall come into operation as regards the Chancery Division on January 11th, 1902, and as regards the other offices, which would include lunacy, at the date hereinafter prescribed by rules to be made under the Act applicable to those offices, so that your recommendation was accepted, but its operation deferred?—Quite so, the principle was adopted.

33220. Is there any reason you can suggest why the recommendation of that committee and their draft rule should not be proceeded with ?—None.

33221. And the experience of the last four years suggests no reason why it has not come into operation now ?—I can discover none.

33222. We have been told by Master Fischer that there are apparently difficulties in the way of the Chancery Taxing Master dealing with taxations in lunacy, and I think he suggested that they would make "a precious hash of it." Is there anything in the taxation of lunacy costs which would make you discharge that delicate culinary operation ?—Not that I am aware of.

33223. You have to tax, as you have told us, cases constantly where the estate is subject to attack from various quarters, and you have to put yourselves into the position of defending the estate from these assaults ?—Certainly.

33224. I believe, amongst themselves, the masters have a kind of interchange of views with reference to such principles as may be applied in taxations ?—Daily.

33225. There is another matter; things are permitted in the Lunacy Department, at all events taxations, to go to sleep during the vacations; the mind of the staff has a rest during vacations, and does not trouble itself in vacations. How does that apply in Chancery ?—Not at all.

33226. I think I am right in saying that the Taxing Masters in Chancery volunteered, themselves, without any obligation, to give sittings during the vacations ?—A good many years ago. Until 1902 there was no obligation by rule on the Chancery Taxing Masters to sit in the vacation. We decided that that was not right, and one Master sat on four days a week throughout the vacation, during the long vacation, and similar arrangements were made in the shorter vacations.

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33227. That is for the accommodation of the public, and gratuitously done ?—We thought it was not right that funds should be tied up because there was no one there to tax during the vacations.

33228. Then taking advantage of your public spirit they made it compulsory ?—No ; we were transferred to the Central Office and then came under the rule in relation to the Central Office, which provides that one Master shall be in attendance every day during the vacations to tax costs, so that we still have the one Master who sits six days a week, instead of four, from ten to two. In the early part of the vacations, in the old days, it was more often that you sat every day of the week instead of four, because you could not get through it. When it got into September it died off.

33229. The taxation of costs is a matter which requires very considerable legal experience ?—I think so.

33230. I should presume it did, from the facts. By 5 and 6 Victoria, the Taxing Master is required to be twelve years a solicitor before he can be appointed, and by the Supreme Court of Judicature Officers Act, 1879, five years ?—Five years a solicitor or five years a barrister.

33231. Indicating that Parliament has thought professional qualification was essential ?—It obviously is essential.

33232. The Lunacy Office has not that advantage, the Master does not comply with the rule and tax himself, and it is left to a principal clerk who is not, I understand, a gentleman who has the five years qualification or the twelve years' ?—He is not a solicitor ; he was originally a layman, I think.

33233. I do not go into all the circumstances of his appointment ?—I ought to say I think he is careful and conscientious.

33234. I am not suggesting that he does not possess all the virtues and all the capacities, far from it, but I say he has not got the qualification which Parliament has directed? —Certainly not.

33235. In that case the persons affected by lunacy proceedings, we are told, have no chance of having their affairs taxed during vacations because it is totally closed, and they do not even get the gentleman to look after them who has not got the qualifications of a Taxing Master, through the vacation ?—I assume that is so. I do not know whether Mr. Corley attends in the vacation ; I think not.

33236. Is it right that such proceedings as that should go on ?—We should not regard it as right.

33237. What are your taxing hours ?—Ten to four nominally ; very frequently much longer.

33238. You do not cut it short because the clock strikes ? —We could not get through our work if we did. I am bound to say our clerks are most loyal in that respect.

33239. So that where there is a pressure they are willing to stay later hours ?—The clerks often take work home, and the Masters habitually.

33240. During vacations you are accessible from ten to two for taxing, and during term time from ten to four ?— The staff are there at ten, I do not say the Masters are. The profession will not willingly take appointments much before eleven. There is always preliminary work to do before you start your work.

33241. You have a Taxing Master for the day ?—We take it in turn, small urgent King's Bench cases—that is a very hard day.

33242. So that though you are closely worked in your own department you do not feel there would be any difficulty in taking over these taxations ?—With an additional Master. I notice Master Fischer says we are twelve; we are only eleven. I hope his prophecy that we shall be twelve is correct.

33243. Would it be possible to work in either of the Masters in Lunacy, or their taxing clerk who does their taxations, and absorb them into the Royal Courts of Justice ?—We should gladly welcome one of them as a Master attached to our department, and the Lunacy Taxing Clerk as a clerk in the department. He was originally there.

33244. Is there any reason why he should not be retransferred ?—Not that I am aware of.

33245. The Master could be found some occupation, I presume, as a Taxing Master ?—A great deal more than as a Master in Lunacy ; I mean as regards the volume of work. I have very little hesitation in saying that.

33246. Do you remember the six clerks in Chancery ?— No.

33247. You do not know whether they had their salaries at the old scale carried on after they gave up the six clerks. I suggest they had the same salaries continued, though they became taxing clerks ?—I do not know.

33248. I think they had large salaries ; I think they had £5,000 or £6,000 a year ?—I do not know. I was at school in those days.

33249. I suppose there would be no difficulty in giving occupation to these Masters in the Chancery Division, and there is no reason to disturb their salaries ; I mean the Masters in Lunacy, if they get shifted over ?—It is hardly a matter for me to express an opinion on.

33250. Supposing the Chancery Division take over the Lunacy Department, will that release any rooms in the building that are now occupied by the lunacy people ?— A considerable number of them, including the Lunacy Visitors. I inquired into that in 1901 for this Committee, and my recollection is that there was a considerable number of rooms occupied by the Masters in Lunacy and their staff, and the Visitors in Lunacy, which would have accommodated the Bankruptcy Department, for instance, if we could have got them.

33251. If the transfer were to take place, you say one Master could come over and a clerk apiece ?—Pray do not misunderstand me as suggesting that a Master in Lunacy should come over. You asked me the hypothetical question.

33252. I understood you to say a Master and twelve clerks would be wanted to be brought over ?—A Master and two clerks.

33253. To deal with the taxations ?—We want another Master and his staff, which would be two.

33254. I thought the staff would have had to have been the whole of the lunacy staff ?—No, we do work with a very short staff.

33255. That would release some ten rooms in the Royal Courts for other purposes ?—I do not know the exact number, the housing question was a great difficulty in 1901. This transfer would ease that question.

33256. If a transfer were to take place, we could give people constant taxation, daily taxation, qualified people to do it, and release accommodation for other purposes ?— Certainly.

33257. You point out in your evidence that you have observed the Official Solicitor states that you do not want a trained lawyer to tax costs. That may be the view of a solicitor, because the less taxation there is, possibly, the better, but from the client's point of view surely you do want a solicitor ?—I think King Stork is the better type.

33258. And a solicitor is better adapted to it than a barrister. The training of a solicitor is better for it than the training of a barrister ?—I should not like to say that. My own view is that it is a decided advantage to have one or two members of the Bar associated with the solicitor Taxing Masters. One of my colleagues is now a barrister, and I find his presence amongst us of very great use.

33259. Do you have counsel brought in to argue before you on taxation questions ?—Not on questions of *quantum*, but very often large questions depend upon questions of principle.

33260. They come in ?—One of my colleagues had a most distinguished leader before him last week.

33261. Do you allow the costs of counsel ?—In a proper case. In one of my own cases which has just been to the Court of Appeal, £1,200 or £1,300 depended on the construction of the Light Railway Rules. I had counsel before me three or four days ; the Court of Appeal took time to consider before upholding my decision; in that case I naturally allowed counsel.

33262. It may very often happen that the costs amount to a larger sum than the amount in dispute ?—Frequently.

33263. The litigant gets the shell, and the lawyer the oyster ?—The litigant has himself to blame in that case ; he will fight.

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33264. But I was looking at it from the point of view of persons watching the interests of lunatics?—Undoubtedly it wants vigilance.

33265. It wants a greater vigilance than where there are parties interested to oppose?—I referred to the fable of King Stork. I meant that you want to be vigilant; you cannot go to sleep in an arm-chair, and say "Take your Bill."

33266. With reference to the publicity of taxation of costs, that is another point that is made. Do you have the public in at all in a taxation of costs?—No; I never allow a shorthand writer, unless it is to take evidence, and practically never that. I never allow an extraneous shorthand writer. As a rule we clear the room.

33267. And you have power to clear the room?—Yes, it is not a public court.

33268. It was represented that both Masters and Judges in Chancery were always acting before the public?—It is absolute nonsense.

33269. You say you do not think there will be any economy as to costs in transferring small cases in lunacy to the County Courts. As far as I know, it is only in reference to the administration of very small estates under £25 a year, or £500 capital value, that it would be given over to the County Court to do anything. Is there any objection to that?—I cannot discuss the question of policy, but as to the cost there will be very little economy. You get on to a scale in the County Courts which approximates very closely to the lower scale in the High Court, and if you get an inexperienced Registrar or County Court Judge—that is, inexperienced in that particular class of work—and practitioners in the country, who probably are quite unfamiliar with lunacy work—it does not tend to economy.

33270. But lunacy work would be only the same as the ordinary administration work?—They have not the machinery for it.

33271. Rightly or wrongly, they have been entrusted with the administration of estates up to £500?—I believe it is almost a dead letter; that is my general impression.

33272. The power they would have up to £200 under the Lunacy Act on the appointments of guardians to deal with property I understand is used?—I believe so, but I think there are very few Chancery administrations in the County Courts.

33273. You made a point I should like to have further explained, because it has a very important bearing on the matter. You have pointed out that there is something like £1,800 a year lost in consequence of a percentage not being taken on lunacy taxation. How do you arrive at that?—The lunacy percentage, which is provided out of the lunatic's estate, covers all taxing fees at present. If costs are taxed by a lunacy official, as in the case of a Vesting Order, if he taxes those and there is no lunatics fund, the public service is given gratuitously. On no taxation do they charge the taxing percentage, which is 2½ per cent.

33274. Is your suggestion that in addition to the management percentage of up to 4 per cent. which they charge now for the administration of estates, yielding more than £9,000 a year, they should have added to it 2½ per cent. for taxation of costs?—It is hardly for me to consider, but my impression is it ought to be remodelled.

33275. I want to get on the notes how you arrive at the £1,800 a year?—It is taken upon the amount allowed at 2½ per cent. If, as was contemplated by the Rules of 1901, the Lunacy Office *quoad* taxations should be altered, and they were brought over to the Taxing office, we should get the 2½ per cent. on lunacy costs, and that approximates to £1,800. I think there must be some reduction, as £1,800 is not quite the right figure. My attention has been called to the fact that the lunacy certificates of taxation bear a stamp of £1. Ours bear a stamp of 10s.; the net result is probably the figure would be more correctly put at £1,400 a year; that is to say, if the taxations came to the Supreme Court Taxing Office, the revenue would get £1,400 a year from that source.

33276. No charge whatever is made in lunacy for the administration of estates unless they amount to £100 a year, and out of upwards of 3,000 estates that they manage 2,000 of them do not pay any percentage?—I have no knowledge on that subject.

33277. That is what I understood from the lunacy authorities. In that case, there being no charges for stamps on summonses and affidavits, people who are in this happy class have no charge whatever to pay for the benefits the Court gives them?—Apparently that is so.

33278. In that case, if every estate was made to pay its proper charge for taxation, there would be unquestionably, whether we are right in the estimate or not, a legitimate return to the State for the services that it renders?—Yes; I am speaking quite without authority in the sense that it is not before me as a Taxing Master, but my impression is it would be better to assimilate the stamps and percentages of the lunacy business.

33279. What percentage have you got in the Court of Chancery for the administration of estates? If we are to transfer lunacy over to Chancery, I should be glad to see what its economical effect is. Do you in Chancery charge a percentage for estates which are administered, or estates of infants; does the infant pay?—I am rather speaking without book. I would prefer you to ask the question of Master Walker. On accounts taken in the Chancery Chambers, there is a percentage; I think it is 2s. per cent., with a limit of £100.

33280. Is there a sum below which no percentage is charged?—No.

33281. I thought you said £100?—£100 or £200 is the maximum amount of the fee. There is a maximum, not a minimum.

33282. Every account that is taxed would have some fee?—Yes.

33283–5. (*Chairman.*) Perhaps Master Burney could answer it.

(*Master Burney.*) There is a schedule, and a set of rules, which I believe were framed many years ago by Master Bloxam, establishing the percentages which are payable on various things, the taking of accounts, finding of debenture holders and so on. They depend on the amount, as Master Baker has said; there cannot be on one certificate a higher fee than £200. I am speaking without book. I do not personally take the fees; my clerk does.

(*Master Baker.*) I can speak with confidence as to my own department. It is 2½ per cent. and 10s. on the certificate.

33286. (*Mr. Greene.*) If the Crown transfers Lunacy into Chancery all these little estates would have to contribute their proper share by way of fees stamps and percentages?—Each estate would bear its proper burden.

33287. Instead of which, at the present time, there is a charge of up to 4 per cent. on estates which are over £100?—Yes.

33288. So that in addition to all the other benefits which this transfer would bring about, it may bring a pecuniary advantage to the State?—It may; I should not be surprised to find that it did, but I am not at all in a position to express an opinion.

33289. Would there be any means of our being able to estimate what the pecuniary advantage would be—to see whether there would be an economical advantage to the State in affecting this transfer?—I imagine that the judicial statistics will show the total fees received from the Chancery Division and from the Lunacy Division, but it would take time.

33290. (*Dr. Dunlop.*) In answering Mr. Greene you spoke about this possible transfer as relieving accommodation in the law courts?—Yes.

33291. That the present Masters' offices and the Visitors' offices would be vacated, and they would only be required to find accommodation in the Taxing Department for one Master and two clerks.—Yes; and may I add, if it were necessary we could find accommodation for the Master in our library; it has been occupied at times by a Master when we have had a deputy acting. The two rooms which the Lunacy taxing clerks now occupy would do admirably for the Master's staff.

33292. A previous witness to-day said it was perfectly essential that at least one clerk of the Lunacy Department should be transferred to each Master of the Chancery Department?—But that was not for the Taxing Masters.

33293. No. Your answer was incomplete as regards the whole department?—Our requirements are more modest; we only want two.

33294. But all the present accommodation occupied by the Visitors and Masters would not be freed ?—It would free several rooms.

33295. Free some of them, but not quite so much as that answer conveyed ?—It would free some of the rooms, for completing the s heme of transfer suggested in 1901.

33296. In your statement you refer to the costs of the County Courts being practically as high as those in the Supreme Court ?—No. In reference to this class of work you get on to a higher scale, it is called scale three, I believe. If you are transferring estates of £500 capital value you would get on to that scale, you would get 6s. 8d. as the unit, and so on. Most of the items are the same.

33297. You say there is no practical difference ?—Not much ; it depends on the taxation, of course.

33298. You get the best of taxing in the Supreme Court, do not you ?—No, I do not say that. In the County Court, if the Registrar looks after them closely, he might keep them down more closely than we might ; his work is the taxation of small cases. Speaking generally, I do not think there is much difference in economy between administering the small Chancery estates in the Supreme Court and trying to administer them in the County Court.

33299. You do not know that by experience ?—No.

33300. Could you ascertain the costs as taxed in the County Court for us ?—It would be somewhat difficult. One of the registrars of the County Court could tell you.

33301. It is difficult to get the comparison, is not it ?—It would be very difficult to do. My opinion is based upon the two scales, and applying that scale to the work generally if the work is done quickly and well in London by experienced people I do not believe it costs more than if it is done by inexperienced people in the country, for that class of work. The ordinary County Court work, where the scale depends on the amount sued for, is quite another matter. It is quite different. There is no *pro rata* scale which can be applied to these under the present rule. If it is decided to transfer I suggest that there might be a scale settled for these particular lunatics' estates, so as to keep the costs of administering small lunacy estates in the County Courts within defined limits. I am speaking of the scale as it stands.

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33302. The Official Solicitor suggests you do not want a trained lawyer to tax costs. You defend the situation that he must be a trained lawyer. I want to ask your opinion where a chartered accountant comes in. Is a chartered accountant fit to be a taxing master ?—It is ludicrous.

33303. I know, but I wanted your opinion about it ?—I think the variety and volume of the work entrusted to us by the judges is an answer to both those suggestions ; the first that you do not want a lawyer, and the second, which I think is the expression Master Fischer used, that we should "make a hash of it." If I am desired to amplify that at all, costs are dealt with by a great many Acts of Parliament, a considerable number of different codes and rules under the jurisdictions which we now exercise, and there is an infinity of reported decisions. I have been making notes ever since I began, seventeen years ago, and I have accumulated two or more volumes, and I am still only learning. It is ludicrous to suggest that a man could deal with the issues which come before us without a fairly competent knowledge of law, and in particular he must have a knowledge of taxing law, which is a wide subject.

33304. I merely wanted your opinion to see if you had considered the question of the chartered accountant. You would exclude him the same as you would any other non-legal man ?—He would be quite useless. The opinion that there is no difficulty whatever in taking lunacy taxations is shared by my colleagues. I am senior Master and I submitted it to them, and they concurred in my views.

33305. There is no difficulty in their taking that over ?—Not the least.

33306. (*Mr. Chadwyck-Healey.*) Your brethren, the other taxing Masters, you say, concur in your statement, so that, we may take it, is the collective opinion of the Masters ?—They have all read the statement of my evidence which I sent to the Secretary, and they all concur.

SIXTY-FIFTH DAY.

Friday, 21*st December*, 1906.

PRESENT :

The Right Hon. The Earl of Radnor (*in the Chair*).

W. P. Byrne, Esq., C.B.
F. Needham, Esq., M.D.
H. D. Greene, Esq., K.C.
C. E. H. Chadwyck-Healey, Esq., C.B., K.C.
The Rev. H. N. Burden.
W. H. Dickinson, Esq., M.P
H. B. Donkin, Esq., M.D.
J. C. Dunlop, Esq., M.D.

Hartley B. N. Mothersole, Esq. M.A., LL.M. (*Secretary*).
E. A. H. Jay, Esq. M.A., LL.B. (*Assistant Secretary*).

H. S. Cunynghame, Esq., C.B., called and examined.

33307. (*Chairman.*) We are much obliged to you for coming to-day to give us evidence, and for the statement you have given us ; may we put that on our notes ?—Yes.

33308. I understand the evidence you are giving us is on behalf of the Home Office ?—Yes. I should distinguish those propositions which are departmental propositions from those which my own experience has dictated. On many points the Home Office is not prepared to give a dogmatic opinion ; they would leave that to the Royal Commission, but there are many points on which I have individually formed an opinion from the several years' experience which I have had. Those are very much at your service for what they are worth.

33309. At the end of your statement you make some remarks on the cost of maintenance of lunatics. I do not know if that would be within our reference, unless it has reference to giving some control to a central authority ?—It entirely has that bearing. I am not going into detail at all ; it will be merely illustrative.

Statement of the Evidence Proposed to be given by H. S. Cunynghame, Esq., C.B., Assistant Under-Secretary of State in the Home Department.

H. S. Cunynghame, Esq., C.B.

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Witness has been Assistant Under-Secretary of State for nearly twelve years, during which time the papers dealing with the functions of the Secretary of State in regard to lunatics and the lunacy laws have passed through his hands.

Witness understands that the Royal Commission has already been furnished with information as to the origin and development of the present central lunacy authorities. He will, therefore, confine this Memorandum to the functions and duties of the Secretary of State and the views of the department with respect to their execution. Mr. Troup, also Assistant Under-Secretary of State, has already given evidence before the Commission on the subject of criminal lunatics.

Vide Questions 1317–1487.

It may be worth mentioning that at the beginning of

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last century grave anxiety existed with regard to the very serious evils connected with the treatment of lunatics disclosed by the Reports of more than one Committee, and from 1816 on several Bills were introduced into Parliament to empower the Home Secretary to appoint Commissioners in Lunacy to inspect existing institutions in the hope of bringing about a better state of affairs. It was not, however, until 1828 that power was actually conferred on him to appoint fifteen Metropolitan Commissioners, of whom five were to be paid.

In 1832 a clause was introduced into a Consolidating Bill in the Lords transferring the appointment to the Lord Chancellor. The reports in Hansard's of the debates on this clause disclose no reasons of substance for the proposal; the reasons in favour of it adduced by the Lord Chancellor and by Lord Kenyon and the two other lawyers who alone supported the amendment being confined to the bare statement that it was expedient that there should be a close connection between the Great Seal and the central lunacy authority. On the other side the continuance of the existing arrangement was advocated by Sir Robert Peel, who had recently been Home Secretary, by Lord Grenville Somerset, who had been a Commissioner, by Sir Charles Wetherall, by Mr. Hume, and several other speakers, who argued that appointment by the Home Secretary was the more convenient arrangement and had given rise to no difficulties. Moreover, the superintendence of lunatics was largely a matter of police and affected the spending of public money, and shou'd consequently be in the control of the Home Secretary. The amendment was thrown out in the Commons.

In the next session, however, a Lunacy Act was passed which among other provisions contained one empowering the Lord Chancellor to appoint fifteen or twenty Metropolitan Commissioners, and this time there appears have been no discussion.

No communications have passed in recent years with respect to the proper respective functions of the Chancellor and the Home Secretary in the matter of the administration of the Central Lunacy Department; the subject will no doubt be considered by the Royal Commission.

The Secretary of State, although he does not now appoint the Commissioners, exercises many important functions in regard to lunatics, and is finally responsible for the sufficient and proper provision of accommodation for lunatics in county and borough asylums.

(*a*) List of Existing Statutory Powers and Duties of the Secretary of State.

(Those carried out through the Commissioners in Lunacy are marked "C. L." *See* especially Sec. 272 of Act of 1890.)

Plans and Contracts.

Plans and contracts for the purchase of lands and buildings and for the erection, restoration, and enlargement of buildings when agreed upon by a Visiting Committee are not to be carried into effect until approved of by the Secretary of State (Sec. 254 (2) and Sec. 272 of the Act of 1890, and Sec. 16 of the Act of 1891). Although there is power for the Visiting Committee (Sec. 266 (1) to order all necessary and ordinary repairs, and to order all necessary and proper additions and alterations and improvements to an amount not exceeding £400 in any one year, this is held not to remove the necessity for the Secretary of State's approval, in the case of, *e.g.*, structural alterations. C.L.

There is some doubt as to the matters comprised in the scope of the statutes under the word "buildings." The Secretary of State has successfully required the submission to him of plans of drainage works (1893) and was inclined to maintain his view also in a case of sewage works, *i.e.* bacteria beds (1901); other works presenting questions of difficulty were such things as the glazing of a corridor (1902). In a case of this kind approval was given on the ground that it was safer to consider that it was required. The Law Officers have, since these cases, advised that roads, water mains, drains, etc., are probably not "buildings," except when themselves incident to new buildings, nor do plans and contracts for electric installations, heating apparatus and machinery generally (if they do not involve any building) appear to require his approval.

Provision of Asylum Burial Ground or for Burial of Lunatics.

The consent of the Secretary of State is required to the appropriation of land for this purpose or to any agreement with any corporation, etc., willing to make the necessary provision (Sec. 258 (1)). (The Local Government Board is now the central authority for burials—so far as concerns sanitary provisions—but the consent of the Secretary of State is still required under this Section.)

Unsuitable Land and Buildings.

Land and buildings which have been used and found unsuitable or unnecessary may, with the Secretary of State's consent, and subject to such conditions as he may think fit to impose, be retained by the local authority and appropriated for any purposes for which the local authority is empowered to acquire land (Sec. 265). If the lands are merely the subject of a contract to purchase or take in exchange, it is the release from the contract to which his consent is required, and the sum to be paid for release is subject to his approval (Sec. 268 (1)).

Agreement to unite in Providing Asylums.

The making, varying, or dissolving of agreements to unite to provide and maintain an asylum, or for the joint user (with, if necessary, enlargement) of an existing asylum, is subject to the approval of the Secretary of State (Sec. 242 (3) and Sec. 250 and Sec. 267), and he has various incidental and ancillary powers. C.L.

Reception Contracts.

Contracts for the reception of the pauper lunatics of one district into the asylum of another or into a licensed house are subject to the approval of the Secretary of State (Sec. 243 (4) and 272, and Sec. 269 (5)). C.L.

Rules and Regulations.

The approval of the Secretary of State is required for the rules of asylums by Sec. 275 (1) (2) of the Act of 1890 and for the regulations of hospitals by Sec. 231 (5) (6) of the Act of 1890 and Sec. 12 of the Act of 1891, and for the regulations of licensed houses by Sec. 226. The power to withhold approval constitutes a means, not always in practice very effective or satisfactory, of enforcing proper provision for some of the matters arising in the asylum. Thus the Secretary of State can refuse to approve rules which do not provide for the due recognition of the authority of the superintendent, a proper allocation of the duties of secretaries, accountants, etc., the independence of the auditor, the safeguarding of the use of the keys of female wards, the regularising and limitation of punishments, or the use of mechanical means of restraint, medical examination after every accident, and the provision of proper facilities for religious observances, etc. C.L.

Special Visit and Examination.

Sec. 205 of the Act of 1890 empowers the Secretary of State in the case of any lunatic not so found *by inquisition* to direct a Commissioner or Commissioners or any other person to visit and examine a lunatic or alleged lunatic and to inspect any place in which a lunatic or alleged lunatic is detained and to report to him—and provides for the payment of the expenses involved. (*See* for example the important enquiry by Mr. Gully (Lord Selby) into the case of J. G. Weir at Holloway Sanatorium.)

Letters of Lunatics.

The Secretary of State is one of the authorities to whom letters may be addressed by a lunatic, and to whom letters must be forwarded *unopened.* (Sec. 41 (1) of 1890.) Large numbers are received and dealt with as may be required.

Appeal by Guardians of Unions against Removal of Lunatic from Workhouse by Commissioners.

This appeal is given by Sec. 60 (2) of 1890, and the Secretary of State is empowered to employ a Commissioner (other than a Commissioner who made the order) or some other person to make a special visitation and report, and the Secretary of State has then the final decision.

Removal of Alien Lunatic to his own Country.

As to this *see* Sec. 71 of the Act of 1890. The Commissioners in Lunacy upon application, inquire, and report to the Secretary of State, who may then direct removal. C.L.

Registration of Hospital.

Sec. 231 (2) of the Act of 1890 requires the Commissioners in Lunacy, when they are of opinion that a hospital C.L.

proposed for registration for the reception of lunatics should not be so registered, to report, with reasons, to the Secretary of State, whose determination on the matter is final.

Consent to the closing of a Registered Hospital by the Commissioners in Lunacy.

Sec. 237 (3) of the Act of 1890 requires the consent of the Secretary of State to the making of an order by the Commissioners in Lunacy, closing a registered hospital because of non-compliance with a notice of the Commissioners requiring the effective carrying out of the regulations of the hospitals. Before the order is made an opportunity is given to the hospital authorities to state their case and the statement is to be laid before the Secretary of State (Sec. 237 (5)).

Appointment of Superintendent.

The person appointed must be the resident medical officer, *unless* the Secretary of State authorize the Committee to appoint some other person (Sec. 276 (1) (c)).

Power to enforce Act.

Sec. 247 of the Act of 1890 enables the Secretary of State, when the Commissioners report that a local authority has failed to satisfy the requirements of the Act as regards accommodation, to require the local authority to provide such accommodation *in such manner* as he may direct and the local authority are forthwith to carry such requirement into effect.

This power has been exercised successfully once since 1890 (Lincolnshire); hereafter the Secretary of State had served a formal requisition on the defaulting authorities, the matter was settled by arbitration, and did not go to *mandamus*. Three older cases are also noted. City of London, Plymouth and Norwich.

It has been suggested that by whomsoever exercised, this power should be extended to a case where improvement is required in existing accommodation as well as where fresh accommodation is necessary.

Prosecution for Misdemeanour; Power to Direct.

A Secretary of State on the report of the Commissioners or Visitors of any institution for lunatics, may direct the Attorney-General to prosecute on the part of the Crown any person alleged to have committed a misdemeanour under this Act. (Sec. 328.)

Rules re Magistrates.

The Secretary of State may make rules to prevent duties under the Acts interfering with or delaying the exercise of the ordinary jurisdiction of magistrates. (Sec. 338 (3) and Rules of 31.3, 1890.)

(*b*) Powers and Duties not Expressly Provided for

The Secretary of State, as the Minister generally responsible for all matters relating to the liberty of the subject, would appear to be specially concerned with all questions as to the treatment of persons detained as lunatics or alleged lunatics; and this probably apart from the specific duties entrusted to him by statute, although these, it will be observed, are such as would naturally fall to him in this character.

He has also occasionally to advise magistrates and others concerning the administration of the provisions of the Lunacy Acts; also to direct the police, especially with regard to the conveyance of lunatics to workhouses, and as to wandering and dangerous or ill-cared for lunatics and persons whose behaviour appears to indicate mental unsoundness.

Powers and Duties as to Cost of Asylums.

There is no express provision in the Acts that the Secretary of State shall take any specific steps to secure economy in the carrying out of the plans for buildings, which are submitted to him through the Lunacy Commissioners, and the action of the Home Office in this matter has not invariably been consistent. It may be pointed out, however, that ever since 1845 the plans forwarded to the Home Office have been, as required by law, accompanied by estimates of the cost and expenses of carrying the contracts into execution; and these estimates have received the careful consideration of successive Secretaries of State. Extravagant items have been commented on or cut out and the Lunacy Commissioners have from time to time been requested to bear economy in mind.

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During the last six or seven years, however, the question of the increasing burden on the rates caused by the expenditure of local authorities has received anxious consideration at the Home Office and no doubt in all other departments of Government, as well as by the public.

In 1900, in consequence of certain apparently extravagant proposals being submitted to the Secretary of State, including the case of the Bracebridge Asylum, which has already been mentioned before the Commission, conferences took place by direction of the Home Secretary between myself and the Lunacy Board with a view to securing that all proposals should be carefully considered from the point of view of economy before reaching the Home Office. This conference disclosed certain differences of opinion between the Lunacy Board and the Home Office touching the extravagance or propriety of certain proposals, but there was a substantial agreement that decisive steps should be taken.

In April, 1901, Mr. Secretary Ritchie addressed a long and detailed letter to the Commissioners requesting their renewed attention to the matter to which he attached the greatest importance. He said that he was bound to concern himself with the cost as well as with the design and equipment of asylum buildings. He recapitulated the recent growth of local expenditure and indebtedness. He pointed out that the rating capacity of local areas was limited and that consequently the heavier the expenditure on lunatic asylums the smaller would be the resources available for education, for sanitary and other works, for the development of reformatory and industrial schools, and generally for all purposes of improvement. He then made a series of suggestions of a practical character with a view to diminution of expenditure on asylums.

The Lunacy Commissioners replied in a few months assuring the Secretary of State that they regretted the very heavy outlay which was taking place, and shared his anxiety that no unnecessary expenditure should be allowed; and they stated that in considering plans they would be influenced by a sincere desire to prevent needless expenditure.

In September, 1903, the Secretary of State received from the Local Government Board a copy of a letter which that Department had addressed to the Lunacy Commissioners which was in substance to the same effect as the Home Office letter of two years earlier date.

The Lunacy Commissioners in connection with this correspondence prepared a revise of their "Suggestions to Architects" in which both expressly and in various details the necessity for economy was dwelt on.

In November, 1905, there was held a conference in the Office of Sir Kenneth Muir Mackenzie at the House of Lords, of which the Commission has already heard, at which suggestions were made with a view to devising the best procedure for the examination of the plans and contracts in the hope of securing economy. The proceedings at the conference were of a conversational character and no decisions were arrived at.

The whole matter, was, however, laid before the present Secretary of State on his taking up office with a statement of the history of the law upon the subject and of the difficulties which some of his predecessors had felt in regard to their ability to enforce economy.

After fully considering the matter the Secretary of State communicated his views and intention to the Lunacy Commissioners in a letter dated 3rd May last. Mr. Gladstone stated that he entertained no doubt that he was by law bound to concern himself with the cost as well as with the design and equipment of asylum buildings, and that it was his desire to give practical effect to this view. He stated that he had reason to fear that the heavy burden caused in some localities by asylum expenditure had resulted in an unwillingness to meet other equally important obligations. He deemed it his duty to take all possible steps to confine the expenditure incurred in the maintenance of lunatics to the lowest reasonable limits and he took this early opportunity of communicating his intention to the Commissioners and invoking their co-operation and assistance in securing this object.

He pointed out that the Lunacy Commissioners were his statutory advisers, and that they had full power to make all local or other necessary enquiries into proposals laid before them. Mr. Gladstone was confident that they would make it clear to local authorities that greater economy than had been shown in the past was to be

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enforced in the future, and he would wish the Commissioners to use every effort to keep expenditure at least down to the lowest figures given in the Parliamentary Return (H.C.) 290 of 1904.

The letter contained some other practical suggestions, and ended with an assurance that in the course which he urged upon them they would have his full support, and that if further technical or other assistance was necessary for their proper enforcement of this duty he would be prepared to advise that their reasonable requirements should be met.

Since that date certain informal correspondence has taken place between the Parliamentary heads of the Home Office and the Local Government Board, with respect to a suggestion of the latter Department that the work of approving plans and contracts should be transferred to them.

The Local Government Board were informed that the transfer would not be likely to commend itself to Parliament. A Committee had reported only two years before that it would be undesirable to add to the labours of the Local Government Board unless an equivalent transfer of work from that Department to the Home Office should be decided on.

Secondly, that, so long as the circumstances in which lunatics are detained remain subject to the approval and supervision of a Government Department responsible to Parliament, expediency and analogy alike show that the authority should be exercised by a Secretary of State as in the case of prisoners, inebriates, juvenile delinquents and other persons whose abnormal minds or habits involved restraint on liberty. It was mentioned that the Secretary of State was taking steps at that moment to secure greater economy in the approving of sites and buildings for asylum purposes. As a matter of fact, in reference to two proposals with respect to which the Home Office has been approached, viz., the provision of large new asylums in Lancashire and in Essex, the Secretary of State has caused communications to be addressed to the local authorities which he is confident will have the effect of securing the provision of the accommodation which is undoubtedly called for at a moderate expenditure.

With regard to the question how the task which lies upon the Commissioners and the Secretary of State can best be performed the advice of the present Commission will be welcomed; and the witness is not instructed to press for any particular solution. The appointment of a permanent architect to the Lunacy Commission would have the advantage that it would enable them to deal quickly and with expert assistance with the proposals made to them. It is open possibly to the objection that the architect permanently appointed might have views which would render the securing of economy as difficult as ever. Moreover, it would not enable the Commissioners to deal with all cases that come before them. Occasional advice with regard to matters of drainage, electric lighting, heating, and so forth, would come before them which were outside the usual functions of an architect to advise upon. The appointment of a permanent architect—who would not, of course, find that the Commissioners' work would occupy his whole time—would have to be guarded carefully so as to avoid the undesirable situation of one person acting both as designer and critic.

This difficulty would be met if the Commissioners were furnished with an annual sum which they could expend at their discretion in consulting different specialists and other competent architects as occasion required, without making a permanent appointment. The Report of the original Commissioners in 1847 makes a point of their having invoked the assistance not of one, but of several architects.

It has been suggested that the Secretary of State on whom the final responsibility rests should utilise the services of a consulting architect, surveyor and engineer, when required. This system for many years worked entirely satisfactorily in the matter of the administration of the Housing of the Working Classes Acts in which large improvement and building proposals of the Metropolitan local authorities came before the Secretary of State for examination and decision. The witness could—if desired—detail the method which was in vogue when the Home Office dealt with these matters, and which in his opinion enabled this difficult and important work to be carried out with celerity and efficiency and to the frequently declared satisfaction of the London County Council.

The Home Secretary has of course also at his disposal the occasional assistance of the other Departments of Government: and has on several occasions sought and obtained useful advice from the Board of Agriculture in connection with farm buildings and from the Local Government Board in connection with drainage and sanitary matters.

Another solution would be that the work of approving the plans and estimates should be transferred to the Local Government Board, who approve all the loans of money which are necessary for their execution.

The witness does not wish to be understood as opposing this proposal *in toto*: the advice of the Royal Commissioners on the subject will be welcomed. It may be said, however, that it has always been the view of the Department that the selection of sites and plans for establishments for the insane are as essentially factors to be considered in their bearing on the general treatment of the insane as are the regulations for asylums and other matters upon which it is obvious that the central lunacy authority should have the final word. The powers of the Local Government Board in the matter of loans have reference primarily to the financial position of the local authority and the reasonableness of any given expenditure, having regard to that position and to the degree of need for the object proposed. The provision of lunacy accommodation is not a matter into which the last consideration enters: it is by statute a primary and positive duty not within the control of local authorities but enforceable by mandamus in the event of their neglect or delay. If this financial position suggests retrenchment, the saving must be made by postponing or restricting optional expenditure, and of course by carrying out imperative duties in the most economical way. If, however, the suggestion of a transfer is favourably considered by the Commission the Home Office would desire to express a strong opinion that the functions of the Lunacy Commissioners as to asylum accommodation should in no way be infringed upon or lessened. Their criticism of asylum buildings and equipment based on the unrivalled experience of the Board and of many of the individuals now composing it should in all circumstances have the greatest weight and they should have such assistance as to enable them to base it on full knowledge, including all necessary technical detail.

The witness will offer some remarks on the cost of the maintenance of lunatics.

33310. (*Dr. Dunlop.*) Am I right in gathering from your statement that the opinion of the Home Office is that the Lunacy Commission should be made a department of the Home Office?—I am not entitled to say that that is put forward by the department as a considered opinion; it is my own opinion very strongly indeed.

33311. And shared by some of your colleagues?—Decidedly.

33312. Your reasons for advancing that opinion, I gather from your statement, are two-fold: first, that the Home Office does a large amount of lunacy work at the present moment?—Yes.

33313. The Secretary of State has very wide powers in fact, and exercises them?—Yes.

33314. And the other reason is the nature of the work is very much more closely assimilated to that of the Secretary of State than that of the Lord Chancellor?—That is so; it affects the liberty of the subject; it is exactly analogous to the jurisdiction we have over inebriates and reformatory children. Wherever you take a person away from his natural surroundings and put him under restraint, you get a peculiar condition of things, and the office that deals with that must be an office in some way connected with the liberty of the subject. If it is not connected before it begins to do the work, it will be connected afterwards. It must be so. It is a legal office to a large extent; it requires a very considerable knowledge of law, and has to be done by lawyers, and we are strong in the legal department. Those are my reasons, among others, for saying that.

33315. It is not part of the courts of justice, is it; not connected with them?—I should like to say a word upon the question of the courts of justice in their connection with lunacy. What I apprehend is this: that a court of justice has really jurisdiction over a lunatic, mainly as a question of property; as a mere question of personal

liberty, that is dealt with in other ways by magistrates, but the court of justice comes in where there is property. The duties of a court of justice with regard to a lunatic are two-fold. They are firstly, to decide whether he is a lunatic or not; secondly, to provide for the administration of his property. Speaking as a lawyer, I am of opinion that it would be disastrous to attempt to encroach in the smallest degree upon the proper work done by the courts of law. If you have a decision to be given, it has to be given by a Judge or a Master. It would be extremely disastrous that any public department should adopt, so to speak, legal functions, which are quite a different thing. Therefore the duty of saying whether a man is a lunatic or not when he has got property, and of administering that property, seem to me to be proper for the courts of law. On the Chancery side they have an amply provided organisation for administering his property, but where you come to get evidence as to whether a man is a lunatic, and secondly, much more still, when questions arise before the courts of law as to the way in which the lunatic is treated, and things of that sort, I cannot see why, instead of consulting the Lunacy Visitors, they should not consult the Lunacy Commissioners. The Court could perfectly well send over to the Lunacy Commissioners for a report upon such and such a man and the way he is treated; if they choose, at the expense of the estate, and on the application of the parties they could join another report by independent men if they liked for the satisfaction of the relatives, or for their own satisfaction. For the rest I cannot see why the looking after the lunatic should not be entrusted by the Court perfectly well to the Lunacy Commissioners. I do not say a word against the capacity, I wish to say that most particularly, of the Lunacy Visitors. You have a most distinguished man in Sir James Crichton Browne, than whom no one could have a greater reputation or a better. At the same time a Lunacy Visitor advising the Court would do his work better if he were a Lunacy Commissioner; his experience would be much more wide, and he would know all about asylums, and if he were asked what is the proper treatment for a man with such and such property to spare, he could give most admirable advice. Therefore I do not see why the general duty of advising the Court should not be perfectly efficiently done by the Lunacy Commissioners. I believe it is done in Scotland; I believe it would be a saving of cost as well. On the delicate question of the nomination of appointments by the Lord Chancellor, or any other department, I have not much to say; it does not fall within my scope; but the point is I wish to see the Lunacy Commissioners made a branch of some public department under a minister responsible to Parliament.

33316. Your opinion agrees with that of several witnesses, that the property of lunatics should be left with a department of the courts of justice and the person to the Commissioners?—I do not see how the Lunacy Commissioners could deal with the property. It is not only the rights of the lunatic over his property which are concerned, but the rights of all his relatives. You would have to give judgments on legal matters, and it is impossible it seems to me.

33317. The property could be left to the courts of justice. What is your opinion about the person of the lunatic?—The person of the lunatic I think where possible should follow his property. I think that in deciding whether he was a lunatic or not, for instance, whether he had ceased to be a lunatic, a court of justice must do it; that releases the property; they are inextricably woven together. You could not separate the judgment as to whether a man is a lunatic from the judgment as to whether his property should continue to be administered in a particular way; but the courts of justice could act on the reports of the Lunacy Commissioners, and the more they get into the habit of doing so the better they would be pleased and the more confidence they would feel in their decisions.

33318. Your opinion is it should be the duty of the Lunacy Commissioners to supervise the Chancery lunatic; to say whether he is to be shut up in an asylum?—Provided the courts of justice entrusted them with it. They should assist the courts of justice, not have any right to do anything independently of the Courts.

33319. Have you any views as to the reconstruction of the department; assuming that the Lunacy Commission becomes a department of the Home Office?—Yes. I have some views to urge on that point; I put them forward with very great diffidence because it is impossible for one in my position to know the interior working of the Lunacy Commissioners in the way the Lunacy Commissioners would know it. Subject to that caution I have a word to say. In the first place I divide my remarks under two heads, the duties of the Court and the constitution of the Board. With regard to the duties of the Board at present I do not think they have control enough over the expenses of keeping lunatics. I have said something on that in what I have said about the question of approving plans. You give to the Commissioners the duty of approving plans subject to the final approval, or at least advising the Secretary of State as to the final approval of plans. Why? Because when you are going to shut a man up you require that a public department should be satisfied that reasonable provision is made for his health and treatment, and also I think you wish to protect the public against absurd or undue expenditure in respect of that man. But if that is conceded as a principle how can it be logical to confine that supervision merely to saying how much the buildings are to cost? My own opinion is that that control ought to go to the whole expense of keeping and maintaining a lunatic and to the repairs. I do not wish at all an undue interference with the local authorities, it is not in the least necessary. At the Home Office we confirm bye-laws in most enormous quantities for local authorities. We never interfere with them; there is no friction. The great effort of the Home Office is to act like a controlling force, a governor as it were, keeping the different elements of the legal system from becoming comets instead of ordinary planets. You keep them in the control of a system. If they propose something very out of the way then you say to them "look at the other boards; they are quite content with such and such a rule, why are you not?" We find the local bodies most reasonable on the whole. I think they would admit we do them a great deal of good by sending them information of what others are doing and comparing one with the other, and I think that it would be an extremely good thing if not only the plans of lunatic asylums, the plans and alterations and all capital expenditure should be approved by the Lunacy Commission, but also the yearly budget of expenditure, how much a head is spent for each lunatic asylum in the country should also be approved by that body. In order to do that, as it is a fiscal question, you must put that under a Government department, under some minister who is responsible to the House of Commons. There is no way out of it if once you begin the money part of it, at least so constitutionally, it seems to me. Then I think that the next duty the Commissioners should have is the framing of rules for asylums. Those might be very well proposed by the local authority, the asylum authority or whatever it might be, and then approved as bye-laws are; the rules of reformatories and and all sorts of things are approved already by the Secretary of State. When you come to the constitution of the Board I can see no way but that it should be done by two different sorts of officials. I think there ought to be officials corresponding to, or by the name of, if you like, Commissioners, and I think there ought to be inspectors. You would have a Board of Commissioners whose chief duty would be in London, seeing to the general organisation and administration; then you would have inspectors whom you would send over the country. I do not say the Commissioners should never inspect; that would be a great pity; they ought from time to time to look over things and familiarise themselves by actual sight of what is going on, but I do say a large portion of the inspection of lunatic asylums should be done by such men as we have for factory inspectors. They could go and see that the lunatics were kept clean, properly treated, had sufficient air and ventilation, and be able to report on the state of repair of the buildings. The fact is the true factory inspector would be a far better man to send into a factory than a man who worked in an office; they have technical knowledge which is most useful. I think they would not be so useful as the Lunacy Commissioner is on wider questions, finance, law and things of that sort, I do not want to say more of the details of the Board, but I think they ought to be divided somewhat in that way, a central body, and a body of efficient inspectors.

33320. I suppose there is no necessity for the inspectors always to reside in London?—No, they would be

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local, as they are in regard to factories and mines. You would get men at a less salary; you need not pay so high as is necessary for a Commissioner.

33321. You would not pay them all small salaries—pay them sufficient salaries to make it a responsible position? —It would be absurd to make them all the same. You have the analogy of the factory inspectors; we have everything from working men inspectors, right up to the top, the distinguished Chief Inspector of Factories.

33322. Your lunacy inspectors would not be medical men, professional men?—I cannot quite commit myself to that, necessarily. Certainly a number of them would have to be. Whether it would be wise of you to have a young architect as one of them, or a clerk of the works, I do not know; that would solve itself afterwards.

33323. That would be a head office man rather than a local inspector?—I will not go beyond my "last"; that would depend on circumstances. The Board could be trusted to settle that question. You must have some medical men.

33324. They are practically medical questions?—To a large extent; I think they may be principally medical. I am not sure you would not find one or two other people not unuseful; a good electrician, if he knew electricity, engineering and mechanics, you could send him round to look after the electric light, machinery and things of that sort.

33325. The regular inspection to see the patients are properly treated is a medical duty?—I should think so.

33326. Your opinion is strongly that the control exercised by the Lunacy Commissioners should be strengthened?—Yes.

33327. Have you any means to suggest to strengthen it. Have you considered the question of the 4s. grant, letting that be paid subject to the Lunacy Commissioners' approval?—I think something of that sort would be good, but I would rather not commit myself to a definite opinion. I have not had time to consider it, but some plan of that sort commends itself to my judgment.

33328. You must have some reins to pull up the local authorities?—Certainly, that is the point.

33329. Probably this 4s. grant would be the best means?—It appears plausible. I will not commit myself to that; there may be objections.

33330. You say it is desirable that the Lunacy Commissioners, with the Secretary of State's approval, should make rules for asylums. You are aware that lunatics are treated in other institutions as well as asylums—workhouses, for instance?—Yes.

33331. Are you of opinion that that power should be extended to all institutions where lunatics are treated?—My answer to that involves an answer to a wider question still. From what I have seen of the administration of lunatic asylums, I understand they mix up together in those asylums both the people who may be called madmen or lunatics, and what I should call, in my ignorance of terms, an idiot, the one perhaps is curable and the other is not; I will call them curables and incurables. The first step towards reform should be, I think, the segregation. I am not going into details, I will leave them for people who understand them better than I do, but I am speaking from an administrative and financial point of view. I think you would require asylums of rather more plain construction for those incapable of being cured. I do not think in the case of a great many unfortunate beings who can hardly understand anything, who simply, as it were, are absorbed in some thought which we do not understand, and apparently see and understand but little of what is going on around, whose existence is hardly more than animal, you want to mix them with the others; you want to segregate them and give them a cheaper system. I do not see why those people should have more spent on them than it is necessary to spend on a pauper asylum.

33332. No matter how cheap the system, they are entitled to efficient inspection?—Yes.

33333. That central inspection would fall on the Lunacy Commissioners?—Yes. In the Poor Law asylums there are a considerable portion of those idiots. I do not see at all why they should not be removed from the category of paupers who are curable and who might go out at any time, and be put under the management of the lunacy authority, and so come under the authority of the Lunacy Commissioners ultimately. I do not like the system of having two bodies interfering in one building. I do not suggest the Lunacy Commissioners should go into every pauper asylum in the country and begin distinguishing the sane from the insane, but I think if you segregate the imbeciles from the paupers and put them in separate buildings they could be very well treated by the lunacy authority.

33334. You were quoting a Scottish custom: Are you aware of the fact that the lunacy wards in poorhouses there are completely controlled by the Lunacy Commissioners?—I have heard it; I think it would act extremely well. From my administration point of view it would act extremely well; it would be much better all round.

33335. The Local Government Board inspect one part of the poorhouse, the Lunacy Commission the other part?—I cannot see the least difficulty in doing that.

33336. At all events the Lunacy Commissioners should control the treatment of all lunatics in the country, as a general principle?—I think it is desirable, decidedly. I will add that I am by no means sure whether a great number of the inebriates that we have now, and who are not sane—I am quite sure of that—should not come under the Lunacy Commissioners too; in fact I cannot see why the Board, if constituted under the Home Office, should not deal with the inebriates and report on them with the same set of officers, and do the whole thing; it would be an immense saving of cost; you would have a beautiful system of inspection of the whole country, which should deal with inebriates and lunatics: it would be a very sensible change.

33337. That is the point I was coming to. There are other departments in the Home Office with which lunatics might be joined, the one being the inebriates? —Yes.

33338–41. There is another department of the Home Office for dealing with lunatics; I refer to the State Criminal lunatic asylums?—That raises a big question. I should not like to answer that without a conference with the Prison Commissioners, but speaking straight off, I should think there is a good deal in connection with criminal lunatics that a lunacy board might usefully do; if you had it in the Home Office that would be another means of economy. A system could easily be invented by which Broadmoor could be put under the Lunacy Commissioners so far as lunacy is concerned. When you have a question as to the liberty of the subject, whether a lunatic is to be let out, that would be dealt with by the Home Office, that branch which deals with criminal jurisdiction, but it would be all under one office.

33342. (*Dr. Dunlop.*) That is one of the advantages? —It is as easy as possible; the Secretary of State could lay down the lines of it.

33343. You would enable the Home Office to get the best possible opinion with regard to the lunatics?—Yes.

33344. It would be the duty of the Commissioners to advise?—Yes, just as they advise the Royal Courts of Justice.

33345. Are there any other departments which might be worked together with lunatics—the reformatory schools?—No, I do not think that would do. The chief work of the reformatory schools is of an educational character. I do not see any particular good that might be done, except you might occasionally, if you wanted, report on the healthiness of the schools; you might for health purposes do that, if you had a good doctors' staff: I do not think for educational purposes it would be possible. The question whether certain courses of instruction were good for the boys, for instance, I do not think you would put under the Lunacy Board. The public would hardly understand that. They grumble at boys being treated as criminals now. We make use of one department, we make use of the factory inspectors for mines occasionally. If you have a thing under one department you are not tied down to very rigid rules: you can make one department help another.

33346. We have had it suggested before this Commission that the reformatory school system should be extended to include the feeble-minded, practically lunatic children; that would not work, would it?—No, I do not think it would. The best thing to do with the reformatory children is to treat them as criminals, or potential criminals. If you once lose sight of that distinction, you will be confounding the reformatory children with Poor Law children; the distinction will be such the public will never understand it, and the greatest difficulties will ensue, and I do not think it is necessary, but I think we might use the help of the excellent body of medical men, which I say we should have, for all sorts of purposes.

33347. You refer in your evidence to the appointment of an architect, or let us call him—I think it is a better term—clerk of the works, a fully qualified clerk of the works to the Lunacy Commission—a permanent officer. What is your opinion on that?—The question of an architect is one of those things which, if you constitute a good Board, such as I am suggesting, they will not have much trouble in settling. I have no very definite opinion how he should be paid; I think he should be a permanent officer, if enough was found for him to do. The mere question of how you should have the necessary architectural superintendence I should leave to the Board with perfect confidence.

33348. You are not in sympathy with the present arrangement of an actively competing architect being judge of the situation?—That is a monstrous system, absolutely monstrous.

33349. It is at present the function of the Secretary of State to approve asylum plans before the asylums are built?—Yes.

33350. The same function lies with the Local Government Board too?—No; to say that, I think, is to misapprehend the whole functions of those two bodies. My opinion has always been from the very first after I had the opportunity of reading and understanding this question, that the function of the Home Office and the Local Government Board with regard to these plans are totally different. It is true they both approve them, but they approve them from totally different points of view. The Secretary of State approves them, in my view, by seeing whether they are proper for the confinement of lunatics, fair to the lunatic, fair to the public, but the Local Government Board's duty is a fiscal one entirely. It merely says: Here is a lunatic asylum which is represented as a proper sort of asylum for the county: Are you to have a loan for it? That depends on how much money you have borrowed already (the Home Office knows nothing of that); it depends on the financial credit of the local authority. Therefore if, as I suggest, this body of Lunacy Commissioners sanctioned by the Secretary of State approve a set of plans, they might say, "for what they are worth there is a set of plans." The business of the Local Government Board is to say, "Can we afford them?" It is just the same thing as if you were dealing with a school; the educational authorities are the ones to decide whether a school is fit for its purpose. Supposing you are going to build an enormous number of secondary schools and you want a loan for them, it is the Local Government Board, it is not the education authority, comes in and says, "Yes, but you cannot afford it." The relation of the Local Government Board to the education question is the same thing as the relation of the Local Government Board to the lunacy question. It does not at all follow that because they have the duty of approving the loan which is going to be used for an asylum there is the least necessity for them to become the asylum authority, any more than to become the Education authority; their duty is a fiscal one, very much like the duty which the Treasury exercises with regard to all central work. We are controlled by the Treasury repeatedly and at every turn. They may say, when you apply for their sanction to some expenditure in a certain department, that the Budget cannot stand it.

33351. Assuming the amalgamation of the Lunacy Commission and the Home Office, you would not advise any change in the ultimate approval of the Local Government Board?—No; the Local Government Board must approve loans; you could not suggest that should be in any way diminished or taken from them.

33352. At present—I think it is in the Lunacy Acts—the Lunacy Commissioners have power to approve alterations up to the extent of £400?—I know that.

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33353. Would you advise that power should continue in the event of the amalgamation of a strong Lunacy Commission and the Home Office?—I believe it has been held by the law officers, or some authority, that that is only a provisional power; I cannot quite recollect how it is. It requires subsequent approval, I think, but I am not sure of that. That is a detail which could very easily be settled; it may be £500 would be a better sum. I think the visiting committees on the spot must have some power of provisionally spending a certain amount of money; you could not prevent that.

33354. Only to a limited extent?—Yes, such amount as was thought convenient, having regard to all the circumstances of the case. London would be different to a small county somewhere in England; you would give them bigger power. I do not think a hard and fast sum in each case would be a necessary rule. I should like to add this: I do not see how any control which is got over private asylums could be handed to the Local Government Board, because the local authority does not contribute to them in any way, as far as I can make out, but I am distinctly for giving control over private asylums to the Lunacy Commissioners. Again, another reason why it is my individual opinion very strongly that it would be wise to put this under the Home Office is, if you put it under the Local Government Board it would be a kind of local authority affair, but I should not be prepared to suggest that the whole of the private asylums should at once be swept away and the lunatics placed under the local authority. I know that excellent little villa asylums are made for paying patients in connection with the present county lunatic asylums, and they are acting very well in many cases; but, at the same time, it would be rather a strong thing to suggest that the whole of the private asylums should be swept away, and I do not see how you are to control them except by some authority like the Home Office.

33355. Would you extend that to saying that the Home Office with the Lunacy Commissioners should license all private asylums and not only the metropolitan?—Yes, I think that should be done—rules for them all.

33356. Do away with the distinction of the metropolitan and provincial houses?—Yes, and I would go further. I am not sure whether the accounts have to be audited now, and I am inclined to think they ought to be. A private asylum gets a number of men sent who are confined by the State, an order of the State is made against them, therefore the State has a right to see the accounts are properly audited, within limits; has a right to see that proper value is given for the money that is expended on them.

33357. The control of the Lunacy Commission ought to be stiffened regarding private asylums?—I think so.

33358. I gather from your statement that there are something like fifteen different powers given to the Secretary of State in the present Lunacy Acts?—Yes.

33359. Are all those exercised at the present moment or are any of them dead letters?—The question of cost is only one branch coming before me.

33360. May we take it they are all active sections or are any of them dead letters?—Most of them seem to me useful sections, but I take a much wider view. I want to put the whole of matters of this sort, roughly speaking, under the Lunacy Commissiners, subject to the approval of the Secretary of State.

33361. That is your opinion, but in support of that opinion would you urge that the Secretary of State, in the meanwhile, should have powers and exercise them?—I think so. I have instances arising under the different heads I am going through this morning.

33362. They are not dead letters; they are active measures at the present moment?—I think so. An officer of a department, like Mr. Byrne, could perhaps answer better than I can. You must remember in the department it is mostly the bigger and more difficult questions which are dealt with that are sent on to me. He would know better than I how the work goes. He would see it all; I only see the difficult cases.

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33363. They are not dead letters, but active at the present moment ?—Certainly not ; there are a number of these things I recognise we are constantly doing ; they have not given much trouble.

33364. (*Dr. Needham.*) With reference to handing over the Commissioners to a department of the Home Office it would be made an objection that when the Commission was established there are records to show that it was thought extremely desirable that it should be an independent body which should be able to exercise independent functions, so as not to be controlled by any popular movement, votes and so on. Do you think that the proposal that it should be a department of the Home Office would militate against that ?—I think in the days when the Lunacy Commissioners were first established there was a strong tendency to erect bodies of administrators independent of governmental and ministerial control. We had an example of it, for instance, in the Charity Commissioners, and it gave rise to great difficulties. The opinion of the world has changed since then, and there is a greater tendency to require bodies of this kind to be responsible in some way to the State ; therefore I should describe the creation of an independent body for an administrative purpose like this and for controlling local authorities as inadequate. The local authorities never would stand it now ; they would stand the control of a minister responsible to Parliament, but they would never stand the control of a totally independent body. The greatest difficulties arose in late years on the Charity Commission. I was employed on that body at one time as assistant Commissioner ; the greatest difficulties arose ; they put forward a scheme ; Parliament did not approve the scheme ; what minister was to get up and approve and defend the scheme ? Possibly the minister did not approve it himself ; he had never sanctioned it, and would not think of it ; whereas by getting the approval of the minister you get a defender of the policy in the House of Commons who is in the Cabinet ; you get a certainty that the decision of your body will go through and have to be enforced.

33365. I gather from the last part of your answer that you think the Commissioners would be as well able to enforce their views on the local authorities as they are now ?—Very much better.

33366. I am not stating my views ; I am suggesting difficulties which I know will be raised. Would the Commissioners in those circumstances be in as good a position in the way of combating local opinion, and to some extent controlling local opinion, as they are at present ? —They would be far better ; they would have a minister to defend them, a member of the Cabinet.

33367. Would not he be influenced by party votes ? —Certainly, influenced by the opinion of the country at the time. If the opinion of the country at the time was that lunatics were all to have £100 a year each spent on them I dare say he would instruct the Lunacy Commissioners to brace up the lunatic asylums and make them into palaces.

33368. You do not think it would hinder freedom of action ?—I do not see how you can suggest controlling the local authority except by a minister responsible to Parliament. It is quite impossible.

33369. The way in which the Lunacy Commissioners control local authorities now, if I may so call it, is by advising, in certain instances, by saying, " Well, we cannot advise the Secretary of State to approve so and so, to approve plans, to approve rules, unless you comply with certain requirements." Would they be in as free a position to do that ?—They at present are obliged to invoke the aid of the Secretary of State to enforce their decision ; then we could make it more direct and more constant.

33370. As regards inspectors, suppose the inspectors go to the large county asylums where they have very experienced, highly paid and skilled superintendents, would not the inspectors be very much in the hands of those superintendents who had a great deal more experience than themselves ? Asylums are not quite like factories ? —No ; I should rather be afraid that the superintendent was too much in the hands of the inspector. The inspector would have enormous power ; the grants that are made, the amount of money allowed to be spent, would entirely depend upon the report of the inspector.

33371. The question of compulsion was not so much in my mind, it is a question of the working of the system without friction. Would you think that there would be friction which does not at present exist because you now get expert Commissioners who are looked upon by the superintendents of the asylums as experts themselves ? You would get men who are very much less experts, and whose position would be a very much lower one than that of the superintendents ?—That entirely depends upon how the Commissioners work the system. If they send an inspector to criticise the whole working of the asylum from end to end who is a man of inferior skill to the superintendent, that would certainly create friction ; but that need not arise at all. You would have different grades of inspectors. To the large asylum with a very important well-known superintendent at the top of it you would send your most experienced inspector, a man of standing and paid a good salary ; to smaller private asylums you could send a smaller man. In any case the Commissioners must instruct their inspectors not to have friction. The same thing might arise in our factory system ; our inspectors are constantly coming in contact with the greatest engineers of the country on engineering questions, but no friction arises because the inspector has been taught how to conduct himself in a reasonable way.

33372. Your inspectors in factories only have to deal with questions of fencing and things of that kind and to deal with infractions of the law ; Lunacy Commissioners have to deal, in their intercourse with superintendents of asylums, with the whole management of the asylum, with medical questions, with sanitary questions, and with *quasi* legal questions. Would your inspector be a suitable substitute ?—No, certainly not ; he would be only good for what he was told to do ; he would look after questions of electric lighting, see the laundry was in perfect order, see the building was in a good state of repair, see everything was perfectly clean, take his rule and measure up the amount of cubic space and divide it by the number of inhabitants, and things like that.

33373. That would not dispense with the personal visitation of the Commissioners themselves ?—Or of some very superior grade inspectors ; a high grade inspector would be paid accordingly a good salary. You would have to determine how many Commissioners you should have and what sort of staff of inspectors you should have.

33374. As respects the Commissioners sitting in London, unless the Commissioners did visit asylums their knowledge would very soon become rusty and obsolete ; they must keep up, must not they, with the progress of asylum administration by visiting and seeing themselves ?—If you turn to my previous answers you will see I have endorsed entirely that opinion. The Commissioners themselves ought certainly from time to time, to as great an extent as was found necessary, to visit the various asylums ; I do not mean they should undertake that every asylum each year should be visited by a Commissioner ; that is not what we want ; they should turn their attention on the important points, and go and see the asylums for themselves ; they could not do the work well without it.

33375. At all events they must visit ?—Yes, a certain amount of visiting must be done.

33376. You are aware that at present the rules for an asylum are approved by the Secretary of State ?—Yes.

33377. But what you would like to initiate would be that the rules should be actually made by the Commissioners with the approval of the Secretary of State and handed over to the local authority to be obeyed ?—That would depend ; if the local authorities preferred it I do not see why the rules for the different asylums should not be made by them and then approved as we approve bye-laws. In approving bye-laws we always give the local authority what we call a model form and do not allow variations from it except for reasonably good reasons. The local authorities in different parts of the country often have their opinions, and it is very wise to allow latitude within proper limits for some experiments or new ideas. I have very liberal feelings towards local authorities in that way. I think they ought, within limits, to be allowed to experiment.

33378. Is not that the case now; do not the local authorities frame the rules in accordance with the requirements of the Act of Parliament and submit them to the Commissioners, who in turn submit them to the Secretary of State and advise that he may approve them, and he approves them ?—Yes.

33379. Should there be any alteration in that ?—No, I do not propose any alteration; I think that would do very well.

33380. Do you not think the Commissioners acting as the authority for the Secretary of State should have power to call for the revision of rules? Rules are made for an asylum, and the condition of things alters completely, but neither the Secretary of State nor the Commissioners, nor any other authority, have power to call for a revision of the rules to meet the altered circumstances of an asylum ?—I do not think it would be wise for the Lunacy Commissioners to interfere unduly with the local authority. You must give the local authority the idea that they are the responsible persons for the conduct of these asylums; therefore I should rather prefer that proposals for alteration should come from them. You might put in a clause that, if the Secretary of State came to the opinion that the local authority was grossly abusing its power and doing something outrageous, he should have power of intervention, otherwise I should like to leave a good deal of fair latitude to the local authority; you will find you get on much more smoothly than by force. If you have got control over the initial cost and yearly expenditure, I will undertake you will get everything you want in rules and everything else. Everything will follow quite easily.

33381. Under the head of Rules and Regulations you have questions of the independence of the auditor, the safeguarding of the use of the keys of female wards, and other similar matters. Suppose the rules did not contain these things and the local authorities declined to put them in, holding different views, would you give the Secretary of State, or any central authority, power to call for the revision of these rules, or leave it to the local authority to do as they like ?—He could refuse to approve the rules until those provisions are put in.

33382. I am talking of rules which have long since been approved and never revised—which have been thirty years, perhaps, without revision—the state of things having completely altered in the meantime ?—There might be a power in the background for doing that; it works perfectly well with regard to our approving the rules for the employment of children, we have no power to impose anything on them, we have only power to approve, but our power of approval is found so efficacious, and the bodies are so reasonable, it is not necessary to use compulsion. I refer to my other answer: give power over the original expenditure on buildings and the yearly expenditure, and the audit, and you will have no difficulty whatever.

33383. "If you do not do as you are told, you will not get any money" ?—No, I do not think so.

33384. "Do as you are advised"; would you use that word ?—No, "If your conduct in declining these rules results in the deterioration of your asylum to a point which makes it inefficient, then with great regret we shall be obliged to call the Secretary of State's attention to the matter." I do not want to put it higher than that. With a local authority the central control must be with silken reins; they are quite effective, and the local authorities are very reasonable on the whole.

33385. I thought you said in your statement it was desirable that the Commissioners or Secretary of State—I use the terms as one, because it ultimately goes to the Secretary of State—should have power to call upon local authorities for improvements and for extensions where requisite. Is not that an interference with the power of the local authority? Would not that be resented ?—Do you say they have power at present ?

33386. No, I say you suggest they should have. You say under the heading "Power to enforce Act," "It has been suggested that by whomsoever exercised this power," that is to say the power of requiring, "should be extended to a case where improvement is required in existing accommodation as well as where fresh accommodation is necessary" ?—Yes, but only where the Secretary of State is satisfied that the local authority had failed to satisfy the requirements of the Act. If they got into serious default then you ought to interfere with a stern hand.

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33387. Not only in providing additional accommodation. What you want to do, as I understand it, is to provide, not only for the provision of additional accommodation, but for the making of improvements in the accommodation, if necessary ?—I should not give that power to the Secretary of State to compel them to do it unless he were quite satisfied that the requirements of the Act were not being fulfilled. You must remember the local authority is popularly elected; it has a certain amount of funds at its control; it may say, "We are very poor; we cannot afford such expensive things as perhaps the Commissioners think reasonable"; therefore I would not interfere with them unless you could see the asylum was thoroughly inefficient. If it got into a really very bad state indeed, then I should come down; otherwise trust your local authority, within proper limits.

33388. In other words leave matters very much as they are at present ?—No; at present you have only control of the capital expenditure; I am proposing an approval of the yearly expenditure. That is an enormous change.

33389. I mean plus that ?—Plus that, I should leave them a good deal as they are.

33390. That, of course, is a very large plus ?—Yes, do not have more than that, and use the power with great moderation.

33391. I want to ask you about the permanent architect. You think apparently that a permanent architect would not be the most suitable way of getting out of the difficulty. You know, I suppose, that the great difficulty is that a consulting architect has not the time to go into specifications and things of that kind which reveal extravagance where it exists; it is not extravagance in bricks and mortar, it is extravagance in appointments and things which do not appear on the plans ?—In regard to all these questions of architects I am of opinion that the necessity for these expensive architects is entirely over-rated. If you had a good architectural inspector, a good clerk of works almost, he will tell you all about these improvements and things that are needed, he will tell you a great deal more about it than these very lofty architects. You will be able, with one of your first-rate architectural inspectors, which you will get at quite a moderate salary, to get all those things done; he will do them for you.

33392. That brings us back to the proposal of the Lunacy Commissioners that they should have an architect in some form or other attached to their staff ?—I should like to call him an inspecting architect or an architectural inspector. If you want something very unusual you can possibly get it on occasions when an unusual opinion is wanted.

33393. Is there any difficulty about the Home Office settling plans as they do at present ?—Of course there is every difficulty. Frequently a plan comes in, we will say, proposed by the Lunacy Commissioners. I will give you an instance. A plan came in suggested for our approval; we looked into the matter, and found some large sum was proposed for a cow-house. I happened to have been considering the building of a cow-house myself. I had read the books on the subject; I had sent to the Board of Argiculture and got the whole lot. I knew about the cubic space and other matters.

33394. This is at Storthes Hall ?—Yes; I said, "This is a tremendous order. What can we do to find out whether it is desirable or not ? I cannot go and control the Lunacy Commissioners and the local body, and ask them to be guided by my opinion;" so we sent it to the Board of Agriculture to know what they thought, and the result was a considerable saving. If you had a Lunacy Commission as I propose, that would not be necessary, because you would have had somebody among your own inspectors selected for his knowledge of farm buildings and agriculture, and when any agricultural question arose in an asylum, as to whether it was made to pay or not, and whether the cows or pigs had got disease and things were in a bad way, whether the man directing the farming operations knew his duty, a man could be sent down with special knowledge of the matter in question.

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33395. You are aware that the objection pointed out by the Board of Agriculture had been pointed out by the Commissioners themselves ?—Yes.

33396. Is there any administrative reason why the plans should be handed over to the Local Government Board instead of being settled and dealt with as they have been in the Home Office ? That is what I meant by my question ?—No ; the plans would have ultimately, after being approved by the Secretary of State from his point of view, to go to the Local Government Board when they sanctioned the loan. They would require every information ; the duty of the Lunacy Commissioners and our duty would be to give them every possible information we could to assist them.

33397. You think it desirable that the plans should be handed over to the Local Government Board to deal with, irrespective of the expert knowledge of the Lunacy Commissioners ?—Not unless you gave the whole thing to be done by the Local Government Board instead of the Home Office.

33398. Suppose the whole thing were given to the Local Government Board. Have they that expert knowledge which would enable them to deal wth asylum matters?—No their present medical staff is, I believe, chi fly selected for knowledge of sanitation. If they had to undertake lunacy,and if the Treasury gave them authority, they would appoint a lot of men to do it. The Local Government Board might undertake any conceivable work you choose ; they might undertake missions for aught I know ; give them officers to do it, and they will do it.

33399. I quite understand that, but you have a skilled body of persons with the Lunacy Commissioners who know about the requirements of asylums. Would you hand over their fnctions to the Local Government Board ? —Not unless I handed over the Commissioners with them —the whole thing. The President of the Local Government Board would become then the responsible officer to Parliament for the whole affair.

33400. Is there any administrative reason why that should be done, and why the plans should not be dealt with as at present by the Secretary of State ?—I think there is not only no reason, but I do not think it would be as good to do it. I prefer the Secretary of State to do it, subject to the gentleman who is looking into the loan having the plans or any other information he wants.

33401. That is an ulterior thing ?—Yes ; of course he may say, looking to the poverty of this district, "I have looked at the plans ; I see you can cut them down ; we must report against this loan. We can only offer so much. Send them back to the Lunacy Commissioners to see what they can make of it."

33402. (*Mr. Greene.*) I have only taken the opportunity since I came into the room a few moments ago to see what your views were. I should like to know whether you have drawn up in this paper, or given evidence of, any scheme of your own with reference to the constitution of the Lunacy Commission for the future ?—Yes, I gave some evidence, and also with regard to the Law Courts ; I endeavoured to deal with both.

33403. With regard to the constitution, because we are only asked to deal with three points, the constitution, jurisdiction, and the working, you do not propose, do you, altering the nomination by the Lord Chancellor ?—That is a point I said I thought was a Government matter which I was hardly qualified to form an opinion on. This I must say, if they were put under a department of State, I do not see how you could avoid the head of that particular department having the selection of them ; it might be made subject to the approval of the Lord Chancellor, perhaps.

33404. The result of that would be if the Lunacy Commission is to be put under the Home Office in the sense of its being a sort of sub-department, I think the statute would have to be altered and the policy of the law ever since 1845 would have to be altered in taking away from the Lord Chancellor the power of selecting ?—Yes, and I think it would be a great improvement on the whole

33405. Would you say the number is to be limited or is it to be le't to the Secretary of State to fix the number ? —With regard to the number, that would a good deal depend upon how far you would use the inspectoral system on which I was giving evidence. I propose a great deal of the inspection should be done by inspectors under the Commissioners, and if you do that a limited number of Commissioners would be s fficient, but as the body of Commissioners would have, under my scheme, rather important work to do for the Law Courts, I should think the judges, or the Lord Chancellor, the proper authority, might have something to say as to their number and be satisfied there was enough staff to do the work efficiently.

33406. Do you suggest that the number, which has been eleven hitherto, should be altered ?—I should think ultimately a less number than eleven would probably be able to do it.

33407. Do you suggest there should be any unpaid Commissioners, or do you suggest that that provision should be destroyed ?—I do not know enough of the work to be able to tell whether the unpaid system is good or not. I do not attach much importance to it.

33408. With reference to the nomination on that system by the Home Secretary, the number would have to be fixed by him or fixed by Parliament ?—You might fix it by statute in the first instance, but you might possibly give the Secretary of State power by Provisional Order to vary the number—Provisional Order with the usual process of being laid before Parliament.

33409. There would be no one to oppose it, you see ?—The Government of the day would of course carry it wherever it was necessary ; I do not think the chances of opposing the Provisional Order would be very great.

33410. The value of a Provisional Order is that any persons interested in it, or affected by it, can oppose the passage of it when it comes up for confirmation. A Provisional Order would be rather a complicated way of doing it, it would be better to have it by order at once without any Provisional Order ?—I was only going to give persons a chance of being heard, I did not give a strong opinion on it. As these duties of the Lunacy Commissioners towards the Royal Courts of Justice will be very important, it might be considered reasonable that the Lord Chancellor should appoint some of them ; I do not see why he should not appoint them, and then they should become appointments under the Home Office ; Government is one and indivisible after all.

33411. We have got it, so far, that the Secretary of State or you now say the Lord Chancellor, might appoint some, and the appointment of inspectors would also rest with the Home Secretary ?—That would rest with the Home Secretary on the advice of the Board.

33412. Now as regards the Courts, what would be the association of the Commissioners, subordinate to the Home Secretary, with the Courts of Justice ; what communication would there be required ?—The Courts would requisition reports in all cases in which they desired them, and it would become the duty of the Commissioners to send those reports straight to the Courts of Justice, who might believe them or not believe them exactly as they chose.

33413. It is suggested, I do not know whether the whole scheme has been put before you, by eminent authorities, that the administration of the property of lunatics, the estate administration, of the property of lunatics and persons under section 116, should be worked entirely in the Court of Chancery, and taken out of the administration of the Masters in Lunacy ?—Yes, I quite understand that.

33414. That leaves to the Masters in Lunacy the appointment of committees, the taking of inquisitions, and the inspection of the lunatics, the Chancery patients, to see whether their committees of the person are adequately looking after them. How do you propose to deal with that ?—I am rather a partisan of handing over the administration of the property to the Chancery side like other property is administered. If you employ the Lunacy Commissioners properly, the amount of work and visiting and all that, the getting reports of visitors, would become extremely easy, because even on the Chancery side, they could perfectly easily send at any time over to the Lunacy Commissioners for a report. They might make the Lunacy Commissioners or one of their officers a committee of the lunatic ; that would be an excellent method, because you would get a State official responsible.

33415. That could be done easily enough whether the Lunacy Commission is subordinate to the Home

Office or not ?—If there were no other than the lunatics connected with the Courts of Justice, of course there would be no great need for a separate body of Lunacy Commissioners, but then the amount of lunatics to be dealt with in the country is enormous.

33416. The Judge in Lunacy administering the property of lunatics would have the control ultimately whether there should be inquisitions or not, but I cannot see why he should not send to the Lunacy Commissioners, and they would be under statutory obligation to provide all the information he requires whether they are under the Home Office, or whatever they are as they are now ?—I agree with you; that is my system; they should be bound to provide him with every information; only I said the Courts should be at liberty, if they thought fit, to get another and independent opinion. I do not want to put the Lunacy Commissioners in the position of being the only advisers to the Courts of Justice; a judge has a right to be satisfied; if he is not content with the action of a public department and the parties interested press him to have an independent opinion, let him have an independent opinion.

33417. I do not understand anybody has suggested taking away from the Lord Chancellor the power he has of sending visitors to see lunatics at any time anywhere ?—No, I do not propose that at all; he would easily find, I believe, if he referred it to the Lunacy Commissioners for a report the thing would be done cheaper and I think better.

33418. The idea that was being suggested for a new constitution was that the Chancery Visitors should be amalgamated with the Lunacy Commissioners and also that the Masters should be amalgamated ?—No, that is to bring into our office judicial decisions. We do not want judges with us, if you please.

33419. I am only telling you what has been suggested up to the present time; I am quite aware your view is to get all these people into the Home Office; you think they are the best administrators ?—Administrators, but not judges; that is the point.

33420. But the existing powers given in the Act of 1890 are for the amalgamation of the Masters and Visitors with the Commissioners in Lunacy ?—I should abolish the Visitors in Lunacy, subject to vested interests, as unnecessary; the Courts could employ *ad hoc* some eminent men if they wished it, but they would generally rely, under my scheme, on the Lunacy Commissioners for reporting. The Masters I do not want to see abolished; they might become Masters in Chancery if you like, but that is a matter more for the Law Courts to give an opinion on.

33421. The Masters in Lunacy have at the present time the obligation cast upon them by the Judge in Lunacy to hold inquisitions and to make enquiries as to the custody of the patients on the Chancery side ?—The taxing Master could exercise that power if he had the Lunacy Commissioners to help him at once, at any moment; he could get a report from them directly.

33422. The only judicial power, as far as I understand it at present, which is exercised by the Masters in Lunacy are two; first relating to the administration of the property, subject to an appeal to the Judge in Lunacy and from him to the Lords Justices; the second judicial power he has is with reference to holding inquisitions. How do you propose the holding of inquisitions should be conducted ?—The third is visiting lunatics.

33423. I should hardly call that judicial; that is more administrative ?—The judicial I do not propose to give an opinion on, or interfere with.

33424. You have evidently thought over the subject and must be familiar with the amalgamating powers of Section 337 of the Act of 1890. I want to see what statutory alteration we ought to suggest so as to amalgamate in the way you are now proposing ?—I say at once, as far as my experience went, speaking as a barrister, I was on the Common Law side, I must not go beyond my last; I confess I should have thought that if you had a well arranged body of Lunacy Commissioners, ready at any time to help the Courts, that a Chancery Master could deal with the whole of lunacy just as well as he deals with a lot of other points.

33425. Holding inquisitions ?—I should have thought there would be no difficulty; they are excellent lawyers. There could be no more difficulty in doing it than an ordinary judge trying a lunacy case, which he can do perfectly; but I say I do not want to go beyond my last.

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33426. You have pointed out in the answer you gave to Dr. Dunlop that the Home Secretary has to look at the plans with reference to the fairness to the persons and the public. In point of fact what is done at the Home Office ? what is the practice when plans come in ?—When the plans come in after coming down from the distributing department, they go to a department presided over by Mr. Byrne. There the clerks look them through together with the correspondence, and the first thing they do is to observe whether the amount of money proposed to be spent is in excess of what might be called an average sum. If the amount of money proposed to be spent appears in no way extravagant and there is no other objection to be found to the plans, then, inasmuch as they have been examined by the Lunacy Commissioners, they practically go through.

33427. Are they submitted to any architect or surveyor to see whether architecturally or structurally the proposals in the plans are judicious ?—No, not at all.

33428. So that there is no technical examination of the plans in your office ?—No, our examination is more a fiscal matter.

33429. I understand from you that the Local Government Board deal fiscally with them ?—No, not at all. I tried to make quite plain the difference of jurisdiction of the Local Government Board and the Home Office; it is quite different. The Home Office decides whether the plans are proper having regard to the patients and the public, the Local Government Board decide whether the local authority can afford them.

33430. Taking that answer, that the Home Office decides as to the patients and the public, what has the question of whether the cost comes within an average amount to do with the patient ? That I can understand has to do with the ratepayers, but I do not see how the patient is concerned as to the average cost ?—We have hitherto been able to completely trust the Lunacy Commissioners with looking after the welfare of the patients. Such an enormous amount of money has been spent and such luxurious fittings have been put into the asylums that we have generally felt perfectly confident that when a plan came forward enough had been spent. I have never had to find fault with any set of plans on the ground that too little has been spent.

33431. I am afraid I have not made myself clear now. You tell me there is no expert assistance in the Home Office whatever, that a clerk sees whether it comes to the average scale of expenditure and that then the plans are allowed to go forward ?—I think a little more than that.

33432. If there is a little more I want to follow it out. My theory is that the Home Office, so far as all matters affecting plans, estimates and expenses and capital expenditure, might well be left out as a piece of circumlocution, that the Home Office's function should be left to seeing whether the general conditions that they may lay down for designing the asylums have been carried out, or that they should be merely notified from the Local Government Board if there is anything inconsistent with the conditions that the Home Office wish to insist upon, so that it would save time and expense and put the consideration of capital expense into the hands entirely of the Local Government Board who have got experts. That is the point of view (from which I was wanting to get your view), which is, to get rid of the Home Office merely passing these plans for the purposes of seeing they do not go beyond the average expenditure ?—I think I said before you came in I think the Home Office is the best office to deal with it. I gave the reasons; I will endeavour to repeat them. Of course you might put it under any public department; you might put it under the Board of Trade, they would very soon throw out a wing capable of accommodating any work given to them; but as a general rule when allotting work you put it to the office which is most nearly connected with it. The reason I think the Home Office on the whole is the best is this, you must have some control over private asylums; I think at least it is strongly desirable. They

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have nothing to do with the local authority at all. Secondly, one of the most important things in connection with the lunacy jurisdiction is the care and proper relation of the lunatic ; that affects the liberty of the subject, but of course the Government can change the plan if they like. The liberty of the subject and the questions affecting it have generally been handed to the Home Department. It has been considered that, having a good many lawyers on it, it is fitted to deal with a subject of that kind. I think those two constitute, as far as I remember, the bulk of my answer.

33433. I quite follow that, and if I may respectfully say so, I cordially agree that the function of the Home Office should be to guard the person and the liberty of the subject,and that it would be impossible to arrive at any public authority better contrived in every way for doing that, but I fail to see at the moment why a body with those aims and objects should be burdened with looking at the details and estimates of the structure ?—Because if you have got the duty of looking after the person and the care and the keeping of him, it is inevitable that you should have the duty of seeing whether the asylum is sufficient for him ; too much or too little. You will find directly, if you attempt to separate those and give one part to one department and another to another, the two departments will be constantly communicating with one another, and there will be the most hopeless confusion. For instance, someone says, " A whole set of people up in Yorkshire are being confined in an improper way ; they are all thrust, when they misbehave themselves, into dirty dungeons and dens." " Very well," say the Lunacy Commissioners, " Have they anywhere else to put them into ? " Then under the system suggested above it would have to go to the Local Government Board, and if they are satisfied the lunatics are being thrust into dirty, uncomfortable dens, they give the sanction to get the necessary money to build proper ones. Therefore the two Departments have to consider the whole circumstances ; they are inextricably interwoven. How much better it is to put them under one Department to deal with the whole ; into a new Department if you like ; have a Minister of Lunacy, but let the Department embrace all it can. We have had a lot of experience in the Home Office of divided functions. I was at a conference with the Local Government Board the other day. Parliament had divided our work, and it was only with the greatest trouble that we arrived at a solution—not quarrelling, but in the most friendly way. We ended by saying that Parliament had put propositions before us as to division which were impossible. We have left them : we could not make out which Department was to do which. I plead for one Department doing it thoroughly, and make it responsible for it ; but the Local Government Board must have the question of the approval of loans ; that is a question of the finance of the county, which it would be very wrong to take from them.

33434. In future arrangements for the Lunacy Commissioners subordinate to the Home Office, as part of the Home Office, you would have to have these inspectors or clerks of the works to advise the Commissioners, and then the plans so made and the estimates so approved could, I suppose, be sent direct to the Local Government Board, because if it is a Department of the Home Office, there would be no necessity to send them into your office ? —Yes, the Lunacy Commissioners would determine whether the plans were proper for the custody of the lunatics and reasonable as to cost.

33435. After they were dealt with by the Lunacy Commissioners, which are to be subordinated to you, are they to come upstairs to the authorities of the Home Office ?—All that is done there.

33436. But what would be done ? There are two things. What is done now and what is to be done under your scheme ? Under your scheme what would become of the plans ? Would they have to be passed by the Lunacy Commissioners with the clerk of the works, then go straight to the Local Government Board, or would they come to the Home Secretary to consider ?—The consideration of the mere secretarial portion would be in a large number of cases a mere formality, unless some point to which attention was drawn by the Lunacy Commissioners had expressly to be determined. But as a matter of form the sending them over to the Local Government Board, since it was a sign they had been approved by the Secretary of State, would be done from the central office. That is a mere matter of form, who signs the letter.

33437. The plans under your scheme have to go from the Lunacy Commissioners to the Secretary of State before going on to the Local Government Board ?—Yes, it would be the regular routine ; it would take about five minutes extra, possibly.

33438. (*Chairman.*) I take it under Mr. Cunynghame's idea the Lunacy Commissioners would be a Department of the Home Office, all under the Secretary of State ?

33439. (*Mr. Greene.*) Still, he says they are to go from that wing or department up to the Home Office ?—That is what everything does. Take the Factory Department ; it is the same thing. The formal work done by the factory inspectors, such as the formal proposition of rules to employers for instance, has to go through the Secretary of State's Department, but a lot of the letters occupied with mere details and explanations go directly from the factory inspector to the person concerned ; so it would be with the Lunacy Commissioners. They need not send up to the Secretarial Department every time some explanation is wanted between the local authorities or Local Government Board and the Lunacy Commissioners. Their officer who is about to go down and hear the case for a loan would see one of the Lunacy Commissioners and ask him about the case—any details that he wanted—but the formal letter as a rule in a public department goes from the central part of the department. Unless a difficult point arises, if the Commissioners call attention as to whether they have powers to do this or that, or some great change is contemplated, then it is sent up to the Secretary of State.

33440. Under your suggestion it would not go as from the Lunacy Commissioners, but from the Secretary of State ?—Certainly. Then a Minister responsible to Parliament is responsible for it.

33441. Then, going over there, it would be subject to review from the Local Government point of view, not only as to the cost, but as to the sufficiency of the plans from the structural point of view ?—Only so far as might be necessary for the purposes of a loan, which would not be often.

33442. And the adaptability also for the purpose, or would they be precluded by the finding of the Home Secretary, the Lunacy Department, as to the adaptability for the purpose ?—This is the point. Of course if two public departments are determined to quarrel with one another as to their jurisdiction, they can always raise every difficulty on earth. What I want to come to is this. The object with which the Lunacy Commissioners look at the plans is to see that they are fair to the patient and to the public. The Local Government Board have to see whether the county can afford it. It is from a fiscal point of view. It is the same as the Treasury examining accounts with regard to factory organisation, and salaries, and inspectors. They do not go into mere details how they should inspect, but they say, " We cannot afford more than a certain sum of money. You must make the best use of it." If we want increased pay for an inspector, we send to the Treasury an elaborate account of the circumstances. That does not mean they go into details as to factory inspectorship. They look at it from a financial point of view, and the Local Government Board would have to be satisfied that it is reasonable from the financial point of view of a loan. If, for instance, they came to the conclusion that a loan of £700,000 was more than the place could afford, they would send the plans back and say, " Try and get up something cheaper. It occurs to us you may save on this, that, or the other." The Lunacy Commissioners would be very thankful for that. In that way they can do it, not otherwise. We are on most friendly terms with the Local Government Board, and I can answer for it as a rule we should not duplicate control ; they would be perfectly satisfied with what we had said.

33443. What was in my mind was a simpler form would be for the plans to be submitted in the first instance to the Local Government Board, who would be able to say whether the plans were adequate structurally, whether the locality was financially able to bear the expense, then for it to go back to the Home Office for the final approval of the Home Secretary ?—What would he have to do, after all that had been absolutely decided, and decided with the

approval of the Local Government Board? The only thing a Cabinet Minister could do is either to agree with a Cabinet Minister, or differ from him.

33444. So it is, if you reverse the process. It is exactly the same if your plan is adopted by the Home Secretary first and the Local Government Board last?—No, because you have not separated the functions, and I have.

33445. I cannot agree with that. It occurred to me as regards the adaptability of the plans for the purpose that the Lunacy Commissioners are the people who would have apparently the best chance of knowing?—I quite agree.

33446. The next point of view would be to see whether the plans they thought suitable and properly adapted could be carried out by some other body which has got more expert assistance than they have. The Local Government Board could determine finance as well as the suitability of the proposal. Now comes the point of view of the Home Secretary, who is to watch to see, and only watch to see, that the patients are properly protected?—But your proposal is that the Lunacy Commissioners should consider the accuracy of the plans without any regard to finance at all. How can a person ever consider plans, even for a country house, without considerations of finance?

33447 Because they have them from a representative body which knows exactly what they have to spend?—If you are going to trust the representative body—I suppose you mean the local authority—it gives nothing for the Lunacy Commissioners to do at all. It is like the building of a school. What is required for education may well be determined by one person, but whether a loan for that purpose is a proper thing may be very well determined by another.

33448. Another point is this. You suggested something about the inspection of private asylum accounts. Do you suggest that any official body is to go and see what profit a lunatic asylum keeper is making?—I think if you take a man and shut him up and give him over by authority of a judgment of the court into the hands of another, that the State some way or another has a right to be satisfied that he is fairly treated.

33449. That I agree?—Fairly treated in the expenditure of money, I mean. I think if he pays £100, £200, or £500 a year, it is very reasonable that some public body should be satisfied that he gets the value of his money.

33450. Do you think that would be tolerated by people in this country, that there should be a system of inspection of what profit a man is making in his business?—I think the friends of the lunatics, and the lunatics if they could only make their views known, in their saner moments, would be delighted with it, and think it most fair.

33451. They can transfer their patient if the patient or the friends are not satisfied that he is receiving adequate and proper treatment. Whether he gets what you may call value for the money is rather a difficult thing for a public department to decide?—It would be the easiest thing in the world for the Lunacy Commissioners. No body would be better calculated to deal with it; they would do it admirably.

33452. (*Dr. Needham.*) Are you aware whenever the Commissioners go to a private asylum they always inquire the payment for each patient and they have a full record of the payment for every patient in the licensed houses and therefore can estimate at once what the income of the house is?—I was not aware of that detail. I do not advocate too great inquisitorial powers, I want the power of remedying abuses, and I want to entrust that to this body.

33453. (*Mr. Greene.*) It seems to me the Commissioners get to know what could enable them to see whether the patient is properly treated, so to speak, for the money. Supposing a patient is paying £300 a year, and is put in a room with two other patients and very coarsely fed, they might say that it is unjust to the patient; they have that power now, without looking at the expenses of the asylum. If they are to audit the accounts of the keeper of the asylum it opens a very much wider question?—If they are content I should be content. I do not want at all a pedantic system; I want some system which will satisfy them that the patients are receiving fair value for their money. Your criticism is quite just in that respect, and perhaps I went a little too far; I would be willing to be guided by people who know better how to do it than I do.

33454. People can remove their patients from one asylum to another if they are not satisfied?—It depends how far they are under the Court. If they are not under the Court they could.

33455. Have you considered whether your proposal would increase the amount that would be required under the Home Office system if we adopted the system of subordinating the Lunacy Commissioners to them?—I think if you were to amalgamate the Visitors with the Lunacy Commissioners in the way I suggest and if a certain percentage payment were contributed from the lunatics' estate in the courts (at present they pay a certain amount for having these things done, I believe there is a certain charge on the estates). I think with reasonable aid for that, because you must keep back a certain sum for the share of the courts of justice in administering; if a little aid was given in that way, I do not think there would be much increase in the expenditure at all. I have not gone elaborately into the expenditure, and I should be sorry to answer the question without consulting the Lunacy Commissioners.

33456. I do not know whether you are aware that the percentage levied in the Court of Lunacy is nothing at all, no expense whatever, to the lunatic unless his income exceeds £100 a year, and the expense must not exceed £400, whatever his income may be?—If there is nothing to spare from the courts, the courts can give nothing.

33457. The lunacy department is living now and earning a profit to the State of £9,000 or £11,000 a year out of the percentage which it collects?—It must spend what it wants on its officers. I do not want to diminish their power one bit, but I think the balance might very well go towards a fund out of which this office could be established.

33458. To what extent the expense would come you do not know?—No, I am not prepared to lay any figures before you.

33459. You made a suggestion which I think was one of great value and I should like to follow it up. You suggested an approval of yearly expenditure?—I did; I am clear about that.

33460. Is that an approval of yearly expenditure by the local authorities?—Yes.

33461. Are they to submit an estimate beforehand?—Yes.

33462. For lunacy only, or in reference to all other expenses; to give a general estimate of their total expenses or only as regards lunacy?—Only as regards lunacy.

33463. That would include an estimate for the upkeep of the asylum and the cost of the maintenance of the patients?—Yes; of course they would have power to spend a little more than their estimates; that would be arranged for in a reasonable way.

33464. Is there anything analogous in existence now, any compulsion on any local body to submit its expenditure to any public department?—I am not an expert on it. I wish there was.

33465. In the Home Office you have no such thing?—No.

33466. So it is a novel suggestion?—Yes.

33467. (*Mr. Byrne.*) In the Home Office we have a precisely similar thing in existence now; we receive elaborate audits of the certified accounts of the Inebriate Reformatories; we check them, and can withhold the certificate?—Yes, we do it in a roundabout way like that.

33468. (*Mr. Greene.*) Your suggestion is of far greater value, because the ratepayers would have the opportunity of knowing what the expense was?—Yes. There is something like it in this way. It is pointed out in this memorandum, the duties of the local authority with regard to lunatics and police are of an obligatory character; we could withdraw the grant if they do not make their police efficient; we have control over the expenditure on the police in a way. I may say without my proposition involving me in the question of a complete review of the expenditure of local authorities, which privately I do not think would be a bad thing at all, without involving myself in this wide proposition I can say, I think, the same as in the case of police, means could be provided as regards lunatics. I will not be too precise; you will think of ways better than I can; means should be provided to check it.

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33469. Mr. Kershaw, from the Local Government Board, in giving evidence carefully limited his remarks to control over capital expenditure which should be retained by the Local Government Board. He intimated that there is another gentleman coming who is going to deal with the way in which the annual expense of the maintenance of these asylums is to be provided. You have given suggestions that to the Home Office there should be submitted the estimate of the annual expenditure?—Yes.

33470. I want to follow that, because if the Home Office have to look after the comfort and proper custody of the individual, if the individual is to be the object of their care, it appears that the estimate ought to go to you rather than to the Local Government Board?—Yes, I think so; to the Lunacy Commissioners.

33471. They would be your subordinates then?—Yes.

33472. It should go to you, and not to the Local Government Board?—I think so.

33473. You would be concerned with the annual expenditure and the mode in which the lunatics were being kept and the sufficiency of their treatment in the building erected under the sanction of the Lunacy Commissioners?—Yes, responsible to the country for the reasonable treatment of lunatics, and to the public for keeping the expenditure on a reasonable footing.

33474. Your proposal would be that annually there should be their budget submitted to you with the power of surcharge in the event of it being exceeded?—Yes, the surcharge would go to the Government auditors.

33475. That would not be so, except in boroughs; there are no Government auditors except there?—Will you excuse me going into the details of the way it could be arranged. It is rather difficult to answer straight off. I see your views perfectly; the ones that you are presenting to me certainly have my assent; I only want any reasonable system by which control could be given. We could say, so much is fair for capital expenditure, so much for maintenance, if you want to exceed or go below those sums show us plainly the circumstances. In London you have to spend more than in the country.

33476. You would not interfere with the Lord Chancellor's special right to send Visitors, quite independently of the Home Office?—I should most carefully guard it. I regard it as essential; he is responsible to the country for the administration of justice, no one should interfere with him; it is one of the keystones of the constitution. I would be sorry to see any official of any department attempt in the slightest degree to interfere with a Court of Justice. Constantly in administering the Factories and Mines Acts we have to insist on absolute obedience and respect for the decision of tribunals; we do not want to influence or interfere with them.

33477. (*Dr. Donkin.*) I have been so much in accord with the answers you have given that I have not very much to ask you. One point I should like your opinion on is, on page 6; you note: "Appointment of superintendent. The person appointed must be the resident Medical Officer unless the Secretary of State authorise the Committee to appoint some other person." What is your opinion about that?—It is a matter of detail.

33478. It is not quite immediately within our reference?—I do not think I am capable of giving an opinion on that. I am in favour, as a general rule, of not too great restrictions.

33479. Can you tell me why this was put in?—No, I have not the least idea. Given a good strong Lunacy Board I have not any fear of the result; I should not like to see them too much incumbered that this man or the other man should be appointed, but rules should be made.

33480. "Unless the Secretary of State authorise it"; it is almost necessary to appoint the Medical Officer superintendent of the asylum?—That may be a good rule, but the Lunacy Commissioners would be much better judges than I am.

33481. I have been much interested in all the various powers and duties which you say should exist under the Secretary of State if the whole affair of lunacy were given over. With regard to (*b*) "Powers and duties not expressly provided for" you say, "The Secretary of State, as the Minister generally responsible for all matters relating to the liberty of the subject, would appear to be specially concerned with all questions as to the treatment of persons detained as lunatics or alleged lunatics." Should that include, in your opinion, the definite encouragement of scientific work in connection with the diagnosis and treatment of insanity?—Yes, I should look to the Lunacy Commissioners as at present to give a yearly report. Furthermore, if new systems of treatment should come into vogue it would be very valuable that they should report upon them from time to time, and the report should include anything of interest to the world in so far as the Treasury would give us a grant sufficient to do it. It might be an expensive thing. In that case the Lunacy Commissioners would send up a note to the Central Office and say: "We desire to spend so many hundred pounds." We should look at it and we might say: "I wonder whether we can get this from the Treasury?" We should draw up the best case we could and try and get the money for it, or there might be a yearly sum set apart for that; but we are in the hands of the Treasury there.

33482. I wished to bring out your opinion whether you considered that should be the function of the Lunacy Commission, to direct and encourage scientific research?—It is the most valuable thing they could do—become the great authority in Lunacy, and they could publish yearly a brochure on any point that was really of interest to the medical world, selling it if they could, distributing it gratis if they think it necessary.

33483. Hitherto it has been only incidental, occasionally volunteering an opinion; there has been no encouragement on the part of the State?—It ought to be encouraged as far as we could get funds to encourage it.

33484. You are, I think, aware that we are behind some other countries?—I often hear we are, but I have been to France, Germany, and Belgium lately to see things in connection with mines, and I was very much surprised to find we are not so much behind other countries.

33485. I mean in the publication of this kind of thing?—In the publication of tremendous reports I think perhaps we are behind several other countries, but when I go to the countries themselves I find that we are not so very bad after all.

33486. I only meant in regard to that definite specific matter?—You know that better than I. I think it is a most excellent thing, of course.

33487. I should like to know your ideas of the constitution of the Lunacy Commission as described by you. I think I am right in saying you think it should be a smallish body?—I think a smallish body, to do it perfectly with Inspectors under them, subject to vested interests. I do not want to disturb anybody's present position; it would not be fair. As time went on you could mould it into the right shape; rather a smaller body, I think.

33488. What would be the size you have in your mind?—There are two ways of running this thing, speaking apart from all vested interest, as if you were going to create it to-morrow—you are not in a position which you would be in if you had an absolutely clean sheet. You have the Visitors to consider, the present Commissioners in Lunacy to consider, and you cannot, in my opinion, take and put a pen through the whole of those gentlemen's positions and rights. Supposing you had to constitute the thing from the beginning, there are two different ways you might organise. You might organise it like, say, our factory department is organised. There you have a Secretary of State over all; then you have got Under-Secretaries under him, and then you have the clerks' department. Those have the duty of minuting papers sent up from the factory department. Then you have the factory department, with an extremely able factory Inspector, a man quite of the position of any Commissioner, an extremely able man at the head of it. Under him you have a number of others, a hierachy going down. It would be possible to work lunacy precisely in the same way. I am not sufficiently acquainted with the subject of lunacy to say whether it would be better to work it that way or with a small Board, something like the Prison Commission is worked; it is not very difficult. I say with good men you could do the system any way; I do not see any great difficulty in doing it either way.

33489. Whatever the actual numbers of the body were, it is your opinion there should be represented on that the scientific side of medicine?—Yes.

33490. And the legal element ?—The legal—it would be really important to have one. It is less important because the secretarial staff of the Home Office is generally rather intended to be strong in law. We had a lawyer provided the other day as one of the assistant Under-Secretaries of State. They must keep a knowledge of law there so that legal questions can be dealt with pretty well. We are rather strong on that. But I think the attempt to deal with medical matters without the highest medical advice would be impossible.

33491. You would think it desirable that some of the Commissioners should always have been superintendents of asylums so as to satisfy the practical side of the question ?—You give me a very clever medical man who has had a large practice and a wide grasp of mind, and you can use him to do anything, in my opinion; but I think one or two of them should have had practical experience as well. I would not put it as a *sine qua non*; it is all valuable.

33492. (*Dr. Dunlop.*) In answering Dr. Needham's questions I gather that you are not altogether in favour of the Commission having increased control over asylums alterations; that ought to be left to the local bodies rather than central control ?—I think in theory they should have control over all the cost, but I do not want them to meddle too much, as long as the asylum is efficient.

33493. There might be some little misconception, I think. In the case of the Commissioners finding that an asylum is inefficient, surely the Commissioners should advise and insist on an alteration ?—Yes.

33494. Just as much as they insist on a new building ?—Yes, they must make the asylum efficient, but to make the system go well you must do it with a silken rein, as I said before. You must allow local feeling to have its fair place; you must not attempt to control it unduly.

33495. A central body ought to be able to condemn an asylum and insist on it being gutted out and cleaned ?—Yes. As a decision of a central body is a decision for which the Secretary of State is responsible, he can go to Parliament, he can defend the thing in Parliament if a question is asked. He is a Minister.

33496. (*Dr. Needham.*) Clause 194 of the Lunacy Act in reference to the accounts of asylums provides that "the Visiting Commissioners shall, at every visit to hospital and licensed house, inquire as to the moneys paid to the manager on account of any lunatic under his care." It is an integral part of the Commissioner's duty to make enquiry ?—Yes.

33497. So that of course he always knows whether the patient is receiving value for the money which is paid for him ?—Yes, and that, coupled with the fear of taking away the certificate, you would consider quite sufficient to give control.

33498. (*Mr. Byrne.*) You have had at the Home Office, and in certain other departments, experience of different systems of administration; you have the Factory Department with a single individual at the head of it ?—Yes.

33499. The Prisons Department with the Chairman, and a Technical Advising Board ?—Yes.

33500. The Lunacy Commission, if I may speak of them in this connection, as a Board without a paid chairman ?—Yes. We have the inspectors of mines each of them independent, twelve districts with twelve heads, none of them subordinate to the other at all.

33501. The Reformatory Department on another system ?—Yes.

33502. Before you came to the Home Office you had considerable experience in the Charity Commission, which was another system ?—Yes, that was a Board system, but not subordinate to a Minister.

33503. Have you drawn the conclusion from this wide experience which I should think is rather unusual, that an administrative or executive body ought to have an individual head; that even if it is a Board it should have a head ?—Yes, I think you would have to have a Chief Commissioner who was responsible for what I may call the organisation and arrangement of the whole thing at all events.

33504. Sir John Dorington recommended a paid chairman ?—I should certainly contemplate a paid chairman; a thoroughly effective paid chairman. You would have to have a very good man indeed; you might have a medical man or a lawyer; a broad-minded and well-trained lawyer is wonderfully capable of turning his mind to anything. Get a well-trained lawyer, and you will find there are very few things he cannot tackle.

33505. You are at any rate in favour of a paid chairman ?—Yes.

33506. Who ought to have some greater authority than the other members of the Board ?—Yes, who would be responsible for the going of the whole machine.

33507. The real position of the Lunacy Commission at present is this, is it not, as you contend in your paper, that they are the statutory advisers of the Secretary of State in these matters ?—Yes, subject to the condition that he does not appoint them. It is a very anomalous, curious position, but it may be described as something like that.

33508. There has been talk this morning of "subordinating" them to the Home Office. You do not contemplate any degree of subordination more than at present exists ?—No, I cannot say that at all.

33509. Another administrative point I would like to put to you, because we have had very much talk about it on this Commission; you have very great, probably unique, experience of inspectors under the Home Office ?—Yes, we have a good many different kinds.

33510. Have you ever found that where an inspector is rightly qualified and rightly chosen for any work that he is given to do, the fact that he has a small or a large salary has had any effect on the mode in which he has been treated by the persons whom he has inspected ?—At first answer, no, I have not found that; but of course we should not send an inspector who did not know something of engineering to go and teach engineering to a skilled engineer. We are always judicious upon that point. You must consider whom you send.

33511. That is why I put the proviso; supposing the head of the department manages its inspecting well, there is no difficulty in sending whatever inspector he chooses ?—None whatever. Every little friction that has been, has been the fault of a most unreasonable outrageous employer, and there are a few of them, or sometimes youth and a little inexperience on the part of the inspector.

33512. I think one witness went so far as to suggest the inspector should have £1,500 a year, and if he had to inspect persons of equal or greater salary. You do not agree with that ?—No; the factory of a man who is earning £20,000 a year is inspected by an inspector who is paid £500. The factory inspector comes and keeps a civil tongue in his head; he is taken over to inspect, and treated in the kindest way; in fact the only danger is that he is apt sometimes to be treated too politely.

33513. You expressed an opinion this morning that the powers of the Lunacy Commission should not include any dealing with the property of lunatics ?—Yes.

33514. You leave that to the Law Courts ?—Yes.

33515. Accepting that general principle, I would like to mention this to you, and ask your further opinion. The Lunacy Commissioners have the duty, under Section 100 of the Act, of making inquiry whenever they have reason for believing that a man's property is not being properly applied for his benefit while he is in an asylum. When they have made those enquiries they can do nothing themselves, but they must report it to another department, which will take action. We have had a large number of witnesses who have suggested that as in those cases the property is often extremely small, perhaps a few pounds in the bank, or in a bag at home, why should not the Lunacy Commissioners, or some other body having cognisance of it, deal with the matter at once without having to get affidavits and to go before the Master and so on ?—Provided they deal with it in accordance with the Rules made by the High Court of Justice, and report each case to the Court, that they have so dealt with it, I think there should be something of that kind. I would put the Courts in possession of it and leave the Courts to interfere if they chose to interfere. It would be a sort of delegation. They would do it at the request of the Courts of Justice without any derogation from my fundamental principle.

33516. (*Chairman.*) We have covered the ground pretty well. Are there any other points you would like to add ?—There is one small point, a very little point.

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I do not know whether it comes within the reference. What I mean is, the want of present proper adequate supervision does come within your reference, and I want to say a word upon the effect that that want of supervision has produced. The cost of lunatic asylums varies very much per head. You may get them going nearly as far as £400 per head. If I take an average kind of asylum, such an asylum as Napsbury (it is rather more than the average, it is an average expensive one) there you have a capital expenditure which, when the asylum is finished, will amount to £750,000 for 2,000 lunatics. They have spent half a million at present, and I rather think the other 1,000 will cost £250,000 more; not so much as has been expended, because the administration block which will serve for the whole is finished already. That represents in interest 4s. 3d. per head per week at 3 per cent. I have a return showing that the cost of maintenance in that place is 10s. 3d. Then the 4s. 3d., I should say, includes repairs, so that that makes for the whole asylum something like 15s. a head, per week.

33517. (*Mr. Dickinson.*) Counting repayment of capital?—No, not sinking fund. That could be put, if necessary, for other purposes. Suppose the loan went on for ever, the 15s. per week is what those lunatics cost the state; interest on capital, repairs, and maintenance. If you put sinking fund, you will alter the figure a little. In a computation of this kind I prefer not to put sinking fund.

33518. (*Mr. Greene.*) What rate of interest have you calculated?—3 per cent. I am aware certain local authorities have got their finances into a condition in which they cannot borrow at that rate, but I have put it at 3 per cent. That amounts to a little over £40 per annum per lunatic. It is a good deal, and I am perfectly certain that under the care of a Board of the effective character that I want to give it, and with the effective powers I want to give it, in a very few years you will bring that £40 down to £30. Of course they cannot undo the expensive things that have been already done, but they can reduce in some way the expenses in the future. That is a big figure, because paupers in London cost all told, on the same figures, about 13s. 5d., and convicted prisoners cost 15s. 6d.; local prisoners cost 10s. 7d.

33519. (*Mr. Dickinson.*) There is no interest there?—No, there would not be. If you attach any importance to the figures, I should invite you to get them thoroughly made up. Again, I must say the accounts of the local authorities are not always, and all over the country, kept in a shape which enables a calculation of this kind to be very easily made; more's the pity. Outside London, paupers do not cost more than 8s. 9d., but how far capital expenditure is included in that, I believe passes the power of man at this stage to say, we do not know what the asylums cost; but it all boils down to this, and this is the only observation I want to make upon it—twelve years' experience in the Home Office has convinced me, just as it has convinced us all, that the thing might be done more cheaply, and the only way to get it done more cheaply, with fairness to the lunatic, is to get a thoroughly powerful, well-organised Board to deal with the matter, connected with a Government Department, with a Minister in Parliament for answering all questions about treatment of lunatics, and so on.

33520. (*Chairman.*) And to have control, either direct or indirect, over the expenditure?—Well, an approving control over the expenditure which would be wisely exercised, and subject to the control of the Minister of State, who would not allow the reins to be pulled too tight.

33521. (*Mr. Greene.*) Would not that involve also that the controlling authority should have some power of proceeding to enforce its own directions without going for a mandamus and all that sort of thing. How would your authority carry out its orders?—I think the auditors would do that. The auditors would come and say, "here is your Budget; you have spent so much, where is your permission from the Secretary of State."

33522. It would be through the pocket you would touch them? You would not have any other way, by attachment for instance?—No, if you attach the pocket of a person it would be enough.

33523. (*Dr. Dunlop.*) I think you agree that the 4s. grant could be the controlling power?—Very easily.

33524. (*Mr. Dickinson.*) Does not that mean you recommend that the asylums should be treated in the same way as the prisons?—No, not altogether.

33525. What does it mean?—There, the local authority does not propose to expend so much on a prison and then get it sanctioned by the Secretary of State, as I understand.

33526. Prisons were originally managed by the justices; they have been taken out of their hands and put in the hands of the Prison Commissioners. Does not what you propose come to the same thing with regard to lunatic asylums?—Not quite, because the local authority, under my scheme, have very considerable powers. They put forward their Budget as they think right; all that the central authority has power to do is to disallow any item which appears inexpedient. It is a mere approving power. The central lunacy authority would allow in many instances I hope, and I am sure under the Secretary of State they would, a certain latitude to a local authority that urged its views strongly. I will give an example of what I mean. Supposing there was a lunatic asylum where there was not a threatre or recreation room, and the local authority strongly wanted a theatre. The theatre would cost perhaps £2,000. I am bound to say these expenses rather shocked me at first, but the entertainments that you can get for these lunactics are gratuitous, and cost so little that I am not sure it is not worth while to give them a trial. For £50 a year they get fifteen entertainments for 1,000 people. If you work that out, it is ¼d. a man, I think, per entertainment. Supposing the local authority wanted to build a separate recreation room, which I think is unnecessary in the majority of cases, the matter would go up to the Lunacy Commissioners, and they might say. "Well, we think it unnecessary," so you refer it back to ask that it should be discussed at a general meeting of the local authority, and if the local opinions were strongly in favour of it, they would say, "We do not very much think it necessary ourselves, but really, if the local people want it very strongly, let them have it." I want to show that the control would only be exercised when it is really necessary.

The Right Hon. Sir Arthur Kekewich, called and examined.

The Right Hon. Sir Arthur Kekewich.

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33527. (*Chairman.*) We are exceedingly obliged to you for coming to assist us in this Inquiry, and for the statement which you have given us. May we put it on the notes?—If you please.

Statement of the Evidence Given by the Right Hon. Sir Arthur Kekewich.

There are two points on which it occurs to me some observations may be useful to the Commission.

(1) It has been proposed that the jurisdiction in Lunacy now exercised by the Lords Justices with the assistance of two Masters in Lunacy and a staff of Clerks shall be transferred to the Chancery Division and be exercised by the Judges of that Division and their Masters. I am not sufficiently acquainted with the transaction of business in Lunacy to express an opinion whether such transfer would be of advantage, but I am clearly of opinion that the business could properly be done by the Judges and Masters of the Chancery Division, all of whom are necessarily familiar with business of an analogous character. I do not think that the Judges would have any difficulty in finding time and convenient opportunities for the disposal of such part of the business as would properly come before them, and though I cannot speak so certainly about the Masters, I believe that they also could undertake their part. I do not suppose that the Commission would wish me here to go into details, but it may be worth while to remind them that the Chancery business is distributed among six Judges, working in groups of two each, with four Masters attached to each group, and I think that if the Lunacy business were transferred it ought to be distributed in like manner.

What business is to be done by the Masters and what reserved for the Judges will require consideration.

(2) There was assumed by the Court of Chancery, and there is now assumed by the Chancery Division, jurisdiction to deal with the property of persons of weak mind for their benefit. What is the foundation of that assumed jurisdiction I am unable to say, but it has again and again been asserted and exercised. I think it would be of advantage to place that jurisdiction on a sound footing and to extend it so that the Court may be able to make orders respecting the property of persons of weak mind on the lines now adopted with reference to the property of infants. Except when there happens to be a fund in Court, I do not think that any practical difficulty often occurs, because most persons are willing to transact business on the assumption that a man not proved to be insane must be taken to be competent to contract or execute a deed, but, nevertheless, I think that it would be an advantage for the Court to be empowered to bind persons of weak mind in dealings with property. The definition of a person of weak mind is, of course, difficult, but in the cases to which I have referred in which the Court has assumed jurisdiction, medical evidence of incompetence is always forthcoming in sufficiently clear and strong terms.

I have submitted these remarks to my brethren of the Chancery Division, and am authorised by them to express their concurrence therein.

(*Signed*) ARTHUR KEKEWICH.

19*th December*, 1906.

33528. (*Chairman.*) You wish to add something, I think ?—I wish to say that my statement was prepared under considerable pressure, and as I understood you would like me to show it to my brother judges, that added very much to the pressure, and it is not quite so full or precise as I desired. There are two points which, if you will allow me, before you go into anything further, I should like to make an observation upon. In the first place I understood that there was no proposal before the Commission to transfer the inquisitions to the Chancery Division. I think Lord Justice Cozens-Hardy implied that in his evidence, and I think also Mr. Christopher James; but one of my brother judges pointed out to me after it had gone in, that my statement might be construed as meaning that I thought it desirable to transfer the inquisitions also, which I certainly should not. It would be quite impossible for the Chancery Judges to undertake the inquisitions; I mean where there is a dispute, not where there is an order requiring only affidavit evidence, as is generally the case and there is no opposition, but where there would be an inquiry before a Judge or a Master, I am satisfied that it would not be convenient, if they were competent for it, for the Chancery Judges or their Masters to undertake that. That duty, I think, would have to be left in some other hands. One other matter is this; I never intended to suggest, and I think I have not suggested, that the personal care of the lunatic should be put under the Chancery Judges. I thought it possible I might be misunderstood on that point, because of course we do undertake the care of infants to a great extent. We do not do it quite satisfactorily, I think, but we do a great deal. I could of my own experience give a good many instances where one does look after even the most minute matters connected with infants, and require from time to time statements respecting their welfare. I do not think it would be possible for us to do that with regard to lunatics. It would be a very large addition to our work. Besides that, though I am not very familiar with it, I believe the lunatics are all now visited by thoroughly competent men, who send reports to the Lord Chancellor of a confidential character. That work is very well done. Of course it is entirely a different matter to the care of infants. There is a great deal more than the physical comfort concerned where mental weakness comes in. On the second part, the control of the property of feeble-minded persons, I want to make one correction, but perhaps you will leave that.

33529. It will probably come out in the course of question and answer. The suggestion has been made that the administration of the affairs of lunatics might be transferred to the Chancery Division, and as regards the persons, of course it would be quite easy for the Chancery Division to communicate to any Board who might be entrusted with the care of lunatics and to ask them to see, or to instruct them to visit, any particular lunatic, and see that they were properly cared for ?—Certainly.

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33530. There is only one other thing; that is in regard to the inquisitions; if the Masters work as regards the care of the property is transferred to the Chancery Division who do you suggest should undertake the inquisitions ?—It is now done by the Masters, or a Judge of the High Court. I should have thought a Judge of the King's Bench Division might do that. I do not see how a Judge of the Chancery Division could go into the country to do it at all, and it would not be convenient to move a Judge of the Chancery Division from his proper work, even in London. These inquisitions take a very long time, and sometimes are held before a Jury. I have had some little experience at the Bar in Lunacy Inquiries, but only one before a Jury, and my own opinion was that it was a grievous miscarriage. The man is dead who decided it, but I thought at the time it was very much due to want of power on the part of the presiding Master to direct and control the jury, which a Judge of the King's Bench Division, accustomed to deal with juries, would exercise. As regards my experience in inquisitions before a Master, they were always thoroughly satisfactory.

33531. (*Mr. Greene.*) You mean Master alone, without a jury ?—Yes. I was engaged in several from time to time, and they were all quite satisfactory.

33532. As you have begun with that part, I would like to ask you this; whether, if the suggestion of Lord Justice Cozens-Hardy were carried out, that instead of the Lord Chancellor inviting to act as his Commissioners the Lords Justices of Appeal and the Master of the Rolls, he were to ask the judges of the High Court, that would be the mode of procedure, and they would have to be then the Judge in Lunacy, because Section 108 of the Lunacy Act, 1890 says this: "The jurisdiction of the Judge in Lunacy under this Act shall be exercised either by the the Lord Chancellor for the time being entrusted by the Sign Manual of Her Majesty with the care and commitment of the custody of the persons and estates of lunatics, acting alone or jointly with any one or more of such Judges of the Supreme Court as may for the time being be entrusted as aforesaid, or by any one or more of such Judges as aforesaid." What the Lord Chancellor would have to do to carry out Lord Justice Cozens-Hardy's proposal is to make the Judges of the High Court, Chancery Division, the Judge in Lunacy ?—There would be no difficulty about that, I think.

33533. Then if he did that as judge in Lunacy, he would have to deal in a certain sense, unless it were altered by statute, with the ordering of inquisitions ?—I do not think there is any difficulty about that.

33534. It is only the holding of the inquisition that you referred to ?—Yes.

33535. If that is made clear, that is all right ?—Yes, either with or without a jury.

33536. If the directing of an inquisition to be held could be ordered by one of the judges of the Chancery Division, which it is quite obvious it could—he has affidavits to satisfy him—he could order it to be tried by anybody whom the Lord Chancellor should substitute for the present Masters in Lunacy, to whom the Order is made ?—Yes, or he could direct a judge of the High Court to do it.

33537. The Lord Chancellor under Section 94 of the Lunacy Act 1890, would have to make this Order: "Wherever the Judge in Lunacy"—which would mean the Chancery Judge—"orders an inquisition before a jury, he may by his order direct an issue to be tried in the High Court." So that there will be no difficulty in one of the linked judges ordering an issue to be tried before one of his brethren of the King's Bench Division ?—Not the slightest, no more than as at present the Lords Justices doing it.

33538. Then at present the practice is when the Order has been made by one of the Lords Justices acting as judge in Lunacy they do not select a judge, they communicate with the Lord Chancellor, who asks one of the judges of the King's Bench Division to take it. I am citing Lord Justice Vaughan Williams' recent statement ?—Yes, no doubt that is so. The judge might be on circuit.

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33539. Just as it is now the judge would say, "I direct an issue to be tried on the Oxford Circuit at Stafford with reference to a case for an injunction," or anything else?—Yes.

33540. If it is left in that way after a transference of the Masters to the Lunacy Commission, or amalgamation which is provided for by Section 337, the Chancery Judge would simply say: "There being no jury trial I direct it to be tried before some one acting as Master in Lunacy" ?—Yes.

33541. Then it would come down, whether contested or uncontested; it could be contested before the Master, though it is very rarely it is in Lunacy in the ordinary way? —Yes.

33542. So that by a very simple arrangement if the amalgamation were carried out someone belonging to the Lunacy Commission clothed with the powers of a Master in Lunacy would by an Order of the Chancery judge try these unopposed or even opposed non-jury cases?—Yes.

33543. That would make it work out as smoothly as possible, leaving the administration of the estates to the Chancery Division?—Yes.

33544. Which of course they are more familiar with than any other department?—I think so.

33545. We have had evidence from two Masters in Lunacy and a Taxing Master with reference to the means they have got within their occupation to deal with these matters. You have no reason to doubt they could deal with it?—I will not say I have no reason to doubt; I think it could be done; but I have made a good many enquiries, and the time of the different masters is more or less fully occupied except as regards one or two. I believe you have had Master Burney here.

33546. We have, and Master Walker?—Both those are very experienced Masters, and Master Burney is notoriously a very rapid one. They find the time long—I will not say heavy—on their hands, but they have time to spare. I have, with Mr. Justice Joyce, four Masters who perhaps are not so quick, but are thoroughly competent to do their business, and they find their time fully occupied, though they say they would do their best to take their share, one-third of the business, if it is transferred, and probably will find the time, though at present they do not see where the time is to be found.

33547. (*Mr. Chaywyck-Healey.*) Master Walker, when he was here yesterday, expressly said that they had had a meeting of all the masters, and all the masters had agreed they could take over the business?—Yes, my masters so instructed me that they would say they would take their third, but at present they are fully occupied. That is not so all through, no doubt.

33548. I thought it right to point out that they had had a meeting of the masters for the purpose of considering this question?—I understood they had had a meeting. The spokesman of my own masters said though they did not see where they could find the time, no doubt, they could manage to do their share if it was transferred. They are not making the slightest difficulty. Sometimes there is much greater pressure in one set of chambers than in another.

33549. (*Mr. Greene.*) I need not trouble to take you through the routine of the office hours which they have given us, but it cannot be allowed to be said that it would cripple the work of Chancery?—No, I do not think so, at present. I should like to say that I should protest strongly against anything that increased the number of Masters. We have twelve now divided between three sets of judges and four are as many as any judge can deal with. I should be very sorry to have a fifth.

33550. That does not apply to Taxing Masters?—No, I am quite prepared to deal with the taxing question. That is another thing.

33551. Your remark that the number of Masters should not be increased only applies to the Chancery Masters?—Twelve Chancery masters divided into three sets of four each.

33552. As regards that remark you made just now that you do not wish to take over in Chancery the management of the persons of lunatics, that at present is done by the Master in Lunacy?—Yes.

33553. There is no reason, apparently, why the person of the lunatic and his Committee should not be managed by the Lunacy Commissioners or the Masters in Lunacy amalgamated with them; but you draw a distinction between managing the persons of the lunatics and managing the persons of infants?—Yes.

33554. Is there any distinction?—Will you allow me to give you an instance which occurred to me on Monday? Some few years ago I placed a girl (she is now I think twelve years of age) under the care of an aunt in preference to the care of an uncle and his wife. There was a great dispute. It came before me on Monday to consider how far that should be renewed. I renewed it for five years, but certain difficulties were raised on the part of the uncle about the way in which the girl was treated, and I thought they were worth attention. So I said to the solicitor: "Will you arrange when I come back in January that Mrs. A," (the aunt) "shall call upon me, and I will discuss with her the question whether the governess which she is under is quite up to the work of to-day," and some other little matters which had been mentioned. I am also going to discuss some matters about teaching, besides the governess. I can do that. I shall see the lady; she will come into my private room, and I shall see the girl if necessary, probably not in this case. I can go to my table with the freedom of a judge talking to a lady in that way, and I can go into full particulars and get a full report; I take a note of it, and probably put the note on the proceedings, so I can exercise great control over that girl. I do not think it is possible for me to do it as regards a lunatic. That is the commonest possible occurrence.

33555. In the case of the number of lunatics and the number of persons under Section 116 who might require that control, it would be absolutely insupportable?—Quite.

33556. The administrations of the persons of the lunatics and the vigilance over the Committee for the person could be dealt with by the Lunacy Commission if there was amalgamation, leaving all property matters to run through the court as they do now?—Yes. Of course there are the medical visits, which would be very difficult to take in hand.

33557. But I take it you would reserve to the Judge in Lunacy, which you would then be one of, you would be one-sixth part of the Judge in Lunacy, the right to send off an inspector, or get an adviser if you wanted it for any matters if they arose; you would have power to do that? —I feel great difficulty about that, it is a very large undertaking.

33558. The Lord Chancellor has to see everything with regard to lunatics through the eyes of the Judge in Lunacy? —Yes.

33559. At present, whether independent of them or conjointly I am not sure, but he has the right to have visitation, by his own Visitors, of anybody?—Yes.

33560. Do you see any objection to allowing the Judge to have access to anybody who is discharging those duties for the Lord Chancellor, if occasion arises?—No, I do not see any objection to that, but I do see objection to making the Judge responsible for the person and care of a lunatic, as distinguished from an infant.

33561. We had evidence this morning from the Assistant Secretary of State for the Home Department who rather suggested that the Home Office should control the Lunacy Commission, that the Lunacy Commission should have upon it a number of Visitors and that the Court should be able to send down for any one of those people for any information they wanted with reference to the person of a lunatic. There would be no difficulty in your being allowed to communicate and give orders for special reports?—No, but I hardly know to what I am committing myself.

33562. (*Mr. Chadwyck Healey.*) If any particular point were brought to the attention of the Judge, indirectly or otherwise, there would be no inconvenience in the Judge sending a note to the Lunacy Commission, or whoever may have the charge or direction of the Committee of the person, to look into it, perhaps to advise or something like that?—No more than what I have just done only yesterday, to send down a man far away from London during the Christmas vacation to report on some pictures whether they should be sold or not.

33563. (*Mr. Greene.*) That would cover the ordinary powers of a Chancery Judge ?—Yes.

33564. He would have the same powers as if he were acting as a Judge in Lunacy ?—Yes, but the responsibility of the care of a lunatic is a very delicate matter.

33565. I quite feel that and I believe everybody acquiesces in that view, if I may say so ?—I had some experience early in life of lunatics under very good hands, and I know how troublesome it is.

33566. With regard to the taxation of costs I should like to get on record this: up to 1889 the taxation of costs in lunacy was done by the Chancery division ?—I cannot tell you that. I daresay it was so.

33567. You were a member of a very distinguished Committee of Judges and others who reported in 1902 ?—Yes.

33568. And then you drew up some draft rules. In your report you state it. The earliest record I can find of it is that under the Lunacy Act of 1853, there was a rule that all taxation of costs in lunacy should be done by the Masters in Chancery, and from 1853 till the death of Mr. Bloxam, or till Mr. Bloxam gave up, I do not know when it occurred, 1883 or 1889, that was so. Now taxations in lunacy are nominally under the control of the Masters in Lunacy, but are in fact done by a first class clerk, formerly a clerk to Master Bloxam of the Chancery Taxing Office, who at one time took all the lunacy taxations. That, I suggest, was done under the rules of 1853. This official is responsible for these taxations and his time with a junior clerk is fully occupied. Your Committee then recommended that there should be a transfer to the central department, and apparently contemplated that the transfer should operate at once, but after that report was made, and after your proposed rules were made, there was interposed a limitation upon the lunacy taxing, that it should not come into operation until further order ?—Yes.

33569. Which has never been made ?—Why, I do not know.

33570. So that the proposal that you made was merely to restore to the Chancery Division its former work ?—I had forgotten that. The Committee was the outcome of discussions which had been going on for some time, I think I had taken part myself, about the great advantage of having all the taxation of costs in one office. I served on the Committee over which the Lord Chief Justice presided, and we all thought I think that there would be great advantage in transferring all the costs from every part of the building into one department. Sir Francis Jeune, as he then was, the President of the Probate and Admiralty Division, at first assented to these costs of Sub-Divisions coming over and then after seeing his officers made some difficulties, and rather than delay, we said we should omit those, but we certainly intended the lunacy costs to come over, but I know that they have not.

33571. Your report suggested it and your rules carried out your report ?—Yes, we intended it to be done. I have been very much interested in the result, and I have made it my business to observe how that system has worked and it has worked admirably.

33572. Which system ?—The transfer of all the costs, all the King's Bench costs, Chancery costs and the Bankruptcy costs, are now taxed by one body of men; they all sit together, they communicate together; they have no Board to which they can refer any particular question; we contemplated that at one time at the Committee, but as a matter of fact they do discuss matters together, they lay down rules for each other by meeting, and the result is that we have got a code guiding them which is very much to the advantage of the suitor and makes all the costs taxable on one principle; very few cases of review come before the Court, and although, unfortunately one is bound now and then to differ from the Masters, it is never because they have not taken great trouble about it, or because there is any fault to be found with the way in which the work is done. I cannot conceive that there would be the slightest difficulty in taking over lunacy costs to-morrow and taxing them the same as they do King's Bench costs, Chancery costs and bankruptcy costs.

33573. The appeals to you are rare ?—Very rare.

33574. And mainly on questions of principle ?—Never on *quantum*. Personally I never should allow counsel to argue a case of *quantum* unless it was something gross, which never occurs.

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33575. What seems to me a rebuff to your Committee, if I may use the word, in not putting your recommendation at once into practice has not been explained to us. Can you explain it ?—I cannot explain it at all.

33576. The taxation is conducted in all other departments, as is pointed out, by Taxing Masters who have a statutory qualification of at least five years as solicitor or barrister under the Act of 1879. Do you consider that is essentially a wise rule, to have a professional qualification ?—I should think so. There is a difficulty about barristers. The Taxing Masters are appointed from the Masters, and Masters may be barristers; there is a difficulty about a barrister taxing costs.

33577. But a non-professional man who has had no qualification ?—It is quite impossible.

33578. It must be either one or the other, but for preference a solicitor; it is more germane to his work ?—Yes.

33579. But you would hold it is not right that costs amounting to £70,000 or £80,000 a year should be adjusted by someone without professional training ?—Certainly not.

33580. Is there anything else you were going to say about taxing ?—No.

33581. Now I will pass from that to ask you a question on another point. The Official Solicitor has been before us and been good enough to give evidence. He comes before you in the capacity of Official Solicitor, and you have to send cases to him ?—Frequently.

33582. Has it occurred to you to think over the desirability of an Official Solicitor, having regard to the nature of the work you have to put in his hands, especially if lunacy were thrown over to you, being a person who is paid entirely by salary and devoting his whole time to it, like the Solicitor to the Treasury does in all other matters; he acts for the King's Proctor in all matters, and other matters connected with the Treasury and some other departments. Has it occurred to you whether it is better to have a person like that or whether it is advisable the officer should be paid a salary and allowed to conduct a partnership business and himself act as Official Solicitor ?—I suppose the present Official Solicitor is paid by salary. I think he accounts for all his fees.

33583. Is not he allowed to make profit costs ?—I think not.

33584. (*Mr. Chadwyck-Healey.*) I think he said the contrary ?—I was under the impression that he put nothing in his own pocket; he does not under the Judicial Trustee Act.

33585. (*Mr. Greene.*) He mentioned that; he said he was allowed a small commission, he phrased it; he is on the estimates for £500 year, and he is also in partnership. I would rather not deal with the individual case; a more excellent personally adapted man I can hardly imagine ?—That is the difficulty about answering questions about the office.

33586. I want to get the office dissociated from the individual ?—I often communicate with Mr. Winterbotham when I am taking non-witness business, which I have been doing since the long vacation, sometimes two or three times a week, and see a great deal of him and know his value.

33587. I wish, if you will allow me to say so, most cordially to support your view of it, but I was going to see if extended power is given to bring more estates into the working of the Chancery Division and further powers are provided for dealing with feeble-minded people, whether it would be desirable to have someone who is appointed Committee of the person and who should deal with estates, who should have what I may call conflicting temptations or interests outside those which he may be appointed to serve ?—I am afraid I have not considered that question. I do not think you can much increase Mr. Winterbotham's work safely. He is, to use a vulgar expression, a glutton for work, but you may overtax the machine.

33588. With reference to judicial trustees, he is appointed, he tells us, as judicial trustee in several small estates of lunatics, and as regards being Committee of the

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person by himself, he in his particular case is allowed to send his clerk round as Visitor instead of paying personal visits ?—I know nothing about that.

33589. (*Mr. Chadwyck-Healey.*) The Official Solicitor said when he gave evidence here (*Question* 29114): "I receive a salary for official work. The bulk of my duties is to represent infants and lunatics, persons who are under disability. Of course all the expenses and costs are discharged out of their estates. But I have a great many other duties connected with the Court, reporting to the Judge on matters, seeing all kinds of people sent by the Judges to me, visiting prisoners committed for contempt of Court, and a variety of other duties for which I have no remuneration otherwise than by my salary. Therefore they pay a salary for those duties and pay also £350 to my principal assistant by way of remuneration." In another place when he was asked the question (*Question* 29172), "Are you entitled to such costs as a solicitor would ordinarily be entitled to in carrying on business, litigious or non-litigious, which comes into your office," he says "Yes. When I was appointed it was distinctly understood that I should not put upon the Treasury any expense I incurred when I was instructed by the Court to take action on behalf of different estates. Therefore the Judges always see if they employ me that provision is made for paying me out of the estate which I have to deal with" ?—Yes, it is my mistake. I knew he was paid, I am continually seeing that, but I thought he accounted for the charges and that the State got the benefit of it as against his salary.

33590. Apparently not ?—It may be so. I am sure Mr. Winterbotham is not an over-paid officer, because he does his work very well, but I am under the impression that he is well paid.

33591. (*Mr. Greene.*) It is more a matter of general argument. Now with reference to the weak-minded ?—There is one point I want to mention before going to that. I have read some remarks in some of the evidence, particularly that of Master Fischer, about the proceedings before the Chancery Judges and their Masters, in which he seemed to doubt whether privacy could be secured in lunacy according to the present practice which prevails in Chancery. I think he must have forgotten his own experience. I could not myself speak to what goes on in Chambers, but in Court, though as Master Fischer says, we hear these matters in Court because it is more convenient to do so there than in any other room, it is perfectly private and generally only the parties engaged in the particular case are before the Judge, and if there is any reason for keeping the matter quiet, you take care that those who are waiting at the door, do not come in—there is no difficulty about it at all. Whenever you are dealing with an infant you always hear the case *in camera* if there is the slightest reason for it. It is quite true the Judge sits in Court, (as I think one of the Members of the Commission pointed out, he sits on a lower seat), but it is only because the Court is more convenient than any other place. But I thought I had better inquire about the proceedings in Chambers before the Master, and I have before me a letter written by my senior Master in which he says this:—"The Chambers occupied by the Masters are private, and this was held by Sir George Jessel when Master of the Rolls, who forbade the taking of shorthand notes of proceedings on this ground, distinguishing Chambers from the Courts which are public, except when a Judge directs a case to marked 'In Camera.' As a matter of practice the room of the Master is usually full of solicitors and their clerks from say 11 to 12 or 12.30, when ten or even more cases on summons are disposed of by the Master, but appointments from 10 or 10.30 to 11 and from 12 to 12.30 to 1 and from 2 to 4 are usually only attended by the solicitor engaged in the particular case, and the Master can always, and does occasionally, require persons not concerned in the case to withdraw, a request which is always at once complied with. I have discussed your Lordship's letter." (I wrote him a letter of inquiry) "with my colleagues Master Clark, Master Hewlett and Master Villiers, and they all concur in what I say." I believe that to be the practice in all the Chambers.

33592. So that we may rely on it there is complete privacy, when privacy is required, well within the powers of the Judges and the Masters ?—Yes.

33593. When the Judge is sitting in Court, it is only because it is a more convenient structure to occupy than his private room, but for all purposes of administration of justice it is a private room ?—Yes.

33594. I ventured to point out to Master Fischer that within my own experience a Judge had sat in Court to hear a matter in which I was interested, in which there was nobody else but the parties concerned in it, and he said it must be something indecent; it is only indecent cases ?—No. Something occurred about there being six Judges.

33595. That is a point entirely cleared up. It may have been a misapprehension of the meaning intended to be conveyed by Lord Justice Cozens-Hardy, who sent us an express message to say his suggestion is that the Judge in Lunacy shall be the six Judges of the Chancery Division, that they shall have a rota allotted to them, and the particular matter the Masters would take according to the initial letter, so the six Judges in Chancery would be the Judge in Lunacy instead of the Lords Justices and the Master of the Rolls ?—Quite so. What I wanted to explain was, there are really three sets of Judges. We work in groups of two each. One is trying non-witness business, takes all the summonses, infants' cases and the administration cases, while one is trying witness actions only. That has been arranged now for some years, and has worked thoroughly well. The question obviously occurs how you manage with a particular infant, or a particular estate. The answer is simple enough, that a Judge always retains control over any estate in which he has gained exceptional experience. If it would come before the other Judge in the ordinary course, either he himself or the Master before whom it comes to him consults the Judge who has had seisin of the case, and says, "Will you take this at 4 o'clock some afternoon"? Between Christmas and Easter, when I shall be taking witness actions, I venture to say there will be no week in which I shall not give up one afternoon in the week to hear cases the importance of which has cropped up in the Sittings between October and Christmas, so we get rid of any difficulty of that kind; continuity is retained whenever there is the slightest reason for it.

33596. The misapprehension is entirely explained. It shows that an individual Judge, although he is linked, can retain seisin of his case ?—Yes. The case I mentioned to Mr. Chadwyck-Healey just now of having sent a man down to report on some pictures Mr. Justice Joyce will never hear of. It will be brought before me.

33597. There was another objection put forward, that there is not the same security for the possession of the assets of a person according to the Chancery practice as there is in the Court of Lunacy. We understand in the Court of Lunacy all the securities belonging to a lunatic are deposited in Court or placed in a bank so that the Court itself has got them within its grasp. Supposing the administration of property were sent over to Chancery from Lunacy, I presume you have got equal means ?—The same. I always insist on an infant's estate coming into Court if it is not vested in competent trustees, and sometimes even then.

33598. With regard to the custody of title deeds, what do you do ?—We very seldom have any question about them. They can be deposited, of course. Generally some arrangement is made for deposit at the bank in the names of two persons.

33599. You would feel no difficulty about that ?—No.

33600. I have understood that that is one claim for superiority in Lunacy, that they give more effective protection to the assets than the Court of Chancery is in the habit of doing ?—I think we take care of the assets of our infants.

33601. Such details as ordering securities into Court or into a bank can be arranged ?—Yes. We do not take title deeds into Court more often than is necessary, because if they are deposited they can only be looked at by order, and if you want to look at one document you have to get an Order.

33602. That could be simplified in the case of lunatics ?—Yes.

33603. The practice in Lunacy so far as that is concerned could be easily followed if the transfer took place ?—Yes; we transfer all funds brought into Court into the name of the Paymaster-General.

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33604. I put to Master Fischer the case of foreign bonds, or bearer bonds of any sort possessed by a lunatic, and he said they would order them to be deposited at a bank in a box, and in that way the Court of Lunacy has got control over them ?—That is only a matter of detail.

33605. It could be very well adjusted ?—Yes.

33606. You said you would like to say something on the subject of the feeble-minded ?—Only this, I am afraid my statement, if properly read, implies more than I intended. The Chancery Division, as far as I am aware, have never assumed jurisdiction to deal with the property of persons of weak mind for their benefit (I am quoting my statement) except where that property has been under the control of the court. Reading the whole, I think that is implied ; but it occurred to me in reading it over that that might be readily misunderstood. We have never assumed control over any other property, but that which is under the control of the court. A large jurisdiction has been assumed.

33607. What you said occasioned a little difficulty in my mind, and I asked Master Burney about it. He said it was mainly where the person was of such feeble mind that it was uncertain whether he could dispose of dividends which should be paid to him, that you substituted someone who should be a receiver of it for him ? —Yes.

33608. What were the cases that were in your mind ? —I have never known a receiver appointed for property outside the control of the court.

33609. He meant in the court ?—The common case (it is not at all an uncommon occurrence) is when a person of weak mind, it may be senile debility, or something equivalent to that at an earlier age, requires to be maintained, you pay the dividends on the fund in court, and if necessary part with the corpus to some person who is found to be competent, on his undertaking to apply the money for the benefit of the weak-minded person. You get his undertaking, nothing more. He is sometimes called *quasi* guardian—a very poor phrase.

33610. It would be held to be a release if the lunatic died. The next-of-kin administering his affairs, the feeble-minded person dying, would have no claim against the person who had been so ordered to receive the money ? —Not if the jurisdiction had been properly exercised. I communicated to Mr. Chadwyck-Healey a case which occurred to me a fortnight ago. I have a man of twenty-seven—therefore, I mean beyond his majority—who is suffering from a combination of diseases, and I have the evidence of two medical men that he can only live for five years at the outside. I have a scheme put before me for applying a small sum to which he has become entitled, a legacy which is in court, in such a way that it will be exhausted in seven years by using the corpus. With certain restrictions (I have taken care the case shall come before me again after a lapse of time), I have made the order. It is a strong thing to do, but I have done it.

33611. If he recovers, he would be able to raise the question whether you had jurisdiction to do it ?—Yes. The jurisdiction has been asserted in so many ways that it is impossible to doubt it, but I do not know where it comes from.

33612. Anyone making a payment would be held to have discharged his obligation, on the receipt of the person ?—I suppose if there were no jurisdiction, the Treasury would have to make it good.

33613. Somebody on behalf of the Law Society proposed a somewhat ambitious scheme for dealing with the assets of weak-minded people—thriftless people—spendthrifts. It was suggested that the Chancery Court should have power to enjoin the spendthrift and control his money, but that is not the jurisdiction hitherto claimed for the Court of Chancery ?—No ; the case I was pointing at would never have come before me—I do not think anyone would bring before me a case of this kind : an infant is entitled to a ninth share of an estate ; the other eight persons want to sell. The difficulty is about the infant selling. He is seised in fee. He has the powers of a tenant for life under the Settled Land Act, but cannot exercise them because of his infancy. They come to me, and I appoint somebody to exercise those powers on behalf of the infant, and invariably have the money paid into court, unless I can have it paid immediately, some small sum, for his benefit ; I have power to do that. If a man is a weak-minded person, there is no means of getting round that, except by going into lunacy.

33614. The jurisdiction which the court exercises is nothing approaching the sort of jurisdiction we have been suggesting the court should be clothed with ?—No ; I could multiply that, but that is a good illustration.

33615. The sort of suggestion that has been put before us is that the Chancery Division should have all the powers that a *curatelle* has, or a family council, or something of that kind, of really looking after the moral and pecuniary welfare of any person proved to be feeble-minded, but there is no claim to that ?—No, I cannot go as far as that.

33616. There is only one other matter, that is to ask whether you have had an opportunity of thinking whether the transfer from lunacy to the Chancery Division could be effected without statutory alteration, only by making rules and orders ?—I have not been able to go into that exhaustively, but it seems to me as Lord Justice exercises his powers, as Lord Justice Cozens-Hardy pointed out, not because he is a Lord Justice, but because he is appointed under the Sign Manual. As far as I know, there is nothing to prevent the Sign Manual being granted to the judges of the Chancery Division. If that is the correct view (I am not aware of any answer to it), the whole jurisdiction which is now exercised by the Lords Justices could at once be transferred to the Judges in Chancery, or any number of them. That would be the jurisdiction. As regards the administrative part, if the committee was right, which I cannot help thinking it was, in saying that the taxation of costs might be transferred, the section seems to point to everything else being transferred by rules and orders. Costs are expressly mentioned. I have not gone into all the statutes to see, but so far as I know, it is always the Judge in Lunacy, and he derives his authority under the Sign Manual.

33617. There are amalgamating powers given to the Lord Chancellor to amalgamate the Lunacy Masters and the Chancery Visitors with the Commission in Lunacy, but there has no suggestion been made up to the present by any Royal Commission or any authority I can trace, for absorbing Lunacy in Chancery, which is now proposed. You say no difficulty has been pointed out ?—I have not found any.

33618. Nothing occurs to your mind ?—I looked at some of them, but it would require to look at every Act of Parliament to see that in no section was any jurisdiction given to any other person but the Judge in Lunacy. He is the person nominated by the King, as I understand it, by the Sign Manual. Lord Justice Cozens-Hardy explained that that is his only authority, and it has been so ever since I have known it.

33619. The Judicature Act 1873 excepted Lunacy from the general fusion of the courts. The Act of 1873 was repealed by the Act of 1875, which gives power to the Lord Chancellor to nominate certain judges to deal with it. That was repealed by the Lunacy Act, 1890, Section 108, which gives the present arrangement whereby the Lords Justices have the Sign Manual for their jurisdiction?—Yes ; not because they are Lords Justices. A Lord Justice who had been sworn in as Lord Justice, and might reverse a decision in the court below, could have no authority in Lunacy until the Sign Manual arrived.

33620. A body of solicitors in Liverpool have expressed a wish that the administration of lunatics' estates so far as their Palatinate may be concerned, should be dealt with by the Chancery Court of Lancashire ; that would relieve the Chancery Division of such work, and Durham or any other Palatinate Court might set up the same claim. Does any objection occur to you upon that ?—I should have thought if this proposed scheme were carried out it would naturally, logically follow that the Palatine Court of Lancashire would have its jurisdiction in lunacy just as it now has in Chancery.

33621. For the administration of estates ?—I am not sure that if that was done I should not suggest a little extension, because it is now easy to get a matter out of the Palatine Court into High Court.

33622. Is that done by application ?—I speak with some experience, because for ten years I had assigned to me all

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the Liverpool and Manchester cases which did not come into the Palatine Court. They were continually transferring. One easy way of doing it is: A brings an action against B and C, a proper action in the Palatine Court, and B appears there, but C, appears in London, that appearance operates a transfer, according to the present practice. If Lunacy matters are placed within the jurisdiction of the Palatine Court, they ought to stay there.

33623. Is there any suggestion that their registrars or their officials should deal with the person and the Committee?—The same would apply.

33624. That should be still kept outside?—Yes, there is an excellent Vice-Chancellor; he can look after his officers in the same way as we do

33625. You would not let him deal with the purely lunacy matters?—Only so far as the Chancery Division practice goes; I should assimilate them.

33626. Supposing there are small estates under £20 a year, the county courts have jurisdiction to administer estates of that kind; is there any reason why they should not administer small estates of persons of unsound or feeble mind?—Not that I know of, care being taken that it does not cost more.

33627. (*Dr. Dunlop.*) In answer to Mr. Greene, you said in your opinion it is essential that the taxing Master should have a professional qualification, not as it is at present in the Lunacy Department?—I did not say "not as in the Lunacy Department;" I have not a word to say against the gentleman who does the work in the Lunacy Department, I know nothing about it. In the taxing office I should certainly have a professional qualification.

33628. Is the qualification of a chartered accountant such a qualification as would be suitable?—Certainly not.

33629. They could not be efficient taxing Masters?—Certainly not.

33630. (*Mr. Byrne.*) Under Section 116 (d) of the Lunacy Act Orders are made when it is proved to the satisfaction of the Master in Lunacy that A B is a person of mental infirmity, incapable of managing his affairs. Those Orders are for the administration of property?—Yes.

33631. Therefore under the proposal which you have approved I understand they would go to the Masters in Chancery?—Yes.

33632. Is it not a peculiarity of Orders made under Section 116 (d) that they not merely relate to the administration of property, but they are in fact practically a decision as to a man's state of mind?—Practically.

33633. The first Order differs from all others?—So it is in the case I was mentioning where we deal with property in courts for the benefit of the person. We cannot do it until we are satisfied that there is complete incapacity It must be so.

33634. Would you give those first Orders to the Master in Chancery to deal with as if they were mere administration Orders or would you give them to the person vested with the authority of a Master who would deal with inquisitions and so forth; they partake of the nature of both?—Yes, I do not know how far those Orders go.

33635. We have been told they are very numerous, that twice a day the Masters in Lunacy decree that A B and X Y Z are incapable of managing their affairs?—The public is so jealous about the interference with personal liberty and also liberty in the management of property that I think it would be more satisfactory if Orders of that kind were made by a Judge rather than by a subordinate; but the point has never occurred to me before.

33636. It is a difficulty we must consider, is it not?—Yes. We have in Chancery, rules, not perfectly uniform in the three different groups, rules which guide the Masters in deciding whether cases should be brought before the Judge or not. I rather think in the group which belongs to Mr. Justice Joyce and myself we require more to be done by the Judge than the others do; I think so, I am not sure. There are some things upon which we are very particular. For instance a very common case is appointing trustees (the case I mentioned just now) to exercise the powers of an infant over settled land; it is a perfectly straightforward case. I put it purely hypothetically. The other eight persons are selling the same property for £1,800; the share of the infant is one-ninth, only £200. If they are perfectly willing to sell, even without the affidavit of a surveyor that it is a tip-top price, commonsense tells you that it must be right, and you would say that a Master ought to make that Order. I do not know whether it is done in the other Chambers, but in my Chambers it is never allowed; Mr. Justice Chitty laid down a rule some years ago insisting on Orders of that kind being made by the Judge, though it comes to very little more than a formal Order sometimes.

33637. A great difference has been made before us between property Orders, and Orders putting a man under disablity?—I quite see your point; I do not think you could make the property Order unless you were satisfied that the personal status was such as to satisfy you.

33638. That is a matter on which the Masters in Chancery have no experience?—They are perfectly competent to do it and to look into the evidence; with a little more experience they would be more and more competent. I think off-hand (I have never considered the point before) that that is a matter which ought to be dealt with by the Judge in person on the ground I mentioned.

33639. (*Chairman.*) Is there anything you would like to add?—Nothing else occurs to me.

HARCOURT E. CLARE Esq., called and examined.

Harcourt E. Clare, Esq.

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33640. (*Chairman.*) Will you kindly tell us, so that we may have it on our notes, how long you have been Clerk of the Peace for Lancashire?—Just about seven years.

33641. And before that?—I was Town Clerk of Liverpool.

33642. You have been so kind as to give us a statement of your evidence, may we put that on our notes?—Yes.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY HARCOURT E. CLARE, ESQ., CLERK TO THE LANCASHIRE ASYLUMS BOARD.

I am Clerk of the Peace for Lancashire, and among other appointments hold the office of Clerk to the Lancashire Asylums Board.

The supervision of lunatics in the asylums as carried out by the Lunacy Commissioners consists of a visit once a year to each asylum by two of the Commissioners.

The same two Commissioners do not necessarily visit each of the asylums under the control of the Asylums Board, and as the reports of the visits only express the personal views of the individual Commissioners the report as regards any particular asylum is not always capable of fair comparison with that on another asylum.

I have been informed by the Superintendents that the Visiting Commissioners most carefully carry out their inspection and do all the supervision possible in the limited time at their disposal; but it is impossible to say that there is any real supervision when only one visit in a year is made.

The reports of the individual Commissioners are printed and published as their reports, and not as the considered reports of the Commissioners as a body.

It is suggested that it would be better if the reports of the Visiting Commissioners were treated as information collected for the Commissioners, and that the latter after considering the various reports submitted, and comparing one with another, should then issue an official report on each asylum.

By this means some sort of a general standard of efficiency might be brought about, and unnecessary expenditure checked.

I think the expenditure on the administration of an asylum should be criticised from a ratepayer's point of view, as well as with regard to the increased comfort and pleasant surroundings of the inmates, which may excite the commendation of the Visiting Commissioners.

Little details are often referred to in the reports which are hardly worthy of mention, and if the Commissioners were placed in a position to act as the Poor Law Inspectors do with regard to the guardians, and be more of advisers to the Asylum Committees and Superintendents than mere critics their influence would be increased.

It would also be advisable that each Commissioner should have certain asylums assigned to him to superintend. This, of course, would involve increasing the number of Medical Commissioners.

I think the Lunacy Commissioners should devote their attention amongst other things to seeing how far it is possible to reduce the cost on asylum buildings and the maintenance of pauper lunatics, and to do this they must compare the cost of the different asylums in the country, and in their reports point out the asylums in which the expenditure seems excessive.

With regard to expenditure, considerable economies might be effected if the chronic and generally harmless patients were housed and maintained on a less expensive scale than they now are by being mixed up in one Institution with the acute and possibly curable cases.

Many of them are now satisfactorily maintained by the guardians at a substantially less cost than in the asylums, and there seems no reason to think that with proper organisation they cannot be maintained as cheaply in the asylums.

With regard to increasing the number of Commissioners, the general opinion among the Superintendents is that more Legal Commissioners are not required, but there should be more Medical Commissioners, and that these should be selected from men who have actually been Superintendents of public asylums and know the details of the administration.

It is considered important that the Visiting Commissioners should themselves be members of the body of Lunacy Commissioners, and that any report published should be the report of the Commissioners as a body.

It is also a matter for consideration whether or not it would be advisable to give the Commissioners or the Secretary of State (if they are subject to his control) some power of enforcing their views on asylum authorities.

The mixed powers or duties of the Lunacy Commissioners, the Secretary of State and the Local Government Board in connection with asylums is very inconvenient and causes unnecessary delay, and it would be very desirable to have one Government Department to deal with, which should have authority to give a final "Yes" or "No" to any scheme proposed by an asylum authority, and a definite decision on plans and borrowing powers.

It is not desirable to have a Government Department approving of plans for an asylum unless they are convinced that the scheme is an efficient one in detail, that it can be carried out at a cost which is not excessive, and that the asylum authority are in a position to borrow the necessary money.

I have no knowledge of the work required of the Lord Chancellor's Visitors, but I should imagine that a body of Commissioners who are considered competent to supervise the conditions under which about 120,000 lunatics are maintained out of the public purse, might also be entrusted to look after the comparative few maintained out of private resources. This would involve an amalgamation of the two bodies, but there may be reasons of which I am unaware that render this course undesirable.

ADDITIONAL STATEMENT BY MR. HARCOURT E. CLARE, CLERK TO THE LANCASHIRE ASYLUMS BOARD.

The powers and duties of the Lunacy Commissioners and of the Secretary of State should be more clearly defined, either by making the particular powers assigned to them exercisable without reference to the Secretary of State or by treating them merely as a Department of the Home Office and as expert advisers to the Secretary of State.

Local authorities would then know who they had to deal with.

I think the powers of the Commissioners or of the Home Office should be limited to the supervision of the treatment of lunatics and to deciding when increased accommodation for lunatics in any local authority's area is necessary.

When increased accommodation is necessary then the whole question as to how and where that accommodation is to be provided and as to authorising the expenditure should rest with the Local Government Board.

In the case of some of the small counties a system of compulsory amalgamation for the provision of accommodation for pauper lunatics on the lines of the Lancashire Asylums Board would probably tend to a general saving of expense and would enable a scheme for the better classification of patients being carried out.

Much may be done over an extended area with a larger number of lunatics to deal with that cannot be done in a smaller area.

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Closer co-operation between the asylum authorities and the boards of guardians with a view to reducing the total expenditure on lunatics is desirable.

The 4s. per head grant payable to boards of guardians by county and county borough councils for each lunatic in the asylums should be abolished altogether.

It operates unequally in different unions and since the Local Government Act 1888 is really unnecessary.

Whatever sum a county council pays in respect of these lunatics to boards of guardians increases the amount that the county council will have to levy from the guardians to make up the deficiency of the County Fund and the effect of it has undoubtedly been to cause a number of lunatics to be maintained under the expensive regime of asylum authorities who otherwise would have been both housed and maintained at less cost to the rates in the workhouses.

I do not advocate a general extension of workhouse accommodation for lunatics by the guardians, so much as the provision of separate accommodation by the asylum authorities for chronic and generally harmless cases on a lower scale of expenditure than has to be incurred in the erection and administration of a general asylum for all classes of lunatics, but I think the existing accommodation in the workhouses, and any economical extensions that are possible should be utilised for the harmless cases.

33643. (*Mr. Byrne.*) With reference to your additional statement, you recommend that there should be "Closer co-operation between the asylum authorities and the boards of guardians with a view to reducing the total expenditure on lunatics." At the present moment that is legally impracticable, is it not? They can make arrangements to limit their action, but they cannot combine for any purpose, can they?—asylum authorities and guardians? —I do not think we can combine, but we can contract with the guardians to maintain lunatics on behalf of the asylums board.

33644. Under which section of the Lunacy Act would that be, under the 26th Section?—I take it from you it is so.

33645. That is the one under which they can be boarded out under the guardians in the workhouses?—Yes, they are practically contractors for maintenance on behalf of the asylums board. It is not adopted in Lancashire I think, except with regard to about eighty patients in Rochdale Workhouse.

33646. That has been a good deal considered in Lancashire?—Yes, the Lancashire Asylums Board have been taking rather an active part during the last two years in endeavouring to see whether by some means of co-operating with the boards of guardians they can bring about some reduction in the cost of maintenance of pauper lunatics. It is felt that the division of authority tends to unnecessary extravagance and that we do maintain, as a matter of fact, in the asylums a large number of pauper lunatics who might equally well be maintained in the workhouses at a considerable reduction in cost: therefore the asylums board appointed a Committee to consider this question, and in September last the Committee invited the guardians of all the unions in Lancashire to attend a conference at Preston, and I think all the unions were represented, with the exception of perhaps two or three. After a considerable interchange of opinion between the parties who were present, the following resolutions were passed: "Resolved that in the opinion of this meeting of representatives of the Lancashire Asylums Board and of the boards of guardians in the county, it is desirable in the interests of the ratepayers that pauper lunatics who are considered to be incurable be maintained and housed on a less expensive scale than the lunatics for whom there is a hope of cure. Resolved that as far as possible it is desirable that the boards of guardians should make agreements with the asylums board for the maintenance of harmless chronic cases and so far as the guardians do not make such provision the same shall be made by the asylums board on a specially economical scale. Resolved that it would be desirable for the asylums board to have power to provide reception hospitals to which all lunatics should be sent for treatment and observation before they are

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certified as fit for asylum or workhouse treatment. Resolved that the Home Secretary, the Lunacy Commissioners, and the Local Government Board be requested to receive a deputation of representatives of the asylums boards and the boards of guardians with reference to the foregoing resolutions."

33647. Those are very interesting, as they bear precisely on the matters which are now being discussed so much?—The object of pushing forward that conference at the time was that the asylums board are now faced with the necessity of building another large asylum, and before deciding on the general scheme of the plan they should adopt, it was thought desirable that this conference should take place in order to see how far it might be possible to relieve the asylums board of the cost of building a general asylum to include probably accommodation for several hundreds of chronic and ordinary harmless cases if it were possible to get these harmless cases accommodated on some cheaper scale. So the idea was that we should first of all find how far the guardians are willing to undertake the care of these chronic and harmless cases and to the extent that they are unable or unwilling to deal with the matter that the asylums board should in their plan for the new asylum have regard to the possibility of finding accommodation for that class of lunatic either in a separate block connected with the asylum or in some way so that they might be treated on a different scheme of administration generally to the lunatics which are capable of cure.

33648. With regard to the second resolution which you have just read, it is expected that agreements should be made with the guardians by the asylum authorities, and failing this that agreement should be made with whom else?—The expression is, "And so far as the guardians do not make such provision the same shall be made by the asylums board on a specially economical scale." The point there is really this: whether we shall take the lunatics to the workhouse or bring practically the workhouse on the asylum site. I think the better opinion is at present, subject to further experience, that it would be better to bring what I call the workhouse administration on to the asylum site than to transfer the lunatics on a large scale to the workhouses, because it often happens, I am told by the superintendents, that cases which are considered to be chronic and harmless break out into dangerous lunacy; then they sometimes have to be transferred back from the workhouse to the asylum at considerable trouble and expense, whereas if they were treated in some building on the site of the asylum, they could be very easily transferred a few hundred yards from that building to a building where they could be specially treated having regard to their condition.

33649. Probably that would be more encouraging for them too, to feel that they were in an asylum with all classes of persons, not merely the incurable?—If you had a clean slate to deal with, the real principle is for the Asylums Board to deal with lunatics, and the guardians to deal with the sane paupers throughout, but having regard to the fact that in our workhouses a considerable expenditure has been incurred, and there is considerable accommodation for treating lunatics, it would be economically a mistake to waste that money and not use that accommodation up to the point it is capable of being used; but when it becomes a question of enlarging the accommodation, it is a matter to consider whether it would not be better to build the buildings on an asylum site rather than as an addition to a workhouse.

33650. So practical men admit, for the present at any rate, the desirable system must be a mixed one, and that the workhouses should not be allowed to provide for all that might be kept there, but that there must be some sent on to the asylum site?—I think the matter ought to be settled on the question of economy; if the guardians are so placed with regard to their property that they could erect buildings for so much less per bed than the Asylums Board can do it, or they have land which is cheaper and available, I think all those circumstances should be considered.

33651. There are a fair number of workhouses in Lancashire which have certified accommodation for lunatics?—At the present time, I think, in round figures, out of 13,000 lunatics in Lancashire, 3,000 are in the workhouses and 10,000 in the asylums. Roughly speaking, I think about one-quarter of the certified lunatics in Lancashire are accommodated in workhouses; but there are a considerable number of lunatics in workhouses who ought to be in asylums, or who ought to be subject to what I call workhouse treatment.

33652. Do you happen to know Ormskirk workhouse?—I have been inside it; I do not know much about the details.

33653. I was curious to know whether it is a common type. I thought it was an excellent place, so far as it went. They have very good lunatic accommodation; they have some lunatics that ought to be in an asylum, and they have some lunatics in an ordinary ward; that almost always happens. When you go to the Home Secretary, you are not going to press for a decision that one method only shall be allowed in dealing with these lunatics, but that where there is accommodation it shall be allowed to be continued?—Yes.

33654. And if you can positively prove that the guardians can do it cheaper and better, it might be extended?—Yes. I have an idea that the asylum authority should do it. My own idea is the asylums and the guardians should look upon lunacy as if it was a common concern, and not with a view to try to save the account of one party at the expense of another.

33655. One difficulty has been to get people to take any action—to get them together for discussion?—That has been mainly owing to the custom that started after the 4s. grant, in respect of the maintenance of those sent to asylums, was made. When that was first made the grant was made direct by the Government to the particular boards of guardians. What the purpose was I do not know, but the effect undoubtedly was that it encouraged guardians to send lunatics to asylums instead of keeping them in workhouses. When the Local Government Act of 1888 was passed, the specific grant from the Imperial purse to the guardians ceased. The whole system of Government grant was changed. Instead of making a specific grant for special purposes, the Government assigned to the county councils and county borough councils revenues derived from certain taxes, whatever they might be, and a proportion of the probate and succession duty accounts. The effect of that was that the balance of the Exchequer contribution account remaining in the hands of the county council was applicable to the relief of the county rate, but in order not to upset the existing financial arrangements of the local authorities the Act provided that each county council should continue to pay to the boards of guardians and others the same proportion of grant that the Government had previously paid. This 4s. grant was amongst those that were retained. The consequence is the county council on the one hand pay 4s. a head to the guardians for each lunatic sent to the asylums, but the effect of paying it is to reduce the balance that is available for the relief of the county rate, and as the deficiency of the county rate has to be raised by the county council by issuing precepts on the guardians, and the guardians have to collect it out of the poor rate, the reason for continuing the 4s. grant is practically now done away with. There is no doubt the incidence is different in different unions, but I believe it would tend very much to improve administration if it were altogether abolished, and not extended, as some have suggested, to those lunatics that are retained in the workhouses.

33656. It is the case, is not it, that under the circumstances which you have described the general effect over the county is that they give 4s. to the guardians for one purpose as required by Parliament, and they may have to ask for that same 4s. again to make up the county rates?—On the county as a whole it cancels itself.

33657. How does that operate in different unions; one sends up a large number of patients to the asylums, the other, say, keeps its patients in the workhouse?—Suppose I take an illustration of a county borough, which is perhaps the best. The cost of the erection and upkeep of the buildings falls on the borough fund. The cost of the maintenance of the paupers inside the buildings falls on the boards of guardians and on the poor rate. If the boards of guardians think that it will pay them better they send a pauper to an asylum and get the 4s. a week grant toward, I will say, the 9s. or 10s. which they may have to pay a week; if they think it will not pay better to do that, they keep them in the workhouses. Many boards of guardians have sent lunatics to the

asylum notwithstanding they know the effect will be to charge on the borough which is inside their union, a much heavier charge in respect of the buildings than they themselves would have to incur if they had accommodated those people in the workhouse. That is what I call jealousy of local authorities. So long as one account can help itself they do not mind what expense they throw upon some other account controlled by another authority.

33658. The expense to the guardians of sending patients to asylums may be very much over and above what it will cost in their own workhouses, even getting the 4s. ?—It is the expense of the buildings. I do not think you can build an asylum very much under £300 a bed, with the present price of labour and materials. Workhouses can be built a good deal cheaper.

33659. (*Mr. Greene.*) In the evidence which you were good enough to give us at first you say: "It is not desirable to have a Government department approving of plans for an asylum unless they are convinced that the scheme is an efficient one in detail, that it can be carried out at a cost which is not excessive, and that the asylum authority are in a position to borrow the necessary money." Does that point to any existing public department as being better qualified than any other public department to be the authority ?—I do not say that one Government department is better qualified, but owing to the division of labour one Government department has certain functions to perfom which they are more acquainted with than others which have nothing to do with them.

33660. Would you be prepared to allot the duties mentioned in that paragraph to the Local Government Board, which certainly is an authority enquiring into finance ?—So long as the Local Government Board is the authority to sanction the raising of the loan I think they ought to be the authority to approve and examine the details of the plan but I do not think it is their function to decide as to whether an asylum is necessary or not, that properly falling to the Home Secretary or the Lunacy Commissioners.

33661. But conceding that an asylum, or an addition to an asylum, is required, then they should be the persons to look into the accomplishment of that desideratum ?—Yes, the two things must hang together, the approval of the plans and the authority to raise the money to carry on the plans.

33662. How would you suggest your local authority should act ? Assume the case that I was wishing to erect a new asylum, should they have their plans made first, or get the permission to have the asylum ?—My idea is that, assuming the Lunacy Commissioners, or the Home Office, come to the conclusion that there is a deficiency of asylum accommodation in the county, they would intimate that to the asylum authority. The asylum authority having settled with the Lunacy Commissioners the number for which provision should be made, I think then as between the asylum authority and the Commissioners the thing should drop. The asylum authority should then have their plans prepared and they should be submitted directly to the Local Government Board, and the Local Government Board, with the knowledge they have of the financial circumstances surrounding the county for other purposes as well as asylum purposes, will be able to decide whether it is an expenditure which should be authorised or should not be authorised, and in considering the plans will have regard to those matters.

33663. The Lunacy authorities have more experience than the Local Government Board, and would have knowledge of what is most suitable for the accommodation of lunatics; they would have some sort of voice in the essential requirements of the asylum. You would let them say that certain principles of construction should be adopted ?—Yes, but that should not be a matter between the asylum authority and the Commissioners. The asylum authority should have to deal with one department on any given subject and no other department. The communication between the Lunacy Commissioners and the Local Government Board should be a departmental matter; that is both departments are servants of the State; the executive of the State is entitled to call upon the officials to co-operate together and assist each other. It is the business of the Government departments to co-operate and act together, and not for local authorities to bring them together.

33664. Your experience would lead you to think the Lunacy authorities know probably more about the requirements of lunatics than any other department ?—I think so.

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33665. The Local Government Board more than any other department would know what financial aspect the transaction bears, and what are the local capacities for bearing the burden ?—At the present time the Local Government Board have a very able staff of inspectors to select men from to hold inquiries on different matters. Their wide experience is a very great advantage to the local authorities in any scheme that they have put before them. I might illustrate the difficulties that arise under the existing system, and I think also the disadvantages of it. Quite recently the Lancashire Asylums Board have purchased a large estate for the purpose of erecting another asylum. They were several years looking out for the site and negotiating about it. At first they entered into a provisional contract with the owners of the property comprising about 311 acres of land to purchase that quantity of land. The owners would not sell till we had agreed to buy more than we wanted, subject to approval, and the provisional contracts were made. The site was submitted to the Lunacy Commissioners, and the Lunacy Commissioners stated that they were prepared to recommend the Secretary of State to approve of the purchase. When it got into the hands of the Home Office, whether it was owing to representations that were made by land owners and others in the neighbourhood against this particular site, or whether it was that the Home Office thought that it was inconvenient and wasteful for them to have an inquiry themselves first of all, and then subsequently for the Local Government Board to have another inquiry on the question of the loan, they decided that they would postpone the consideration and the approval of the purchase until the Local Government Board had held their inquiry into the question of authorising the loan to be raised to pay the purchase money. The inquiry lasted two days; we had very considerable opposition. The result of it was that the Local Government Board reported to the Home Secretary that they approved of the site as a site for an asylum and would sanction the loan for the purchase of it, except that they considered that about thirty-three acres were unnecessary to be purchased and they would not sanction the purchase of that thirty-three acres. The Home Office then approved of the purchase as recommended by the Local Government Board. So we had the case where the Commissioners approved of the site—I do not blame them for it, they did not know, but on the inquiry by the Local Government Board they cut down the purchase of the thirty-three acres at £110 an acre. We did not want it in the first instance, and we were very glad not to have to buy it; but the owners forced it on us, and the owners after the report of the Local Government Board altered their agreement and agreed we should not buy the thirty-three acres. That is a fair illustration of the disadvantages of having what I call divided authority.

33666. In point of fact the authority which you would have thought should have been left out in that transaction would have been the Home Office ?—I do not quite know the functions of the Home Office and the Lunacy Commissioners. When the Lunacy Commissioners had told the Asylums Board that we must build another asylum it was for us then to arrange with the Local Government Board where we should get it and get the money at the same time.

33667. The Lunacy Commissioners being the authority that probably knows best what is wanted ?—I think the Lunacy Commissioners are the proper persons to judge what is wanted from the lunacy point of view, and the Local Government Board the proper persons to authorise the expenditure.

33668. (*Dr. Dunlop.*) You have some views about the inspectoral duties of the Lunacy Commissioners; I gather that from your statement ?—I expressed a sort of pious opinion about it.

33669. You consider the present inspection rather too inquisitorial, and advise in future it should be more consultative and more advisory ?—It seems to me the present inspection results in the public getting through a blue book the individual opinion of the particular inspectors who have visited the asylums, and that we do not get what I call the considered opinion of the Board

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of Commissioners as a whole. You might have one Commissioner who has strong views with regard to certain things and another Commissioner who has strong views with regard to certain other things; each very naturally emphasises those particular points in his report. It would be a great deal more advantageous to the local authorities and to the public as a whole if they could have some deliberate report from the Commissioners based on some general standard of efficiency for working an asylum so that the asylum authorities may know really themselves as to whether they are spending more money than others are doing, or less, or how they are doing their work compared with others.

33670. You make a point about the advisory duties in inspection; as representing the local authority you desire and wish to have the advice of the expert central Board, is not that it?—Certainly. I think it is a very great advantage to a local authority, I do not care what branch of administration it is in, that they can have the friendly advice of the Government experts who have large experience of other counties, whereas persons administering in a particular county are more or less confined to their experience of their own county. It is a very great advantage to have the experience of other parts of the country, to my mind. That is one reason why I should like to see reports made by the Commissioners as a whole, and not by the individual Commissioners.

33671. That is a matter of re-editing the annual blue book, is not it?—Well, I should like to see the Commissioners devote more of their time to the economic side of the question. You see such little remarks as: "Found plates rather cold at dinner"; "There was enamel chipped off some of the plates," and things of that kind. I think it would be far more useful to the country and the asylum authorities when you read the reports and find that the cost of maintenance per week in this asylum is 9s. 6d., and a few pages further on you find in another asylum it is 13s. 6d. if the Commissioners investigated why it is 9s. 6d. in one case and 13s. 6d. in another, and pointed out whether 9s. 6d. is sufficient and the 13s. 6d. extravagant or otherwise.

33672. Do you think the expert advice point of view, the consultative inspection, can best be made by one Commissioner being attached to each district with deputies under him, or could it be better done by a larger Board always in London?—I do not see why the inspection of pauper lunatics should not be carried very much on the same scheme as inspection of sane paupers. Poor Law inspectors visit workhouses, attend committee meetings, and give a good deal of advice which is much appreciated by guardians. They do not put it in books, but give it verbally, and by advice and assistance help them very much in their work. Something of that character might be carried out in regard to lunatic asylums.

33673. There is expert knowledge required in the case of the lunatic inspector which you do not require in the case of the others?—I presume so, as far as regards forming an opinion whether a lunatic should be detained or not.

33674. And as to whether he is being properly treated and is in good health?—I think the treatment would not require any great knowledge in lunacy; I do not know; I should have thought it an administrative question rather than a medical question.

33675. I think nowadays the treatment is the all-important thing?—It may be so.

33676. You are in favour of the local inspector such as you have under the Local Government Board, and one man who can be in touch with what is doing in each county asylum district?—Yes, to go round more frequently than at present.

33677. More frequent and thorough visitation?—Yes.

33678. You have expressed views about the 4s. grant, advising its abolition?—Yes.

33679. Have you equally considered its application all round to all lunatics?—Yes, but I do not agree with paying it for lunatics in workhouses. That is only done to avoid the evil which now exists of paying it only for those that go into the asylums; I say it is better to abolish it.

33680. You agree there ought to be a strong central body to regulate lunacy matters all over the country?—Yes, I do not suggest that the Lunacy Commissioners' powers should be diminished; I should like them to be more clearly defined and more extensively carried out.

33681. Possibly more elastically?—Very likely, if there is any difficulty found.

33682. What I was asking for is, if you cease control by the central body there must be someone else to keep the local authority in order?—Yes.

33683. Do not you think the 4s. grant would be an excellent means?—No, I think it has lost all its utility; the effect whatever it is is bad.

33684. Would not the knowledge that it might be withdrawn enforce better administration, less extravagance?—That would involve the alteration of the whole basis on which Imperial grants are made in relief of local taxation.

33685. It is too big an order?—It involves too large a question. I do not think it is desirable. We discussed this question on the Local Taxation Commission. We discussed the question of the grant, and the general feeling amongst the members was that there should be a smaller grant, say 3s. a week to the guardians; but, from my experience, I think the other course better.

33686. You have experience under the Inebriates Acts. The 7s. 0d. grant is given subject to a favourable report by the inspector, subject to the satisfaction of the Secretary of State?—I should think so, but we do the things so well they never hesitate to pass them.

33687. But there are other local authorities in the country. Could that principle of requiring the satisfaction of the Secretary of State before the grant is made apply to them, and is it a practical suggestion that it should?—I do not think so. I think there is not much in that system of making a grant according to what you call efficiency. Take the police; it goes as a matter of course, we get theoretically half-pay and clothes out of funds coming from the government. Unless the police are deficient in numbers, or some great scandal arises, you never hear of a case of withholding the grant. There was one case years ago of some little borough that had its own police force; rather than go to the expense of improving their force as required, they declined to have the grant at all; they prefered to pay the cost of the whole police rather than have an efficient force.

33688. (*Mr. Byrne.*) You say that the powers given to the central government are not utilised?—I would not say they are not utilised.

33689. It would be just to say so?—A colonel generally comes down once a year.

33690. But supposing the Home Secretary took a bolder attitude, it would be possible to use it to greater advantage, and would not it be possible to use the 4s. grant to lunatics to very great advantage?—I do not see where the advantage comes in. If a pauper is a lunatic, being such he has to be accommodated as a lunatic by the asylums board or by the guardians, I do not care by which so long as it is properly done.

33691. But supposing it is improperly done?—Then there ought to be power for the Lunacy Commissioners to enforce their orders. At the present moment neither the Lunacy Commissioners nor the Home Office have powers to enforce their opinion.

33692. (*Dr. Dunlop.*) Have we not in the 4s. grant power of enforcing instructions?—No, there is no power to withhold it; it is paid by the county council and not by the government. If a board of guardians can show they have a certain number of pauper lunatics in the asylum you are bound to pay it whether they are properly looked after or not.

33693. Is not that a pity; should not they be paid when they are properly looked after, and not in other cases?—My opinion is it is quite unnecessary to take drastic measures in that direction, because what we suffer from is not that they are not properly looked after, but the tendency to spend more money on them than is necessary; the local authorities tend to spend too much on the maintenance rather than too little.

33694. I think we might take it extravagance would be a reason for stopping the 4s. grant ?—I do not know.

33695. (*Mr. Burden.*) Do I understand the 4s. grant is paid by the county council and not by the Crown ?—The Government in the first instance assign to the county councils the proceeds of certain taxes. As soon as those proceeds of taxes get into the funds of the county council they lose their identity as imperial taxes and they become county funds; so that practically the 4s. grant is really paid out of the county fund and not out of imperial taxation,

33696. So, if the Commissioners are dissatisfied, supposing they had control of matters, they would have no power to stop the 4s. in the first instance ?—Assuming they had the position which you indicate, I expect it would work in this way, that the county council should only pay the 4s. grant on the certificate of the Commissioners. If their certificate was refused then the county council would not pay so much.

33697. You were speaking just now that you would like to see the Commissioners pay more attention to the economic side. Do you think it would be a good thing to have some kind of estimate submitted to them as to the expenditure of maintenance ?—I do not think you can have the estimates, but I do think that where you find asylums in which the conditions cannot be very substantially different, spending on maintenance a difference probably between 9s. and 12s. or 13s. a week, there is obviously there som thing that attracts the attention and which wants explanation. I think the Commissioners would be doing very great service to the country if in those cases they would ask the visiting committees of each of the asylums to show them their specifications for tenders and the contract prices. If they found in one asylum they are spending 4d. a lb. for meat on an average, and in another they were paying 3d. they would say, "Why does one pay 4d. a lb. for meat and the other pay 3d," and if the asylum where 3d. is paid is being maintained to their satisfaction they ought to call the attention of the other to the fact that they seem to be providing food of an unnecessarily expensive character.

33698. Then all the asylums would have to submit their terms on some common basis ?—I imagine the Commissioners even now would not have the slightest difficulty in ascertaining in every asylum the exact price paid for every article. Even in Lancashire where the asylums are all under one board, owing to the fact that each visiting committee have their own contracts, the variation in price although not very great, represents on the whole several thousands a year.

33699. Is not the system in Lancashire that several asylums bring them all before a central board, or do the visiting committees do it ?—At the present time each visiting committee manages its own asylum, gets in its own tenders and accepts its own contracts. The asylums board have recently appointed a committee consisting of the chairman and deputy chairman of each of the visiting committees to consider whether it would not be in the interests of the ratepayers as a whole that they should have a central committee to invite tenders and accept contracts.

33700. So that all tenders would pass through one committee's hands ?—Yes; it is just possible by having all the tenders for the five asylums managed by one committee you would be able to make on the whole a reduction in the cost of provisions.

33701. I think you will find it so ?—Personally speaking I think it might prove to be so.

33702. In a small way I know five other institutions working together effected considerable economy. One other question, that is in reference to carrying the workhouse on to the asylum site, so far as the insane are concerned. Do I understand from you that you would suggest putting up buildings on the asylum site of a workhouse character ?—Yes; what I mean is you might, where you are building an asylum for 2,000, put up a building for 400 or 500 for chronic cases rather separate from the remainder of the asylum buildings, and managed on a different scale of diet and cost.

33703. And erected at a different cost ?—I do not myself think there is very much difference in the cost of erection after you have finished with the administrative blocks and those adjuncts which are necessary for every large institution. When you come merely to adding on wards for 100 or 200 there is not very much difference in the cost unless you have to provide single rooms instead of dormitories. The main difference in the cost between an asylum for the acute cases and for the non-acute cases, is the cost of the internal division walls for making single rooms, and of course smaller day rooms.

33704. May we take it you imagine your workhouse built on the asylum site and the cost, the average price per bed you gave us just now, £300 ?—No; when once you have built your administration block, electric power station, heating apparatus, and done your drainage you can add on additional wards at a fairly economical rate, not exceeding perhaps £120 a bed, or less, but when you average what the whole institution has cost it might turn out to be £300 a bed.

33705. That is to say for the £200 you can provide for 400 or 500 people who would be housed in workhouses like buildings ?—It is not only a question of housing them, it is the question of the maintenance of them. The average cost of maintenance in our asylum, I do not mean the average charge, but the real cost, is about 9s. 2d. a week. I have been told by those who represent guardians that they keep their lunatics in workhouses at a cost of probably about 7s. a week.

33706. By 9s. 2d. you mean all charges ?—No, maintenance alone; everything except the charge which is made in respect of the buildings.

33707. And that is considered a high figure ?—No, I should say the cost of maintenance in Lancashire is very low; the average cost is over 10s.

33708. I thought you suggested some one said it was too high. I think it is low ?—No, I say the cost of maintaining a lunatic in an asylum is high compared to the cost of maintaining him in the workhouse; it probably exceeds that by something like 2s. a week.

33709. (*Dr. Needham.*) 10s. 1½d. is the average ?—I think ours in Lancashire is 9s. 2d.

33710. (*Mr. Burden.*) You think it would cost £300 a bed, the average over the whole place, but that the workhouse provision could be erected for £120 a bed ?—I should not like to commit myself to any figures, because one sees the variation in the cost of asylums recently built; there is only one thing that seems invariable, namely, an increase in cost as time goes on, largely owing of course to the increased cost of wages and material, and partly to carrying out the latest scientific ideas, or philanthropic ideas, for dealing with pauper lunatics, without any evidence really to show that the increased expenditure has benefited lunacy; in fact, as far as I can see, all the expenditure during the last twenty years on lunacy has not been any benefit to lunatics, I will not say it has done any harm, but there has been no substantial benefit derived, according to the figures, because the ratio of discharges in proportion to admissions, or in proportion to the average number in the asylums, is less now than it was twenty years ago, and the death rate has not diminished.

33711. That arises from the much larger number that have to be permanently maintained and so makes it more important that economy should be considered at all points ?—Yes; in addition we find that the lunacy in the Kingdom has increased from being, about ten years ago, one in every 319 to one in every 285. Lunacy has increased, the death rate in the asylums has not decreased and the ratio of discharges over the admissions, or average population of the asylums is less than it was twenty years ago. Where then is all the benefit of the expenditure ?

33712. You are not in a position to give me any figures as to cost. I want to get the cost of workhouse-like buildings built on an asylum site ?—The only information I can give you as to cost of asylums is a return which I have.

33713. (*Mr. Byrne.*) Can you tell me the cost of your boys' place at Winwick; that is the last building you have undertaken, is it not ?—I am under the impression that we have not settled the plans yet. I think it is estimated at about £21,000; it is to keep alive these idiot boys born in workhouses or elsewhere, but few can ever be made useful.

33714. (*Mr. Burden.*) £21,000 for how many ?—130 to 140 I think it is.

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33715. That works out at about £160 a bed; that is very much less than £300?—But you must remember the administrative block of the asylum is built.

33716. I am dealing, not with that, but with the workhouse building on an asylum site?—I am convinced we might diminish the cost very much indeed if we were allowed by the Lunacy Commissioners to separate the asylum into two parts, that which is governed on the ordinary asylum system and that which is governed on the workhouse system.

33717. So the workhouse-like building could be built at something like £120 a bed?—I would not commit myself to any figures. I do not think you would get it as low as that if carried out by a public authority. A private individual might do that, not a public authority.

33718. A private individual has just erected, or entered into a contract for, an institution in Yorkshire for £100 a bed?—Yes.

33719. (*Dr. Needham.*) Would you be surprised to see that Rainhill cost £245 a bed, Prestwich £120 a bed, Lancaster £215, Nottingham £214, Winwick £263; all those are from a Return to an Order from the House of Commons published this very year?—Yes, but that Return is very misleading, because it is no comparison of the cost of an asylum building to include the cost of the site.

33720. But that is total cost of building and site?—Yes; I will give you the building alone without the site. The Lancaster Asylum cost of building, including machinery, drainage, water supply, but excluding the cost of the site and furniture is £163 a bed; Prestwich £139, Rainhill £224, Whittingham £206, and Winwick £225.

33721. Then where does your £300 a bed come in?—Because these asylums were built, some of them, fifty or sixty years ago.

33722. Winwick was not and Whittingham was not?—Winwick is the most expensive of the whole, or will be when it is finished; it will come to £220 or £225 when we have paid for extras.

33723. That is a long way short of £300 a bed?—If you had to reproduce the plans of Winwick Asylum to-day I am told by the architect that you could not do it within 30 per cent. of the price.

33724. We hope we could do it for less?—I should be glad to know the gentleman who would take the contract.

33725. We have had it in evidence, that the cost of building has gone down very much, that the cost of building is cheaper very much than when Winwick was built?—I hope we shall find that out. The Asylums Board of Lancashire will be testing this, because they are about to submit the plans to the Home Office and the Lunacy Commissioners for this new asylum, which has been prepared, not with a view to seeing how far Winwick could be improved on, but how far it could be cut down without diminishing the reasonable accommodation that ought to be given to a pauper, so I hope we shall be able to get down below Winwick if prices have gone down to that extent.

33726. You say recoveries are not greater than they were, and you mention it as an evidence that money has not been well spent. Has it occurred to you that one very influential reason why the rate of recovery is not greater, but is smaller, than it used to be is that into asylums have been swept these people who ought to have workhouse treatment, innumerable multitudes whose chance of recovery is nil from the time they enter the asylum?—That would be quite true if you were comparing the year before that policy commenced with a year at the present time, but I am taking the last ten years which is subsequent to the time that policy has been pursued; it is more than ten years ago you started sweeping the idots from the villages in——

33727. It has increased out of all proportion the last five years. If you will examine the Lunacy Blue-book, you will see the number of patients admitted at advancing age has increased enormously the last few years; people irrecoverably insane?—I am very glad if there is any explanation of it.

33728. As regards deaths, if you will examine the records, you will find that the death rate has decreased very materially, and that that is one of the great reasons why there has been such an accumulation in asylums, because the death-rate has gone down so much?—Might I give the figures from the Blue-book; in the four years 1894 to 1897, the proportion of deaths to daily average number of residents was 9·50; in the next four years, it was 8·87, in 1903 it was 10·08, in 1904 it was 9·84; there is practically no improvement in the death-rate.

33729. You must take longer periods; you have taken two years in the last case. Between the average of 10 per cent. and the 8 per cent. you mention there is a considerable drop; that makes an enormous difference?—If the asylums are being filled with these idiot and harmless cases, it is all the more reason why they should not be treated on the expensive asylum system.

33730. Quite; and the Commissioners have been drawing attention to that for many years?—I quite agree; I hope they will assist us in carrying it out.

33731. As regards your building a reception asylum, what is to prevent the Lancashire Asylums Board building a reception asylum?—I do not think they have any power at the present time to do it; reception hospitals I should call them rather, not asylums; the idea is that you should have hospitals for people who are either suffering from lunacy or thought to be suffering from lunacy, who should be sent for observation and treatment for six weeks or two months.

33732. What you want are observation wards?—Perhaps I used the wrong expression. They want to have some sort of hospital where all the *delirium tremens* cases, amongst others, can go to for six weeks or something like that, and the probability is half the people now sent to workhouses or asylums would be turned out of the hospitals cured and not sent to an asylum.

33733. Such as formed the subject of a Bill before Parliament for the London County Council; such as they have got now in Glasgow at the workhouse—a reception ward in which people can be under observation?—Not necessarily a reception ward at the asylum, but we want something more; we want to have some place where we could send people under suspicion for treatment before they are certified as lunatics.

33734. Not a reception ward where people are under certificate, but simply under observation, where they can be sifted and sent to various asylums?—We want to avoid putting the odium of lunatic on a man who has, say, *delirium tremens*, and goes into a hospital for three weeks and then can be discharged.

33735. All I wanted to draw attention to is that under Section 141 of the Lunacy Act a local authority may provide accommodation for patients suffering from any particular class of mental disorder; so there is nothing to prevent your building any asylum for any kind of person you like who is insane?—Have we power to retain them there?

33736. I am not talking of a reception ward, but I say you have power to build any kind of asylum you like?—We are providing for a reception hospital in the plans for the new asylum.

33737. You said you could not build a reception asylum; the law gives you power to build a reception asylum?—I ought not to have used the word "asylum"; I intended to refer to an institution which is not an asylum.

33738. Now about the doing away with thirty-three acres of a site. What was to prevent the committee doing what was ultimately done at the instance of the Secretary of State, fighting that question out with the proprietors. Why should they be compelled to buy thirty-three acres more than they wanted? It was obvious the vendor of the land was willing to sell the land ultimately, less the thirty-three acres. Why did not the committee press him?—When you have to negotiate with a man who has the power of saying no——

33739. Had not he the power of saying no to the Secretary of State?—Certainly, but we had no compulsory power to buy land; where you can give notice to treat for exactly what you want it is different. We had to negotiate for a site. The owner said, "I am prepared to sell you all that piece, but I will not sell part of it," and when he found there was a probability of not selling it at all he thought it better to let us have part rather than lose the whole contract.

33740. Why could not the committee have said at first, "We will buy the estate less the thirty-three acres?—Because we were not in that position; this was the very best site we could have.

33741. Ultimately he was willing to sell it less the thirty-three acres?—When he knew he might lose the contract.

33742. If you had told him to begin with that you would not buy it unless he took off the thirty-three acres, would not he have done so then?

33743. (*Chairman.*) Mr. Clare means to say that the local authority is not in the same position as the Secretary of State. You can often bluff the local authority but you cannot bluff the Secretary of State?—Yes, if we had not bought this property from him, had not agreed to buy the whole thing, he would have put a higher price on the smaller portion.

33744. (*Dr. Needham.*) I quite see that. My point is it would have been possible for the local authority to have fought the fight which ultimately fell on the Secretary of State?—Under the circumstances I do not think so.

33745. One word about the 4s. grant. Would it not answer the purpose if the 4s. grant were continued, and if it were made conditional upon, say, the reports of the Commissioners that efficiency was maintained, and extend it to workhouses, and make the same condition prevalent there?—The alternative is to extend it equally to those persons detained in workhouses. I think the simpler plan is to abolish it altogether. Some alteration in it is absolutely essential if we are going to have economical administration.

33746. Take the third paragraph in your first statement: "The reports of the visits only express the personal views of the individual Commissioners"; has it not occurred to you that the Commissioners have a common opinion, that they discuss these matters, and that they go to asylums furnished with a common opinion? I do not say that there are not divergencies, of course there must always be in any body of men, but would you not suppose they have a common opinion and a common principle which guides them?—I think so.

33747. If that is so, the opinion expressed in the entries in the Blue-books is not the opinion of the individual Commissioners but the opinion of the Board; that is what it really is?—I am very glad to hear it; I did not know it. I take the reports as I read them.

33748. I do not say there are not individual differences, there must be always when you get a body of men. The differences are minor differences, and the general principles are the principles of the Board?—No doubt, if you say so.

33749. That would rather remove your objection?—If it is the opinion of the Board. I should suggest they should go further and compare one report with another.

33750. That is done. All the reports which are given by the Commissioners, the entries which are made by the Commissioners at the asylums, are all read at a Board at which the members are present?—That is an internal arrangement; it does not appear on the face of the reports.

33751. You have thought it would be well if the Commissioners considered their reports, that is to say if the reports were not made at the time, but were taken up to the Board, considered, and a considered report sent down. That has been discussed a great deal, and it was thought more desirable to have the fresh views of the eyes which were seeing; that the report should be written down exactly as the result of what the Commissioners actually saw before their eyes, and that it would not be a good thing to have it revised and reconsidered?—That would be the answer of the Commissioners to the opinion I venture to express.

33752. I say that is the answer. You think it ought to be written down and then considered?—I think a report if it came from the Commissioners as a body would have more weight and more influence generally than coming simply as a report of the individual Commissioners.

33753. After I have told you that it is the report of the Commissioners, inasmuch as the Commissioners have agreed beforehand upon general principles?—Then there would be no harm in their issuing it as their report instead of publishing it as the report of the individual.

33754. Except that it would not be a report of people seeing with fresh eyes and who are reporting the things they have seen on those particular days?—But I rather understand sometimes, if I may use the expression absolutely without offence, that individual Commissioners have what you might call fads on certain points, and those are somewhat emphasised in their individual reports. If it was a report of the Commissioners as a whole we might probably have some of those little exaggerations softened down.

33755. You get a variation; there is a variety of Commisisoners, you get very small variations in the entries?—It would be far more important to us if the Commissioners would point out where we are spending money badly, than simply to say, "The plates are too cold," or "There is a bit of glass knocked off a dish," things like that in a report are too small to be published in a Blue-book. There is one case where a Commissioner said he was pleased to see looking-glasses had been put in the ladies' bath-room.

33756. That is a matter of considerable importance; I am always expressing it myself, because it contributes enormously to the tidiness of the women?—You represent a view of it which did not occur to me.

33757. (*Chairman.*) Is there anything you would like to add?—There is one point I think, on the question of the Local Government Board dealing with plans. I am very strongly of opinion myself that the architect to deal with plans submitted should be a salaried official of a Government department. I do not say I have had any experience which makes that suggestion desirable, but I do say as a matter of principle of local government it is most desirable that the authority should know they are approaching an official under the control of a Government department absolutely, and not a private individual.

33758. Not an independent individual?—Not an independent individual, quite irrespective of any possible objections which never occur; as a matter of principle it is most essential. Then as things at present stand, I think there is possibly a question of doubt as to whether the Secretary of State is in a position to enforce economy in plans where he would desire it. It is just possible if the question were raised that it might be found, if you submit a plan which is too good, that he, under the Act, has no right to refuse his consent on the ground that it is too good; he is only allowed to refuse his consent on the ground that it is insufficient.

33759. I think that is the fact.

33760. (*Mr. Byrne.*) Mr. Cunynghame said the same; some Secretaries of State had felt that difficulty.

33761. (*Mr. Greene.*) But is it in the Act?

33762. (*Chairman.*) Do you suggest that they should have powers to curtail the expenditure, whoever the authority is?—Certainly, and I do not think they should be bound to approve a plan when they think it is too good.

33763. (*Mr. Greene.*) Does that require legislation?—I think it does. There has not been a case before the Courts in relation to a Government department; there are parallel cases of a local authority being bound to approve things which came under their bye-laws. I think if it was tried it might go against the Home Office. Whatever legislation is going to be propounded it might be just as well to remove doubts.

SIXTY-SIXTH DAY.

Monday, 14th January, 1907.

PRESENT:

The Right Hon. The EARL of RADNOR (*in the Chair*).

W. P. BYRNE, Esq., C.B.
C. E. H. HOBHOUSE, Esq., M.P.
F. NEEDHAM, Esq., M.D.
H. D. GREENE, Esq., K.C.
C. E. H. CHADWYCK-HEALEY, Esq., C.B., K.C.
The Rev. H. N. BURDEN.
W. H. DICKINSON, Esq., M.P.
C. S. LOCH, Esq., D.C.L.
H. B. DONKIN, Esq., M.D.
J. C. DUNLOP, Esq., M.D.

HARTLEY, B. N. MOTHERSOLE, Esq., M.A., LL.M (*Secretary*).
E. A. H. JAY, Esq., M.A., LL.B. (*Assistant Secretary*).

J. S. DAVY, Esq., C.B., called and examined.

J. S. Davy, Esq., C.B.
14 Jan. 1907.

33764. (*Chairman.*) So that we may have it on the notes, would you be so kind as to tell us how long you have been Assistant Secretary of the Local Government Board?—I have been Assistant Secretary of the Local Government Board for a little more than a year. I have been an inspector for thirty years.

33765. You have been so kind as to give us a statement of your evidence; may we put it on our notes?—Yes.

STATEMENT OF THE EVIDENCE GIVEN BY J. S. DAVY, ESQ., C.B., CHIEF GENERAL INSPECTOR AND ASSISTANT SECRETARY OF THE LOCAL GOVERNMENT BOARD.

1. I have attended to call attention to some points of difficulty in the administration of that part of the Poor Law which is concerned with the relief of lunatic paupers; as, for instance, the growth of expenditure and the steadily increasing proportion of the poor rate so expended, the want of classification of paupers of unsound mind, and the want of co-ordination between the various local and central authorities.

2. The number of lunatics who are chargeable to the poor rate has increased as is shown in the following tables:—

TABLE I.—Number of Pauper Lunatics.

—	Pauper lunatics.*		Non-pauper lunatics.†
	Chargeable to Guardians.	Chargeable to Counties or Boroughs.	
1859	30,130	1,652	5,361
1869	45,114	1,888	6,445
1879	60,165	1,894	8,258
1889	73,993	1,588	8,708
1899	93,957	1,505	9,458
1906	109,350	1,729	10,723

* From figures derived from returns made to the Local Government Board and to the Lunacy Commissioners, under 16 & 17 Vict., c. 97, s. 64.

† From Table II., Appendix A., 60th Report of Commissioners in Lunacy. The figures include private and criminal lunatics.

Of the insane 90 per cent. are paupers chargeable to boards of guardians, whereas in 1859 the paupers formed only 81 per cent. of the whole number.

3. The distribution of pauper lunatics chargeable to boards of guardians is shown in the following table:—

DISTRIBUTION OF PAUPER LUNATICS.

TABLE II. (Figures derived from returns made to the Local Government Board and to the Commissioners in Lunacy).

1st January.	Asylums, registered hospitals, and licensed houses.	Workhouses.	Imbecile Asylums of Metropolitan Asylums Board.	Residing with relatives and in receipt of outdoor relief.
1859	16,369	7,963	—	5,798
1869	26,946	11,181	—	6,987
1879	37,930	11,697	4,308	6,230
1889	50,554	12,012	5,497	5,930
1899	70,544	11,469	5,984	5,960
1906	85,990	11,151	6,591	5,618

The number of non-pauper lunatics in asylums, registered hospitals, and licensed houses has increased from 5,075 (1859) to 9,209 (1906); and in asylums alone from 553 (1859) to 2,669 (1906). The number of non-pauper lunatics living with relatives has increased from 122 to 528.

It will be observed that whereas the number of lunatics in workhouses has been practically stationary since 1869, the number of lunatics chargeable to the poor rate in asylums has increased from 27,000 to 86,000, or more than threefold.

4. The cost of maintenance exhibits a more than corresponding increase, as the following table shows:—

TABLE III.—Lunatic paupers in asylums, registered hospitals, and licensed houses. Cost of maintenance charged to guardians and numbers maintained.

5 year periods.	Average yearly cost of maintenance.	Average number maintained.	Yearly cost per head.
	£.		£ s
1861–65 - - -	497,393	20,133	24 14
1866–70 - - -	652,824	25,727	25 8
1871–75 - - -	791,810	30,292	26 3
1876–80 - - -	946,413	36,379	26 0
1881–85 - - -	1,104,544	43,644	25 7
1886–90 - - -	1,181,814	49,196	24 0
1891–95 - - -	1,395,610	56,803	24 11
1996–1900 - -	1,691,853	67,795	24 19
1901–05 - - -	2,148,271	79,124	27 3
1906 - - -	2,352,637	85,990	27 1

In fact, whereas the percentage of the cost of asylum lunacy to the total cost of poor relief was 7 per cent. in 1857–60, it was no less than 16 per cent. in 1904.

5. The total cost of Poor Law relief has also greatly increased during the same period, but this increase may to a large extent be attributed to certain definite causes.

Some part of it is, no doubt, due to an elevation of the standard of nursing and other comforts which public opinion demands, and this would also affect the expenditure of asylums. But there is no evidence to show that there has been such a change in the class of patients in asylums as to require a large expenditure than formerly for their adequate treatment.

6. The distribution of pauper lunatics between workhouses and asylums has no doubt been greatly affected by the grant of 4s. per week received by boards of guardians in respect of each lunatic maintained at their expense in an asylum.

The effect of the grant has been to divert the whole increment of lunacy from the workhouses to the asylums, and apparently to crowd these institutions with chronic and incurable cases.

Guardians and their officers have now every inducement to get rid of troublesome cases in this way, and sometimes they are able to provide additional accommodation which they need for other classes by removing lunatics to buildings provided at the cost of the county.

7. Various proposals to extend or vary the scope of the grant have been under the consideration of the Local Government Board, whose view was summed up in a letter which they addressed to the County Councils' Association in 1899.

The Commissioners of Lunacy at that time approved the proposal of the association so far as an extension of the grant to all cases of lunatics transferred under Sec. 25 of the Act of 1890, and workhouses affording satisfactory separate accommodation, were concerned; but declined to undertake any further work in connection with the inspection and approval of the workhouses.

8. Although the proportion of pauper lunatics in asylums is much greater than it was, there are over 11,000 still in workhouses. It is understood at the Local Government Board that the Lunacy Commissioners do not object to the retention of lunatics in well-managed workhouses, and some of the Reports made by the Visiting Commissioners have been to the effect that association with the ordinary inmate is beneficial to the lunatics. But many of the Board's inspectors strongly protest against the association of persons of unsound mind with the ordinary inmates, and have called attention to undoubted cases of hardship or annoyance arising from this cause. The Commission may refer to Mr. Preston Thomas' Reports published in the Annual Reports of the Local Government Board.

9. The same view was taken by the Cottage Homes Committee in 1899, who in their Report say that they "are of opinion that all pauper imbeciles and epileptics should be provided for outside the workhouse. Not only would the removal of this class of paupers leave further room for a better system of classification, but it would obviate what would appear to be a great source of discomfort to the aged poor in many of the smaller workhouses," and make a recommendation in accordance with that view.

10. The Board are aware that in many cases the guardians have experienced great difficulty in finding accommodation in existing asylums for lunatics who are obviously unfit for treatment in a workhouse, and whose presence may inflict much hardship on other inmates. In this matter the Board are practically helpless.

11. The Local Government Board have the duty of approving plans as well as sanctioning loans for the erection of Poor Law buildings, and can therefore exercise some control over the expenditure. Occasionally proposals which seem to involve unnecessary expenditure are put forward by local authorities, who generally are able to allege exceptional circumstances in justification. For example, building in the Metropolitan area is exceptionally costly, sites are very expensive, and the London Building Act, 1894, does not tend to economy of construction. There can, therefore, be no one scale of cost for the whole country; and in fact comparisons between one building and another can only be approximately accurate.

12. When considering the question of the institutions in which imbeciles should be kept if the recommendation of the Cottage Homes Committee are carried out the Board are bound to consider the cost of the buildings in which the insane paupers are at present housed, as compared with that of workhouses.

In March, 1904, the outstanding debt incurred for county and borough lunatic asylums amounted to £9,446,986. The debt of Poor Law authorities for workhouses and other Poor Law institutions amounted to £12,711,807. Calculated on the number of lunatics in county and borough asylums on January 1st, 1904, the

debt represented £111 per head, while the Poor Law debt on the number of indoor paupers only represented £49 per head.

The amount of the debt at various periods is shown below.

—	Poor Law Debt. *	Indoor Paupers, January 1st.	County and Borough Lunatic Asylum's Debt	Lunatics in asylums January 1st.
	£		£	
1879–80 - -	4,675,980	194,651	(not known)	40,088
1889–90 - -	6,237,304	200,482	3,557,436	52,937
1899–1900 - -	8,967,295	226,871	6,320,140	74,004
1903–4 - -	12,711,817	259,909	9,446,986	84,549

* Excluding for 1879–80 and 1889–90 the approximate and for 1899–90 and 1903–4 the ascertained debt of the Metropolitan Asylums Board for fever and smallpox hospitals and ambulance service.

Thus for every lunatic in asylums in 1889–90 the debt for asylum accommodation amounted to £67, and in 1904 to £111. For each indoor pauper the debt for workhouse, infirmary and school accommodation amounted in 1890 to £31 as compared with £49 in 1904.

13. It is clear that accommodation for acute cases of lunacy must be at least as expensive as that for acute cases of ordinary sickness, but the Board have considerable doubt whether anything like the same expense would be necessary for housing the chronic cases who now form the bulk of the lunatics in workhouses. As it would appear that many of the present inmates of asylums must also be chronic cases. The Board have no direct information as to this, but as the percentage of the total number of lunatic paupers chargeable to particular unions who are in asylums varies from 100 to thirty or forty, it seems to follow that the chronic cases from some unions have been transferred from workhouse to the asylums. This may be because there is a want of accommodation in the workhouse or because the officers wish to get rid of troublesome cases.

14. The lack of co-ordination between the local authorities who have to deal with lunacy administration appears to the Board to involve a large amount of unnecessary expenditure. On this ground there is something to be said in favour of a transfer of the administration to the county council, but on the other hand it must be remembered that the Poor Law machinery is the only one available for many purposes under the Lunacy Acts. The statutory duties of relieving officers: and the use of the workhouses for remand and other temporary cases could hardly be transferred to the county authorities without a largely increased expenditure.

15. The reports of the Visiting Commissioners in Lunacy are transmitted by the Board to the local authority concerned who in almost every case carry out the recommendations of the Commissioners. There is no appreciable friction, although in some cases the Board's inspectors do not concur in the recommendations. In some cases where the lunatics are few and chronic the expense incurred in their inspection would seem to be excessive, and possibly this might be avoided by some arrangement between the departments.

16. The case of the Canterbury Borough Asylum is one that appears to illustrate strongly the necessity of some further ordination between the central authorities who now deal with pauper lunatics..

17. The accounts of each asylum are shown in detail in the Report of the Lunacy Commissioners and are also included with the accounts of other local authorities in the annual Local Taxation Returns required to be presented to Parliament by the Local Government Board under the Local Taxation Returns Acts.

The accounts of the Visiting Committees are subject to audit by the district auditors of the Local Government Board under Sec. 18 of the Lunacy Act, 1891.

18. Of recent years the policy of Parliament has been to entrust to the Board the control of local loans and local finances, and the supervision of local administration generally. The Board would strenuously oppose any change which would tend to diminish their power of carrying out these duties effectively.

33766. (*Dr. Dunlop.*) You tell us, and I suppose the figures agree with those in the Report of the Lunacy Commissioners, that there are 11,000 lunatics in workhouses ?—That is so.

33767. You are, of course, acquainted with their mode of treatment in the workhouses ?—Yes.

33768. In the first place, are those all the lunatics in workhouses ?—Yes, all the certified lunatics.

33769. That is very much a qualifying answer, is it not ?—I think not.

33770. Do you think that all lunatics in workhouses are certified ?—Yes, that is so. I define a certified lunatic as a man who is detained there compulsorily under a certificate.

33771. But does this 11,000 include all lunatics in workhouses ?—All lunatics who are certified so that they may be unable to discharge themselves ; of course, there may be unobserved lunatics,

33772. Surely there are a large number of observed lunlunatics who are not certified in workhouses ?—I think not. The Commissioners in Lunacy at their visits call attention to the fact if they see them.

33773. Do the Commissioners in Lunacy visit the ordinary wards in workhouses ?—Yes.

33774. How often ?—I think once in three years.

33775. I understand they visit the lunatic wards once in three years ?—There may be a lunatic in the workhouse who is not known to be lunatic and to whom the attention of the Commissioners is not called.

33776. Are there a considerable number of that sort ?—No.

33777. Are you familiar with Paddington Workhouse ?—No, I have never been in the London workhouses.

33778. Would you be surprised to hear that there are dozens there, not certified ?—I should be very much surprised.

33779. I have seen them myself ?—It is quite clear you and I do not mean the same thing.

33780. Yes, we are talking about the same thing—uncertified lunatics—persons suffering from lunacy who are not certified ?—I have never seen them.

33781. Would you doubt their existence ?—Very much ; the Commissioners would be certain to know of it. I think the master would be certain to tell them. A lunatic is not a very pleasant inmate of a workhouse. The medical officer of the workhouse would certainly call attention to the fact that so-and-so is not right in his mind.

33782. I was over one some time ago where there are lunatic wards and lunatic airing yards and none of them were certified ; is that right ?—I think not.

33783. The intention of the law is that all lunatics should get the protection of the law ?—I imagine the intention of the law is that all lunatics should be compulsorily confined.

33784. Is that so ?—I think so. Incidentally they should get the attention which attaches to compulsory confinement.

33785. Why do you say all lunatics should be compulsorily confined ?—I think that is the intention. The intention of the certificate is that a man shall not be able to discharge himself when he chooses.

33786. Surely all lunatics are not compulsorily confined ? Some are allowed out on probation, and some are boarded out ?—That is under other provisions of the Act.

33787. You mean the intention of the Act is that all lunatics should be compulsorily confined ?—Put under some tutelage.

33788. Surely the ultimate object is to protect the lunatic ?—The ultimate object is he should be confined for his own protection.

33789. Do you think it right that these lunatics should be excluded from the provisions of the Act ?—I do not admit their existence. I do not understand it. I should have thought everybody compulsorily confined would be certified. I think either the Lunacy Commissioners or the inspector would know of it.

33790. Do you know the Liverpool workhouse ?—Yes.

33791. The West Derby Union Workhouse ?—Yes.

33792. Do you know the part of that called "The Epileptic Home" ?—That has been built since my time. All epileptics are not certified, because some are sane. I brought the attention of the Lunacy Commissioners to that matter twenty-five years ago.

33793. If you do not know that department of the West Derby Union, we need not discuss it. Will you give me your opinion on this point: is it right that lunatics should be detained in workhouses uncertified ? —No, certainly not. No one should be detained against his will without being certified.

33794. Some have not got a will to express, have they ? —No.

33795. With regard to the 11,000, are you satisfied that they are sufficiently or efficiently supervised by some central authority ?—I should say they were. They are as well supervised as any other pauper of my department. In addition, they have occasional visits by the Commissioners in Lunacy.

33796. They differ very essentially from other paupers because they are compulsorily detained and the others are not ?—There is that distinction. I suppose that is why they are visited by the Lunacy Commissioners.

33797. These lunatics suffer from a disease that requires a special knowledge to understand and appreciate ? —I suppose so.

33798. Is there that skilled supervision over them ? What men understanding lunacy go round and supervise their treatment ?—The Lunacy Commissioners.

33799. Once in three years; I do not think you can call that sufficient ?—I am not an expert in this matter in the least, but as you put it to me I should say the bulk of the inmates who are called lunatic ("lunatic" is the word which is used in the Statistics and therefore is a word which we commonly use) are persons who are either pure imbeciles—a little soft in their minds or senile dements and persons of that kind.

33800. They are lunatics, are they not ? They are incapable ?—They are called lunatics because they are so called in the Statistics.

33801. But they are lunatics ?—They are called lunatics, but they are not lunatics in the sense that they are either dangerous or curable.

33802. Where on earth do you get such a definition of "lunatic" ?—I do not get any definition at all. I use the term "lunatic" simply because it is used in the Statistics.

33803. Do you object to the term "lunatic" ?—I do not object to the term. You ask whether they require very skilled observation, and I point out that the great bulk are harmless and incurable cases who probably do not require the same amount of supervision as they would if they were curable or dangerous.

33804. Allow that they are harmless and incurable, but they are incapable; they cannot take care of themselves and the public have to take care of them ?—That would be true of most paupers.

33805. Are most paupers incapable of taking care of themselves ?—In one sense or another—morally or physically. The great bulk of paupers are sick.

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33806. Certainly all lunatics are suffering from mental sickness, are not they ?—Yes.

33807. Is there the necessary expert opinion to supervise and to see that these lunatics are properly kept ?— I imagine the Commissioners in Lunacy are satisfied.

33808. They only visit once in three years and they depend to a large extent on the visits of the Local Government inspectors, I understand ?—Yes.

33809. Is that sufficient ? Are the local Government Board inspectors medical experts who can appreciate and understand lunacy ?—No, they are not medical experts. We have two medical experts on the staff who visit the workhouses from time to time.

33810. Not with regularity ?—With perfect regularity. They visit a settled number in each year—seventy or eighty, I think. In London the medical inspector, Dr. Downes, visits regularly.

33811. All the London workhouses ?—Yes, the sick wards of them.

33812. Does he not visit the lunatics ?—I suppose he does.

33813. He does visit all the lunatics ?—He certainly does. He certainly inspects Leavesden and Caterham.

33814. The Metropolitan Asylums Board Asylums; but does he visit the lunatics in the common workhouses in London ?—Yes.

33815. Once a year ?—As often as may be required. I am not aware that there are any lunatics except in the receiving houses in London. There are lunatics in the receiving houses; I suppose there would be some on probation. It may be that they are kept there ordinarily, but I do not know it.

33816. I have seen it ?—Were they on probation ?

33817. No; I think another Commissioner will corroborate that. I want to know if these are inspected ?— I suppose they are inspected like any other pauper in the workhouse.

33818. But not medical or expert inspection at all ?— I think there is medical and expert inspection. I think Dr. Downes might be considered an expert in these matters.

33819. You will not commit yourself as to whether Dr. Downes visits and inspects these lunatics ?—I do not know. I never heard of the lunatics myself, except in receiving houses and on remand.

33820. The 11,000 certified cases are visited once in three years by the Lunacy Commissioners and, except those in London, only occasionally by the medical Local Government Board inspector, the occasions being once in what—five or six years ?—Something like that.

33821. For two years out of the three we may take it they are never seen by any expert medical inspector ?— You mean those lunatics who are in workhouses ?

33822. The 11,000 ?—That is so.

33823. Is that sufficient to secure their proper treatment ?—I think so.

33824. Could not many lunatics be put in there and die there before they are inspected ?—I do not know that there is any particular virtue in inspection. As a rule they are properly cleaned, properly fed, properly housed, and they have the continual services of the medical officer of the workhouse who may or may not be a lunacy expert.

33825. Do you discount the advantages of inspection altogether ?—I do not discount the advantages of inspection altogether, but I say that is not the thing which you must rely on mainly; you must rely on the character of the local government bodies and their responsible officers.

33826. I suppose you will allow that inspection has done a very great deal for the treatment of the lunatic in England ?—I suppose it has.

33827. The difference between now and sixty years ago is very marked ?—I should not attribute all that to inspection.

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33828. A good deal of it?—I am not in a position to judge of that.

33829. In your opinion they are quite sufficiently supervised at the present moment?—I think so. I think there are only twenty-three out of the 167 reports of the Commissioners in Lunacy which were not merely formal; that is to say, everything was satisfactory.

33830. That referred exclusively to the 11,000 certified cases?—Yes.

33831. And that did not include the uncertified cases?—Which I deny altogether.

33832. You are not aware of their existence?—I think if they do exist in all my experience of workhouses—and I have had nearly 250 unions in my district—I should have known of it.

33833. I am leading up to the matter of who regulates the class of case which is detained in workhouses. Is the class of case defined?—You are referring to the class of case not sent to asylums?

33834. Yes?—No. Before you can send them from a workhouse to an asylum the lunatics have to be certified under the Lunacy Act, 1899.

33835. Is there any limitation of the class of cases that may be detained in the workhouse?—Yes; they must not be dangerous and they must not be curable. All violent cases and all curable cases must be sent to asylums, but as to the definition of a class below that, there is none.

33836. Can you tell me where that rule comes in; is it in an Act or where is it, that you cannot keep curable cases in workhouses?—I do not think it is in an Act. I think it is a matter of circulars, and so on.

33837. Can you give me the reference off-hand to any of the circulars?—I can give you the reference to whatever circulars we, or the Lunacy Commissioners, may have issued on the subject. The Lunacy Commissioners invariably call attention to any case they meet with of that sort; so do our inspectors if they are brought to their knowledge.

33838. Are there any Local Government Board rules which limit the class of case?—No; we have never issued an order, I fancy.

33839. Then there is no order limiting the action of the medical officer?—No.

33840. What guarantee have you that only incurable and harmless cases are detained?—You have several guarantees. In the first place, you have the obvious interest of the workhouse officials who are only too glad to get rid of troublesome cases.

33841. Which they sometimes from their own statements are unable to do?—Quite so; we will come to that presently. Then you have the professional competence of the medical superintendent or medical officer; the constant visits by guardians, and the double inspection.

33842. But for all that there is no hard and fast rule that you are bound to see carried out?—No. It is very much a matter of opinion. Sometimes the medical officer will endeavour to get a case transferred to the asylum and will get the necessary medical certificates, and the necessary order from the magistrates. Then, again, he may try to get patients removed to an asylum and fail because the asylum is full; I could give you many instances of that. Then, again, you find that in some workhouses there are no persons of unsound mind while in others there are as many as thirty or forty per cent. of the total number of lunatics chargeable to the union. So that you get the quantity of the insane in workhouses varying very much.

33843. That is what I am leading up to; the absence of rules in the matter and of definite procedure has led up to a very varying practice?—The procedure seems to me to be very definitely laid down by statute.

33844. The absence of rule has led up to a varying practice?—I should say there are many causes which have led up to the varying practice. I think mainly the reason why lunatics who ought to be in asylums are now in workhouses is because there is no room for them in the asylums. The reason why there are a good many imbeciles in asylums who might very well be in workhouses, is according to the Lunacy Commissioners, partly the effect of the 4s. a week grant.

33845. May I ask why you select the term "imbeciles" for the second part of your answer?—I merely wish to make a small distinction between the insane and imbeciles. I am using the common parlance.

33846. They are certified to be idiots?—They are certified so far that they can be confined in a workhouse. The medical officer has to give a certificate that so and so is a fit and proper person to be kept in a workhouse.

33847. That does not define the class of case kept, does it?—No.

33848. Do you think it is advisable there should be some tighter rules to regulate it?—I should be very sorry to draw the rules myself. I see great difficulty in drawing rules which would meet the varying cases of the lunatics, and the varying medical opinions, even of the experts.

33849. Do you not think a rule to the effect that the lunatic afforded protection in the workhouse was neither dangerous nor curable would meet the situation?—That is the certificate that is given by the medical officer.

33850. I do not think so?—It used to be under Section 20 of the old Act.

33851. "Suitable for detention in a workhouse," it says?—That is all.

33852. That is not the same as I suggested, a certificate to the effect that the lunatic is neither curable nor dangerous?—More defined; I see no harm in that.

33853. Would not it be an advantage?—I think it is obvious neither of those cases should be detained in a workhouse.

33854. Allowing that, do you not think some outside authority should go in the workhouse to see that the rule is carried out?—I believe that is the case at present.

33855. Who does that?—The Lunacy Commissioners.

33856. Once in three years. That cannot be quite efficient, can it?—That is their business, not mine.

33857. But take the fact as we have it; that is hardly sufficient?—If you ask me if there is any real mischief comes from it, I do not believe it for one moment. I think such mischief as there is simply comes from the fact that under the circumstances, which will no doubt be discussed later, some asylums are extremely full and cannot take in people who ought to go there.

33858. You make some remarks about the 4s. grant; that is not meant for lunatics in workhouses, is it?—No.

33859. Have you any suggestion or recommendation to give about that?—I look upon that grant as wholly mischievous because it has been of no profit to the ratepayers, and has been, I believe, one of the reasons of the fact that asylums have become crowded and filled up with a class who might, according to the Lunacy Commissioners themselves, be treated in other buildings—in a cheaper form of building. I do not know that it would be convenient for me to give here the evidence which I have as to that grant. It is a matter which has been very frequently before the Local Government Board. It was before the Local Government Board in 1882 when the Commissioners in Lunacy expressed the opinion that a return obtained by them with the concurrence of the Local Government Board from the medical superintendents of asylums established the fact that a great proportion of the asylum population might be adequately, and much more economically, provided for in workhouses. The return showed the number of cases in asylums who, in the opinion of the superintendents, might be sent to either workhouses with special lunatic wards, workhouse infirmaries with a paid nurse, or ordinary workhouse wards. The number of such cases was not very large in the return, only amounting to 5,745, but, as the Commissioners point out, the superintendents took varying views on the matter. For example, in the two Surrey asylums of Wandsworth and Brookwood, where the total numbers were about the same, four times as many patients were recommended for workhouse treatment from the latter of those asylums as from the former. So the personal equation of the medical superintendents had a great deal to do with it. Upon that return the Commissioners wrote to us and said: "The Commissioners do not know what opinion the Local Government Board as administrators of the capitation grant may have formed on this point, but if it should be the case that any change in the

conditions of the grant is in contemplation they would desire to throw out for their consideration whether it might not be well to exclude from the weekly grant all such persons in asylums as could be shown to be capable of being adequately taken care of in workhouses." Again there is the continual application from the boards of guardians that the 4s. a week grant shall be paid for imbeciles in workhouses as a matter of the relief of local taxation. In 1897, the County Councils Association approached the Board with proposals that the grant should be so paid as a means of relieving pressure on asylums, and suggested that a chronic lunatic must be sent to an asylum before being transferred to a workhouse, and then if he were transferred from the asylum to a certified workhouse the grant should continue to be paid. The Board considered that proposal—it was rather an elaborate proposal—but finally decided against it on the ground that it would probably lead to increasing the pressure of asylum accommodation, because guardians would try all their imbecile cases in the asylum to see whether they should be sent out and so become eligible for the grant, and they also, the opinion of the inspectors having been taken, pointed out that there was not much room in workhouses for this class of case. The Board write: "The scheme of the association is that the grant shall only be paid in respect of a chronic lunatic transferred from the asylum to a certified workhouse, that is, a workhouse where the accommodation for the lunatic has been approved and certified. This assumes that there are many workhouses where there is vacant accommodation of a suitable character for the reception and maintenance of lunatics transferred from asylums. But this is not the case, and it would be necessary if such provision is to be made that the guardians of a large number of unions should erect additional buildings for the purpose, and in each case provide a staff for the care of the patients. The Board would observe with regard to this that it appears to them that, instead of increasing the number of lunatics in workhouses, it is desirable, in the interests of the poor who through poverty are obliged to have recourse to the workhouse, that the workhouses should, as far as circumstances reasonably admit, cease to be asylums for lunatics. The Board direct me also to state that it appears to them that if a large number of unions in order to qualify for the grant have to provide new buildings and additional staff and officers, the required accommodation can be much more economically provided by the county councils in additional asylums to be appropriated solely for chronic and harmless cases, the buildings and the arrangements generally being of a much less expensive character than those founded primarily for acute cases and curative treatment." That was the opinion of the Board in 1889.

33860. (*Chairman.*) Is that opinion still held?—Yes I think so. The situation has not much changed. It may be interesting to point out that the grant was originally intended partly as a relief to local taxation, and partly to meet the complaint which was then made by the Commissioners in Lunacy at that time that persons of unsound mind were improperly detained in workhouses from motives of economy. That was a suggestion that was made, and as I told the Royal Commission on the Poor Law the other day, I always rather resented it myself, but still it was felt to be right that the guardians should have no pecuniary inducement to detain these patients in the workhouse, and the grant was fixed so as to meet the difference in the cost between maintenance in the workhouse and maintenance in the asylum. The result was that whenever a board of guardians was short of room, and would have had to build for some other class, they shipped their lunatics or their imbeciles off to the asylum, and used the workhouse buildings for other cases, thereby transferring the cost of buildings from themselves to the county authorities. I have known that done in a very glaring way in more than one case. Also medical officers of workhouses, and masters occasionally do not like having persons of unsound mind there; they are troublesome, and they are sent off to the asylums, the result being that you have now in some workhouses no lunatics, and in some 40 per cent. of the total lunatics, showing quite clearly that the complaint of the Commissioners that the asylums have been filled up with chronic cases is a just one. I can only account for the fact that the grant has been allowed to remain as it is by the fact that there are three bodies responsible for it; I mean to say the Home Office, the Lunacy Commissioners, and the Local Government Board. If the whole matter had been in the hands of one Department, I do not think that grant could have existed, because I think it can be demonstrated that it has resulted in a loss to the ratepayers. It was intended to benefit local taxation, and it has increased local taxation, and the sole advantage has been that it has removed all temptation from boards of guardians or their officers to detain persons of unsound mind in workhouses improperly.

33861. (*Dr. Dunlop.*) That last is a very useful result, is it not?—Very.

33862. What is your personal opinion then about this grant, or what is your department's opinion; should it be abolished, or should it be extended to all lunatics. You say it does not work satisfactorily?—I should say that my department were of much the same opinion now as they were in 1882; either the grant ought to be abolished altogether, or it should be paid for all persons of unsound mind under conditions, which conditions do not exist now—conditions I mean of classification.

33863. I think one might sum it up by saying, to the satisfaction of the Lunacy Commissioners?—I should not say so at all; I should say to the satisfaction of the Local Government Board.

33864. The Local Government Board are not an authority in lunacy, are they?—No, nothing like it. I was not saying that for one moment, but the case is this:—90 per cent. of lunatics are paupers; of the general population of the country about one in thirty is a pauper, but among lunatics only one in eight is a non-pauper patient, and as I point out in my report here, that shows very much the class from which the pauper lunatic is recruited.

33865. Well-to-do people are unnecessarily made pauper lunatics?—Yes. The question of cost is one which concerns the Local Government Board very much. Forty years ago lunatics only consumed 7 per cent. of the money raised from the poor rates; now they consume 16 per cent. We also consider the cost of buildings, and we think that a great deal of this extra cost of lunacy is due to want of classification; that is to say, to a want of co-ordination between the various local authorities, the guardians and the asylum committees. We do not know the class that are in asylums; we have no means of putting any pressure on the county authorities to build cheaper buildings for the harmless and incurable cases. We are convinced that if there was such a proper classification, if the buildings were built for the exact class which use them, there would be considerable economy, and we think that this cannot be done except by co-ordination between the various local authorities. With that we are primarily concerned. We are not in the least concerned with the judicial functions of the Lunacy Commissioners.

33866. Your last answer implies that you regret the absence of a rule regulating the classification of cases, saying which case should be kept in one class of institution, and which in another. That ruling regulates of course the finance too?—I doubt whether a regulation would meet the case.

33867. A regulation with efficient inspection to carry it out?—Yes, an inspection which covered the whole class. that is the point, it must be the whole class.

33868. An inspection covering the whole class?—Yes.

33869. A lunatic or defective-minded person, wherever he is?—Yes.

33870. And regulating their location and treatment?—Yes.

33871. Now with regard to the 4s. grant. Supposing for a moment that was given towards the upkeep of all defective persons and lunatics, would not that be a very convenient and useful method for insuring proper treatment, making the 4s. grant only payable when the Lunacy Commission is satisfied that the case has been properly and suitably treated, neither too expensively, not too cheaply?—I do not know that I can say my department shares my views, but I am dead against a grant which depends on the local authority doing something, I think that Lord Randolph Churchill's view on that matter was quite right, and I think this 4s. grant is a good case in point. Here the grant was not frankly a relief to the local taxation, it was a relief to local taxation coupled with the reform of local administration, the

result is you have got a grant which has positively led to a waste of the rates; it twice curses; it curses the imperial taxpayer who gives it, and it curses the local ratepayer who receives it.

33872. But this 4s. grant surely would be a very powerful means of enforcing economy; they would not pay for cases which were unsuitable for the treatment they were receiving?—Yes, I think it might be a forcible means of inducing authorities to comply with the views of a department.

33873. It might be exceedingly useful in those ways?—I do not want to touch on the matter of local grants.

33874. Would you advise any alteration in the matter of the 4s. grant?—I should, I should advise that it either e taken away altogether or be universally paid, subject to certain conditions which do not exist at the present time.

33875. And subject to the carrying out of those conditions?—Yes. I should say that one objection which my Board has taken to the 4s. grant, being paid to workhouses is that there would be a great temptation to include in the number of lunatics senile dements and other folk whom we should not consider to be entitled to the grant. The Commissioners seem to share that view aud at one time suggested that the grant should not be paid to cases in asylums who are suitable for workhouse treatment.

33876. Why should not it be paid for the senile dements, they are a very expensive class of lunatic to nurse; take such an asylum as Tooting Bec?—I do not know.

33877. I want to ask about a completely different class of lunatics now, boarded-out lunatics; are they ever under your cognisance?—No, I know nothing about them.

33878. Who can give us information about them?—I do not know.

33879–81. Can you tell us whether the Local Government Board inspectors ever look at these cases?—No, they would be outdoor paupers; do the guardians pay for them?—The guardians pay for them. (*Dr. Needham.*) They are outdoor paupers.

33882. (*Dr. Dunlop.*) There is no central Government inspection for them, is there?—No, that is left to the guardians and their officers.

33883. I notice you are in favour of one supervising authority to take charge of all those?—All pauper lunatics.

33884. All lunatics, I suppose?—No, all pauper lunatics.

33885. You include those in county asylums?—Yes; so far as looking after their buildings is concerned and such matters.

33886. Would you separate the supervision of the buildings from that of the patients?—No, I would have them inspected under the same department, so far as their care is concerned, as inspects the ordinary sick person.

33887. Inspects the sick person who is a pauper?—Yes.

33888. There is no inspection of other sick persons?—No; "sick pauper" I should have said.

33889. Your opinion is it should be one department?—Yes.

33890. At present it is divided between three departments, the Lord Chancellor's, the Local Government Board and the Home Office?—Yes.

33891. What is your opinion as to which department should monopolise it all?—My opinion is the Home Office have nothing to do with it really; that the Home Office were brought into the matter because they had to do with the justices of the peace, who were then the local authority. The same reason which led them to select it in those days would be a reason for making the Local Government Board responsible now. As Mr. Kershaw has pointed out to you, we are entirely helpless in the matter of checking expenditure upon buildings. I just give my opinion for what it is worth, that the Home Office should have nothing to do with it. The Lunacy Commissioners would, of course, have a great deal to do with it; everything to do with it, as lunacy experts. I am only talking of pauper lunatics now. With other lunatics the Local Government Board have nothing to do on any terms. The Lunacy Commissioners would be the experts who would see that the conditions of confinement were correct, and would exercise all the judicial functions which they now exercise.

33892. According to your suggestion the Local Government Board would carry out that, not through their own inspection, but through the Lunacy Commissioners?—The Lunacy Commissioners, I take it, would report to the Local Government Board.

33893. Would they be a department of the Local Government Board then?—They might be. We have all the machinery. We should probably have one or two additional experts, medical men; probably that would be necessary.

33894. Over and above the Lunacy Commission?—Yes.

33895. Even if the Lunacy Commission were strengthened?—The Lunacy Commission would have quite different functions; their functions would be judicial functions; they would no doubt go and see whether persons were really insane; but so far as housing lunatics and supervising the contracts for their maintenance and clothing are concerned I think that should fall into the hands of the department that audits their accounts.

33896. Who is to supervise the treatment of the lunatic?—The treatment of the lunatic would be supervised by inspection in the same way as that of other paupers.

33897. The Local Government Board inspection?—Probably by medical inspectors appointed by the Local Government Board for that purpose who, of course, would be in close touch with the Lunacy Commissioners.

33898. So, again, we would have a dual inspection of the Lunacy Commissioners and the Local Government Board inspectors?—You could hardly call the general supervision and what I call the judicial part of the function dual inspection; it is difficult to define it.

33899. I should like to get hold of the conception; it would seem to lead to dual control?—I think not.

33900. Who should make the rules to regulate it?—The rules of the lunatic asylums would be made in consultation with the lunacy inspectors by the Local Government Board.

33901. Who would be responsible for them?—The Local Government Board would have to answer for them in Parliament.

33902. So the local authority would regulate and the Local Government Board would inspect?—Yes.

33903. I do not see where the Lunacy Commissioners would come in?—The Lunacy Commissioners, as being in charge of the general lunacy of the country, would advise, and would no doubt have the last say in matters of strict lunacy administration.

33904. Do you not think that might give rise to trouble, to dual control?—I do not think it would; it would not give rise to the same inefficiency that the present treble control gives.

33905. In your statement you talk about the Local Government Board inspectors overruling the recommendations of the Lunacy Commissioners?—No, I am sure we never did such a thing as that.

33906. "Do not concur with a recommendation"; that presumably means overrule?—There is no friction whatever between us and the Lunacy Commissioners. When I mention that it is a trivial thing. Sometimes the Lunacy Commissioners say fire escapes are not adequate; then the general inspector might say he thinks they are quite adequate, but we always send a recommendation of the Commissioners to the guardians all the same, and they sometimes agree with one, sometimes with the other. One would have thought a matter of fire escapes would hardly be within the jurisdiction of the Lunacy Commissioners, but the Lunacy Commissioners are perfectly right to call attention to it in the interests of their patients, so to speak.

33907. You would advise dual inspection by the Lunacy Commissioners?—I do not say dual inspection at all; I never used the word "dual" in the matter; I say the Local Government Board should be responsible. I cannot tell you exactly what staff would be required—it would not be

much—it would be mainly a medical inspector's staff, and they would work in consultation with the Lunacy Commissioners with respect to any rules and regulations touching the question of lunacy.

33908. I do not quite follow the position of the Lunacy Commissioners in the matter. Would they be only consultative ?—They would be mainly consultative ; I do not say only, because they would always have the right to go and see patients ; they must go and see every lunatic.

33909. Are there any rules regulating the class of case sent to the Metropolitan Asylums Board asylums ?—There are not, but there is a good deal of trouble arising out of that at this moment.

33910. I do not want to go very fully into it ?—Here is a nice case of absence of co-ordination. On the 1st June last Dr. Downes reported to us that in the Metropolitan Asylums Board buildings there were no fewer than 400 empty beds, and there are no outstanding applications for the admission of patients, "and the whole position is obviously most unsatisfactory, costly asylums being filled up with a class for which their elaboration is entirely unnecessary, while the authority expressly constituted to provide for this class has no applications for some hundreds of vacant beds. And not only is there overlapping of this kind, but the one authority would appear to be uninformed of the doings of the other. The workhouses and Poor Law infirmaries are, I believe, the main channels of admission either to the London County Council or to the Metropolitan Asylums Board asylums, but so far as I am aware there are no rules (nor would it be easy to frame rules) to determine the selection of asylums by the local authorities in regard to the cases now in question. The statutory provisions as to certification are however somewhat different for the one class of asylum as compared with the other, and there appears to be some difference of practice in the matter of fees. It may be further be noted that both the London County Council and the Metropolitan Asylums Board complain of the number of aged persons who are now certified and sent to the asylums. During 1905 the percentage of admissions of persons over seventy years of age was 33½ per cent. of the total admissions to the Metropolitan Asylums Board asylums." There you have a case where there is not only no fixed rule, but there is a great diversity in practice.

33911. It is a general conception that the Metropolitan Asylums Board asylums are for chronic, hopeless, incurable cases ?—I believe that was their intention.

33912. They are incorrectly spoken of as imbecile asylums ; there are a lot of dements there and other decrepits. I have ascertained the presence of cases of acute insanity in them, kept there and discharged cured. Is there no authority that insists on the rules and the understanding being carried out at the present moment. Is it the duty of the Local Government Board to interfere and say, "you are taking cases you should not take" ?—I think the Local Government Board should interfere, but you know very often in large workhouses, Liverpool for instance, they do quite a considerable business in dealing with delirium tremens cases.

33913. I am putting them aside ?—They come in and stay.

33914. Is there any check upon the London authorities from sending acute cases to Metropolitan Asylums Board asylums, which are not intended to receive acute cases ?—There is no pecuniary advantage in sending either to the one or the other, because the whole cost is chargeable upon the whole metropolis.

33915. But the classification and destination of the patients who are sent is not very thoroughly regulated at the present moment ?—In sending to asylums the medical superintendent gets a fee, but in sending to the Metropolitan Asylums Board asylums he does not get a fee. One could hardly suppose that that is a very important factor. There is no reason why they should not be sent to the right place ; it is a want of professional competence if they are not, but the fact remains, as Dr. Downes points out, that whereas the London County Council asylums are full, the Metropolitan Asylums Board hospitals have some hundreds of beds empty.

33916. That may be partly due to chronic cases being detained in the asylums, harmless cases ; but on the other hand there are a certain number of acute cases in the Metropolitan Asylums Board asylums. It is a want of co-ordination ?—If you will give me information about that I will have it looked up at once.

33917. (*Mr. Burden.*) Do I understand you to suggest that the whole of the asylum work should be done under the Local Government Board, or only that part of it which has to do with paupers ?—Only that part of it which has to do with paupers. We have no concern with any other class.

33918. So you would exclude from all public asylums all persons who are not paupers ?—We should exclude them from our inspection. They would remain of course with the Lunacy Commissioners.

33919. So then there would be two authorities, one dealing with the men who can pay, and one dealing with the pauper ?—Yes, within certain limits. It probably would be arranged between the two departments.

33920. Then you would have the institutions separate, or would you have both authorities dealing with the same institution ?—I do not know. I suppose there are some asylums in which private cases are allowed to mix with pauper cases.

33921. That would have to be discontinued ?—No ; why should it ?

33922. Surely ; you would have paying cases under the control and management of the Local Government Board ?—If they were in pauper asylums. At present the Local Government Board have to audit all the accounts, but have not a word to say as to the diet ; as to the clothing ; or as to anything, except the mere audit.

33923. (*Mr. Dickinson.*) Audit the accounts of what ?—Of those authorities which are subject to audit.

33924. That is to say, the accounts of the county councils ?—The accounts of the county councils, and some boroughs.

33925. (*Mr. Burden.*) So at the present moment the Local Government Board audit, and they do nothing further than audit ?—No.

33926. Your suggestion is to bring the whole thing under the Local Government Board, so that they may not only see how the money is spent, but may direct how it should be spent ?—Yes.

33927. Surely that would cause the necessity for having two classes of institution dealing with insane persons other than private and public asylums ?—I do not think so. There are a good many people in workhouses, pensioners and others, who pay their cost.

33928. You do not see any difficulty ?—No.

33929. You think such an arrangement would lead to economy all round ?—It should lead to a better classification, which I hold to be the first step towards economy.

33930. As regards the erection of buildings, you think the provision of accommodation would be more cheaply done if it were in the hands of one authority, and that authority the authority which had to give them permission to borrow funds ?—Yes ; any authority in fact that could ensure proper classification.

33931. There have been a good many asylums and a good many workhouses erected of late. Can you tell me something as to the cost of some of the workhouses ?—I can give you the cost of every workhouse erected for some years past.

33932. Would it be possible to tell me the cost of the erection of the imbecile wards at the Burnley workhouse ?—Two large two-storey half-pavilions with central block, including lying-in wards, cost per bed, exclusive of site, £194.

33933. Then the Marylebone Infirmary, Rackham Street ?—New blocks facing the Marylebone Road, the plans of which were approved in 1897. Would that be the one ?

33934. No ; Rackham Street is the one I was thinking of, but as you have Marylebone Road there, we may as well take that ?—Accommodation 589, cost £59,348 for building, £9,000 for water supply and fittings, total expenditure £68,348 ; cost per bed £116. The design of the buildings was subject to the approval of the ground landlord—I think it is on the Portman estate—and the Board were consequently not in a position to check expenditure upon the design : and the building was subject to the provisions of the London Building Act.

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33935. Could you give me the Rackham Street figure?—I am afraid I cannot find that.

33936. May we take the figures of Tooting Bec?—Tooting Bec was erected on land which had been bought for an isolation hospital, but objected to on the ground that a good many of the Members of both Houses of Parliament played golf on the common, and ought not to be exposed to the risk of infection. For that, or some other reason, the land was not used for the purpose for which it was bought, and the Metropolitan Asylums Board arranged to build on it an infirmary for sick and bedridden cases. It was designed on hospital lines with 70 square feet floor space and 936 cubic feet per bed. There is staff accommodation for seventy men and 105 women; the asylum is within the London area, and its construction was governed by the requirements of the London Building Act; the cost of building in or near London is considerably in excess of building in the provinces, owing to the higher rate of wages in the building trade, the higher standard of administration, and the requirements of the London Building Act 1894. The main point apparently with regard to Tooting Bec which caused the extraordinary cost, including land, of £340 a bed is that the land is much greater than would be required by the place as an infirmary, that it had to be built owing to complaints of old paupers having to be taken so far as Caterham and Leavesden, and it was consequently built on infirmary lines all the way through. In addition, the administrative block is on a scale so as to serve a very large addition to the asylum. I have been obliged to pay a good deal of attention to the cost of building in comparing one building with another, and that is a point which is often forgotten. In East Sussex, my own county, we built an asylum which cost £500 a bed, but you have to remember that the administrative block there is big enough, I am told, for 1,400.

33937. The asylum is built for how many?—I believe 800.

33938. Kensington workhouse and infirmary; can you give us the figures for that?—I have not got those figures. My figures only run from 1885.

33939. Can you tell me how many people Hammersmith workhouse contains. I am told it cost about £250,000?—Yes, it did; that is another case in point. That has 400 inmates, speaking from memory, in the workhouse, and about 350 in the infirmary.

33940. 750 altogether?—Yes. The administrative block is big enough for a workhouse of twice the size, and I may add that the Local Government Board is holding an investigation on the matter.

33941. I should like to go to the country for a workhouse case; say Nottingham. That is quite a recent erection within the last year or two?—I think Nottingham is after this list. I can give you some good big ones.

33942. Perhaps you could let us have the figures later?—The biggest on my list is Brentford which, including a chapel and remand home, cost £287 per bed. Nottingham cost £152 per bed, including a chapel. In the country, in the rural districts, we build infirmaries for something like £100 per bed. I have a complete list of all the places recently built in Devon and Cornwall, and the highest is Exeter, I think, which cost £116 per bed, and they run as low as £50 or £60 per bed.

33943. Would it be possible for you to put a list in?—Yes. I wish I could give you this whole list, but this is the appendix to my evidence before the Poor Law Commission; it has not come out yet, but I can let you see it.

33944. Can you tell me anything about the cottage homes for Bermondsey, they were erected a short time ago. They cost about £300 a bed; they were erected at Shirley?—Yes, they cost an enormous sum. I do not know whether the Commissioners have seen this curve which shows that in 1890 we authorised buildings for Poor Law purposes to cost £530,000, and in 1900 the cost ran up to £2,600,000, £900,000 of that being the buildings resultant on the Report of Mr. Mundella's Departmental Committee on Children. London spent £900,000 in building on the Report of that Committee—the metropolitan area. The cost of building has dropped from £2,600,000, and last year it fell to £789,000. This year I do not know what it will be, but I have traced £135,000 taxed off, so to speak, and probably there will be another £50,000 due to sheer refusals to build, so I should not suppose this year we shall be over say £600,000. We are not, as sanctioners of loans for Poor Law buildings, doing a quarter of the business which we used to do.

33945. £320 a bed seems a very heavy price for these cottages?—Enormous; that would include the large site, laundry and swimming baths.

33946. There were some erected for the Greenwich Union, I think at Sidcup; they cost slightly less?—They cost £203 including isolation block, gymnasium, laundry, bakery, master and matron's house.

33947. I thought it was £280; no doubt you are correct?—I think these were carefully done.

33948. That is a very big sum for cottage homes. Something like £100 is more reasonable, is not it?—Much more; but the trouble is that enthusiastic boards of guardians wish to build for this class, they call attention to the requirements of the Commission, and in the result the builders and the architects have a good time. There are a four or five of them, and they were all built in that particular epoch, 1900; there was rather a rush, I do not think we shall get to anything like that price again.

33949. (*Dr. Loch.*) You attribute that to the recommendations made by that Commission, which seemed to be recommendations which ought to be fulfilled?—The great expenditure; there was a certain enthusiasm for it. You must remember that the whole content, so to speak, of the Poor Law has changed in the last few years; the able-bodied class has gone out, and the classes requiring special care, as for instance the children and the sick, have come in. Probably those buildings are just as much hospitals as the London hospitals; they have operating rooms and a very large staff of nurses, and have to be very fully equipped in every way. On January 1st, 1892, 17,000 persons came into the workhouses for sick treatment. In 1906, that is fourteen years afterwards, that 17,000 had risen to 31,000, the able-bodied class going out; so you must remember these buildings are mainly for persons who are sick.

33950. (*Dr. Loch.*) In Paragraph 16 of your statement you say: "The case of the Canterbury Borough Asylum is one that appears to illustrate strongly the necessity of some further co-ordination between the central authorities who now deal with pauper lunatics." Could you state the case of the Canterbury Borough Asylum?—In or about the year 1898 Canterbury found itself in a difficulty, having some fifty lunatics for whom they had to make provision. Canterbury is a county borough and had seceded from the county of Kent. The Kent asylums would not take the Canterbury lunatics, and Canterbury was therefore in a difficulty. Canterbury, I may say, is a town of 20,000 inhabitants, having a rateable value of something approaching £100,000. At that time the East Sussex county were building an asylum for themselves, and they offered to take in the fifty Canterbury lunatics (I negotiated the offer myself) for 14s. a week, but for some reason or other the Canterbury people determined to build for themselves, and they had an interview with the Lunacy Commissioners, of which I have a note here, in which the Commissioners say they do not approve of building any asylum for less than 250 beds, and point out that if there had been other authorities near with whom they could have joined it would have been better to have joined with them, but as it was they might fill up their asylums with patients from other authorities. The Canterbury Council seem to have had an idea in their minds that they could make a profit from private patients. The Commissioners say to them: "There is no doubt that at the present time you can fill your asylum four times over, but it may be different in some years to come," and therefore they would not advise the Canterbury folk on any questions of finance; but Canterbury, for some reason or other, determined to go on, and they submitted plans for an asylum for 250 people to cost over £70,000, their rateable value being, as I have said, under £100,000. Those plans were passed by the Home Office and the Lunacy Commissioners, and when it came to the Local Government Board I protested most strongly against our giving sanction on the ground that Canterbury was building far in excess of what it could afford, that a municipality had no right to go into the business of being the keeper of a private asylum, and that Canterbury wanted, for its own purposes (additional sewage, isolation hospital, and so on), plenty of money, and therefore could ill afford to spend so large a sum on what

I considered to be a wholly unnecessary asylum. My Board did not agree that we should refuse the sanction, and finally we wrote a letter on June 22nd, 1899, in these terms:—"I am directed by the Local Government Board to advert to your letter of the 21st March last relative to the application of the Town Council of Canterbury for approval for the borrowing of a sum of £70,000 for the provision of a lunatic asylum. The Board understand that the requirements of the city itself would be met by the provision of an asylum to accommodate 100 patients, but in view of the statements made on behalf of the Commissioners in Lunacy at the interview between them and the town council on March 16th, 1898, that they had laid it down that no asylum should be built for less than 250, the Board have decided not to withhold their approval of the loan required for the erection of the asylum now proposed. Their formal approval is accordingly forwarded to you." That closed the connection of the Local Government Board with the loan. Of course, we know nothing afterwards, but it appears that the Canterbury people when they had spent £78,000 did not proceed with the business on the ground that they could not afford it—they could not finish the asylum. The consequence is now that they have 155 inmates in the building, and are being pressed by the Lunacy Commissioners to complete it, and that would entail an additional expenditure of £40,000. What they will do I do not know, but as the Commissioners state in their last Annual Report that one of the deficiences is in the provision for escape in case of fire, I suppose the Canterbury people will have to do something and spend a lot more money. My point there is that had the Commissioners been thoroughly aware of the responsibility, for other needs, of Canterbury, I mean to say the need of increased sewage provision, the need of a housing scheme, and been in any way responsible for the local finance, I do not think they would have assented to the expenditure of so large a sum on a matter which, important as it is, is only one of the needs of a municipality.

33951. In the Report of the Lunacy Commissioners the cost per bed is put down at £489 14s. 10d., and it is stated that the total cost of buildings and land up to January 1st, 1904, is £75,910, and that there are 155 patients. I understand from you that the asylum was to have been built for 250 patients?—Yes.

33952. It is also stated, "not open for the reception of patients." Does it mean that 250 have not yet been built for, and that 155 are all that are provided for?—That is all that are provided for; that leads to the abnormal cost. It is a case rather like the Tooting Bec case, where the administration block is too large for the number of patients in the asylum.

33953. It has been built specially for private patients in accordance with what you state?—I do not know. The Commissioners told the Canterbury people they thought private patients ought to be kept separate. I do not know whether they are kept separate. At the present moment they have some fifty-nine private patients in the asylum.

33954. Something like one-third of those now there are private patients?—Yes.

33955. Would it be likely that the cost would be much greater if the asylum were allowed to receive in great part private patients rather than the normal patients?—That I do not know; I know nothing about the interior of asylums. That probably would not be the case, because they charge an average rate of 21s. to 30s. a week, say 25s. as an average, to private patients.

33956. Is there any working rule at the Local Government Board as to not allowing expenditure when it goes beyond a certain proportion of the rateable value?—There are the statutory rules for public health purposes. You borrow twice the rateable value; county councils borrow one-tenth their rateable value, without a Provisional Order. Borrowing powers may be extended by private Bill or Provisional Order.

33957. In a case like this you would expect a Provisional Order to be made?—If they came for a matter of absolute necessity to borrow money, I think they would get their Provisional Order.

33958. Their original scheme having been so expensive, there seems no other way out of it but to let them spend more?—Yes. If they came for a loan to purchase their waterworks I have no doubt they would get it. Their present debt is £206,000; it is quite a little place, 20,000 inhabitants.

33959. With regard to the offer made by the county to the town, is there any control over such an offer being received as against the expenditure of such a large sum of money in a comparatively small area with a low rateable value?—I do not know whether the Lunacy Commissioners even knew the Sussex people were willing to take in the Canterbury lunatics; I can quite imagine they did not know. I happened to know because I was more or less personally interested in the case. We Sussex people wanted to get as many people as we could into our asylum.

33960. On a point like that community of information might have settled the will of the Canterbury people in an economical direction?—I am certain it would. I pressed everything I could on the then President of the Local Government Board, but the decision was, "We are practically powerless in the matter, and in regard to plans which have been sanctioned by another Government Department our duties are purely ministerial."

33961. Which is a purely unreal position altogether?—I put the Canterbury case as being the worst case I know where that position has led to considerable extravagance.

33962. To come to another point under discussion, you refer in your sixth section to the 4s. grant. You would suppose if the 4s. grant were withdrawn some assistance would be given by the counties, or other authorities, for providing for lunatics?—I do not suppose for one moment that the 4s. grant would be withdrawn simpliciter; you would have to give an equivalent in some shape or another; you would have all the local taxation people on you.

33963. The Parliamentary Grant and the payments on county and county borough Imperial Contribution Account, amounts to £745,000. That, taking the whole rateable value of the country, is not a very large sum?—No.

33964. Therefore, apart from the connection of some grants with a definite policy for providing for particular classes, does it not almost seem that this might be merged and disappear?—I think so. As you are aware, in the evidence which I gave before the Poor Law Commission I said frankly that if it were necessary to go a step in the direction of carrying out the recommendation of the Local Taxation Commissioners, and to make a fresh subsidy out of the taxes to the rates, I should be of opinion the most convenient way an instalment of it could be carried out would be their assuming the whole cost of lunacy.

33965. Making it an imperial charge?—Yes, on the ground that there is no economical objection to it in the sense that there is an economical objection to any other grant to paupers; a man may become a pauper of his own free will, but a man does not become a lunatic of his own free will, and that is a convenient way of getting rid of the money.

33966. Would that carry with it an administration similar to that of the prison administration?—Yes. I must not be held to defend that. I only say that appears to me to be the right solution of any difficulty that may arise with regard to further allocation of imperial taxes to local rates.

33967. In that case you keep the taxation which goes for the purpose under the control of those who are specially responsible?—Yes.

33968. In the other case you divide the responsibility, the Exchequer paying and the local people using? As an alternative to that I think you rather object, judging from what you said to Dr. Dunlop, to giving the grant to counties subject to conditions?—Yes, because I think it leads to extravagance.

33969. That is to say, it is so difficult to obtain the fulfilment of conditions?—Yes.

33970. As evidence in favour of that view, would you quote what you have said to-day in regard to the 4s. grant as a kind of subsidy?—That is the most glaring instance. It is not the only one; the practice of paying half the salaries of certain Poor Law officers certainly led to considerable extravagance.

33971. Take another point. I notice what Mr Preston-Thomas says in the Local Government Board Report

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1894–5, especially on what he calls imbeciles in workhouses. I do not know whether you had that in your mind when you referred to him in your statement. I presume that he distinguishes there between lunatics and imbeciles who now are not certified and remain in the workhouse. His phrase is, "I still doubt whether it is fair on the decent old folk who are to be found spending the latter days of their life in workhouses to compel them to associate with idiots, many of whom are by their habits personally offensive, some are mischievous, others disturb day and night by their howls." You would agree with that, would not you?—No, I would not say that. Officially I have to say I agree with the recommendation of the Cottage Homes Committee, but it is very difficult to keep always official, and I say, although there is a great deal to be said for Mr. Preston-Thomas, point of view, and although I can give you an instance which happened last week where great hardship was done to workhouse inmates by association with idiots, still I do not adopt that point of view in all cases, because I see so many lunatics, to use the right nomenclature, who are perfectly happy in rural workhouses, and look after things, and should rather hesitate, unless I knew what was going to become of them, to send them away. Still, officially, I must adhere to the recommendation of the Cottage Homes Committee. Mr. Preston-Thomas takes a very strong view on the subject. I ought to read this. He says, "For my own part I believe that the most effectual step for the comfort of the aged inmates of workhouses would be the removal of imbeciles, which I am glad to see is recommended by the Cottage Homes Committee. I am satisfied that what many of the poor regard with the utmost dread in a workhouse is the association with idiots. In my report published in the Appendix to the Local Government Board Report for 1897–98, I commented upon the freedom with which imbeciles, many of whom are mischievous, noisy, or physically offensive, are sent to workhouses where there are no means of keeping them separate from the other inmates. In some cases, even if their bodily ailment is very slight, they sleep in the sick wards in order that they may come under the supervision of the nurses, and they frequently disturb other patients at night. By day, they are a source of irritation to other inmates, and in a small workhouse I have known the lives of a number of old men made seriously uncomfortable by a mischievous person of weak intellect for whom no place could be found in an asylum." That is undoubtedly true of some imbeciles, but I should hesitate to say it was true of all. In dealing with what should be done to cure this evil and dealing with the recommendation of the Cottage Homes Committee he says: "I am much afraid that if new and elaborate buildings are thought necessary, and if the responsibility for making provision for the imbeciles is divided, like that for ordinary lunatics, among the Home Office, the Lunacy Commissioners, and the county councils, with their staffs of engineers and doctors, the question will be postponed indefinitely, and six or eight years hence the imbeciles will still be worrying the sane inmates of workhouses." That was written at the time of the Cottage Homes Bill, and we have taken some steps in the direction of carrying out the recommendation of the Cottage Homes Committee.

33972. At present there is no place to which to refer the imbeciles, granted that they are objectionable?—Not out of London. I believe in Lancashire they have some classification of them.

33973. One question as to the visits of the Lunacy Commissioners. Do you think that, under any circumstances, the visits are frequent enough of the Lunacy Commissioners to workhouses, where there may be, for instance, imbeciles such as those, and lunatics?—Sometimes I have been disposed to think it was rather a waste of time for the Lunacy Commissioners to go round and see one imbecile in a workhouse who had very likely been there for years, and was well known to the inspector, the doctor, the chairman, the parson of the parish, and everybody else; but still I think that anybody who is confined against his will should be inspected pretty frequently.

33974. Do you think there might be notification through the Local Government Board to the Commissioners in regard to cases of this kind that are described by Mr. Preston-Thomas so that special visits might be made to meet special difficulties?—Yes, I think that would meet the case. I mean to say the bulk of the persons of unsound mind in workhouses can be very well inspected by our inspectors with occasional visits from the medical inspectors; but occasionally you have a case which is troublesome, or where there is a difference of opinion between the medical officer and the inspector, where the experience of a Commissioner in Lunacy would be invaluable.

33975. (*Dr. Needham.*) You have given us the cost of a good many places, cottage homes, workhouses, imbecile wards and infirmaries. I gather from some of those, (for instance, Brentford £287 a bed, Sidcup Cottage Homes £280, Bermondsey Cottage Homes, £320, Tooting Bec £340, Hammersmith Workhouse £300 a bed), that the Local Government Board, at all events, have not found it very easy to limit expenditure by local authorities, or I assume that they would have done so?—It is a matter of very, very great difficulty, because once your local authority decide to build, they seem to like building, and, especially in the case of sick people, you are very much in the hands of experts, who are very apt to take extreme views as to what is necessary. In some cases there is Parliamentary pressure brought to bear by Members of Parliament to sanction certain plans. Then, I venture to think the system of paying architects is radically wrong. Five per cent. on the expenditure is a very strong inducement to go for the best of everything.

33976. Are not all these points and all these arguments, arguments and points strongly in favour of the action of the Lunacy Commission which Mr. Kershaw said was guilty of extreme extravagance. The cost of asylums as given in a return (*Vide App. Vol. p.* 23) called for by Mr. Hobhouse in the House of Commons works out at £217 a bed. Several of these largely exceed £217 a bed. If the Local Government Board, by taking over the work which is now done by the Lunacy Commissioners, would succeed in limiting the expenditure on lunatic asylums, my point is, why cannot they succeed now in reducing the cost of workhouses and allied institutions?—We have succeeded in reducing the cost very much. I may say with regard to that return I notice the times of the expenditure are not stated, so that we do not know in what years those asylums were built. The cost of all building has gone up of recent years, that we must admit, but what alarms us is the fact that the outstanding debt for lunatics at this time is £111 a head, while the outstanding debt for paupers is £42 a head. I would point out, too, that one of the very great reasons for the very sharp increase in building cost which you will find in the last ten or fifteen years is that concurrently with that increase the whole internal content of indoor pauperism has changed. As I pointed out to another Commissioner, the able-bodied have given way to the classes that need particular care. You will find that most of those expensive places on our list are either for sick persons within large urban areas, especially in London, or for children where extraordinary classification is resorted to. There is another reason, that since Mr. Chaplin's circular, dating in fact from a few years before that, you have a great outcry for classification in workhouses. Classification means smaller rooms, and is very costly. Any Commissioner sufficiently interested will see an illustration in the Hammersmith workhouse. The requirements are greater and so far as we know (our knowledge is very imperfect on the subject) lunacy now is very much the same as lunacy was twenty years ago. Judging from the number of cures it would even appear that it was less acute.

33977. If one takes some of the London asylums, quite modern, the Manor Asylum, which cost £157 15s. a bed, the Horton Asylum, quite a new asylum, which cost £228 a bed, these will bear a very favourable comparison with the cost of workhouse infirmaries and workhouses in London?—We have had a good many that have cost as much as that. But they are all in London or in large urban areas.

33978. I do not quite see on the face of that return, and your statement, where the economical action of the Local Government Board comes in. It appears to me to show that the Local Government Board have found the same difficulties that the Lunacy Commissioners must have found in limiting the expenditure on buildings which have got to satisfy certain expert requirements; is not that so?—The difficulty is always there, but I think the difficulty of the Local Government Board must be much greater than the difficulty of the Commis-

sioners, because of the change in the character of pauperism. There are many of these London infirmaries which are in effect hospitals; they have to be equipped like hospitals, they have the same nursing staff as hospitals, and that is where the extraordinary cost comes in. Country workhouses are cheaper; we can build them for £100 a bed and under.

33979. Is it not a fact that the asylums have also been subject to the same change, the number of invalids, the number of broken-down people who are pushed into the asylums nowadays, swept into the asylums wholesale, has very much increased, and the nursing requirements of the asylums have very much increased in consequence?—That may be so, I do not know enough about it.

33980. You say 33½ per cent. of the lunatics are aged and require nursing?—Yes.

33981. Have not the same causes been in operation in the two classes of institution?—That I do not know, I should have thought the acute cases were more costly than the other ones; you apparently say that is not so.

33982. No, I simply asked whether it is not a fact that if the larger number of people who have been sent in have been cases which require nursing, that would be a matter which would limit the power of securing economy?—Yes, if you have to prepare for more officers you have to spend very much more in building; a wholly disproportionate amount.

33983. As regards the Metropolitan Asylum Board vacancies, why does not the London County Council discharge from its asylums patients of whom Sir John McDougall told us a considerable number could very well be maintained in cheaper asylums. Why does not the London County Council draft from their various asylums enough people of that class to fill the vacancies in the Metropolitan Asylums Board's asylums, which you say exist?—I do not know why.

33984. Have the Local Government Board any power to compel them to do so?—No, the London County Council and the Asylums Board are entirely outside us. We have no power, for instance, to send an officer to talk to the committees and point this out, we have no power to write to them, and they would probably resent it.

33985. Is this a matter in which the London County Council is in fault?—They may not be in fault. I merely call attention to the fact that it is producing a state of things which would seem to point to the necessity of some better co-ordination beween the two authorities.

33986. At all events it is obvious that had the London County Council chosen to exercise the powers they have, they would be able to get rid of 400 of their chronic patients from the county asylums who could be maintained in the Metropolitan Asylums Board's asylums?—Yes?

33987. (*Mr. Dickinson.*) When you say "Yes," how could they do that?—I was not answering the Commissioner; I do not know what powers they have.

33988. (*Dr. Needham.*) Have not the Committee power to select people and send them to the workhouse?—Yes.

33989. Have not they the same power with regard to the Metropolitan Asylums Board's asylums?—I suppose all asylums committees have power to discharge in that way.

33990. Quite; and the London County Council have the power if they choose of sending patients from their asylums, as they do constantly. Why cannot they fill up these extra beds instead of sending people long distances at increased expense? I only ask if there is any reason why they should not do it?—I know of no reason why they should not do it except they are met with the same difficulty as the Commissioners were met with in 1883.

33991. It is a new point to me that they have as many as 400 vacancies?—My report was dated June, 1906. In East Sussex they had rather the same difficulty, and the asylums committee wrote to all the unions three times, I think, asking whether they would take in their patients. Practically no one would take in any of their patients, no workhouse would take them in; I think they got rid of two or three.

33992. Sir John McDougall says in his evidence (*Vide p.* 373, *Col.* 1, *Vol.* 2): "I am of opinion that the increase in the class of certified lunatics is to some extent due to the want of provision of accommodation by the Asylums Board. Many patients fitted or the Asylums Board's institutions have been and are being certified and sent direct to the London County Council asylums. In fact the Lunacy Act would permit of all patients now in the Metropolitan Asylums Board's asylums being certified for reception in lunatic asylums. Before a patient can be transferred to the Metropolitan Asylums Board's asylum or the workhouse, a certificate has to be given that there is sufficient room for the lunatic's care and treatment." There is evidently sufficient room for the lunatic's care and treatment. If so why are they not sent, that is my point?—I do not know. Possibly the London County Council do not get the consent of their medical superintendents to sending these people away.

33993. Is that the obstacle?—I cannot say what is the obstacle.

33994. Surely the asylums committee are in authority over the superintendents. I do not suppose that is the reason?—I do not know. I merely call attention to the return which the Commissioners got in 1883 from all the medical superintendents of England, in which they point out that many of the patients under their charge might go into workhouses.

33995. Now as regards the 4s. grant. I think you answered the question as to what you think should be the remedy; you would withhold the grant, or you would re-classify it?—Yes.

33996. Do you think it would be a good plan to adopt the Scotch system. The Scotch system is, as I understand it, that a *per capita* allowance is not made, but that a certain sum is handed over to the county council, or whoever represents the county council in Scotland, and they pay a *pro rata* sum for each patient who is maintained in an asylum, or who is maintained in certified wards in a workhouse. Of course the larger the number of patients the smaller the *per capita* allowance. Therefore it is to their interest to keep down, as far as possible, the number of people who are in the asylum or in the workhouse; or at least it is not to their interest to increase them?—They use the grant rather to reverse the policy under which the grant was originally given.

33997. Would that be a good thing, to introduce that into England, to give them a lump sum and to let them use it according to their requirements?—In the correspondence with the Lunacy Commissioners, when a somewhat similar proposal was made, the Board were rather against that.

33998. Opinions alter and conditions alter?—Yes, we would have to consider the matter.

33999. Dr. Dunlop asked you why should not the grant be made to senile dements. Is not it a fact that the Local Government Board felt, as I think the Lunacy Commissioners felt, that if the grant were extended to all imbeciles in workhouses, the tendency would be rather for the authorities of the workhouses, the guardians, to put upon the workhouse list of imbeciles a large number of people who are on what they please to call the borderland?—Yes.

34000. And you would get a gigantic addition to the number of imbeciles returned?—My Board acted mainly in the interest of the Treasury.

34001. It would involve an enormous addition because numbers of people could be put on who ought not to be put on?—That might be so then, but I think the circumstances are rather changed by the greater formality of obtaining a certificate of detention under the last Lunacy Act. You would have to get a magistrate to come in.

34002. How would it do to give the 4s. grant, or an equivalent of it as in Scotland, to those people who are in workhouses whose accommodation, and so on, is considered to be suitable either to the Local Government Board or to the Commissioners?—There is the Treasury to be considered. I should have to consider that in its financial bearings on the boards of guardians. It is not quite easy to answer that off-hand.

34003. You say in Paragraph 7 of your Statement that "The Commissioners in Lunacy approved the proposal of the association, so far as an extension of the grant to all cases of lunatics transferred under Section 25 of the Act of 1890?"—that is a

section which has been very little taken advantage of, only in two or three cases I think—"and workhouses affording satisfactory separate accommodation were concerned; but declined to undertake any further work in connection with the inspection and approval of the workhouses." I suppose you have no doubt that things have changed very much, and probably the reason why the Commissioners were not prepared to undertake more work was that they had not the staff, and they had not the strength to undertake more work?—I think that is evident.

34004. As regards Paragraph 13 in your statement where you say: "It is clear that accommodation for acute cases of lunacy must be at least as expensive as that for acute cases of ordinary sickness, but the Board have considerable doubt whether anything like the same expense would be necessary for housing the chronic cases who now form the bulk of the lunatics in workhouses," I suppose no one would be likely to differ from you in that view? How do you propose to restrict the admission of unsuitable patients into asylums? An asylum is built by the local authority, and they have a certain number of lunatics to provide for of various types. How are you going to prevent them sending into asylums any patients they think proper? How are you going to prevent what takes place now, the sweeping out of the workhouses and the flooding of asylums with people who do not require the expensive accommodation which is provided for them?—The condition would not arise if the recommendation of the Cottage Homes Commission were carried out.

34005. That is what?—The removal of all persons of unsound mind to intermediate asylums—all workhouse cases.

34006. That assumes that you have to build, either on present sites or on different sites, supplemental asylums or fresh asylums for this particular class of patient?—Yes, that is the recommendation of the Cottage Homes Committee.

34007. Have you formed any opinion in your own mind as to whether it is desirable to build this accommodation. I hold strong views about it. I want to know whether you have formed strong views as to whether it is desirable to build for all classes of patients on the same site, buildings differentiated according to the requirements of the different classes of patients for whom they are intended?—I should not think it tended to good administration. I do not mind them being on the same site, that is to say, contiguous to one another, but I should rather demur to their being under the same management. There my opinion is worth very little because I know so little of the management of lunatic asylums.

34008. You have not told me how you would propose to restrict this?—I should restrict it, if I had access to both institutions, by severe remonstrances to the guardians of the unions who send these patients in the first place, and then by discharging them if there was room in the workhouse, and if there was room in the asylum.

34009. Have you had any experience of the effect of strong remonstrances to boards of guardians and people of that kind?—Yes.

34010. Do they have any effect?—A good deal. If you are right I think they generally see you are right; when you are wrong I think they fight you.

34011. As regards the admission of improper cases to asylums, are you aware that the Lunacy Commissioners have been addressing remonstrances all round for years past, and you might as well try to sweep back the Atlantic Ocean with a broom?—Yes, because it is obviously to the interest of the boards of guardians to get rid of their troublesome patients and to make the county build for them.

34012. How are you going to prevent that?—I think you would if you had the whole administration in one hand.

34013. Would you try to prevent it, by remonstrance?—Yes, and by other things; you could decline to admit, among other things.

34014. You might have it prevented by additional legislative enactments?—There would be a strong incentive to look after it with those who knew both sides of the question, both the workhouse side and the asylum side.

34015. And they would act?—Yes.

34016. Would you have additional legislation—additional powers?—I think you would require additional legislation.

34017. You think that additional power ought to be sought and ought to be obtained?—Yes, I think anything is better than pouring out immense sums of money in building institutions which do not quite meet the purpose for which they are intended.

34018. With reference to Clause 16 I suppose you are aware that the Lunacy Commissioners did point out to the Canterbury authorities that their estimate of £70,000 was likely to be largely exceeded, and that they were most unwise to venture upon a course which was likely to lead to great expense?—The Commissioners declined to advise them altogether on financial grounds.

34019. They did point out that?—I do not know whether they did point out that the cost of building was likely to be exceeded; I think that is very obvious. You cannot build for 250 for £70,000.

34020. When the Local Government Board are applied to to grant a loan, if they are satisfied *prima facie* that the loan is going to be for some work which is going to be extravagant, which is going to cost more money than the local authority is entitled to spend, is not it part of their duty to say: "We cannot grant this loan because it is for an object which we do not think is in the public interest"?—Yes.

34021. Do the Local Government Board say that?—Every day.

34022. In a case like that of the Canterbury Asylum, when the Local Government Board are satisfied that the expenditure is going to be extravagant, and that it is incommensurate with the requirements in other directions, is not it the business of the Local Government Board to say: "No, we cannot grant the loan for this work, because you are going to spend too much money and you cannot afford it"?—We carefully considered the matter. We thought our duties with regard to the plans passed by the Lunacy Commissioners and sanctioned by the Home Office were purely ministerial. That is the view we took at the time.

34023. You talk about the necessity of further co-ordination. Would not that be a form of co-ordination which would commend itself, if the Local Government Board were to communicate either with the Home Office or the Lunacy Commissioners and say: "We notice that you have approved plans for a certain work at a certain expenditure, but this locality cannot afford this expenditure because there are certain other things which it has to meet, and if it spends all this money it will not have the money to meet the other things." Is not that the function of the Local Government Board?—We do not hold it to be a function.

34024. I should have thought that would have been a form of co-ordination which would commend itself?—You would be remonstrating with an authority who had already made up their minds. In the Canterbury case we gave our sanction, as we say definitely, because the Commissioners had stated that it was not their practice to sanction the erection of asylums for less than 250 inmates, so we had either to say "You must withdraw your proposal altogether," or to sanction the loan.

34025. The reason why the Commissioners will not sanction building for less than 250 inmates is that the administrative buildings for an asylum for, say, 100 would be grossly extravagant and out of all proportion to the number of patients they could ever receive, therefore it would be the worst form of extravagance to allow an asylum of that kind to be built?—I quite see that, but in this case you had laid this down. I suppose the Local Government Board felt a difficulty in saying, "They cannot have an asylum at all."

34026. Would it not have been a good thing for the Local Government Board to have communicated with the Lunacy Commissioners or the Secretary of State and have said: "This is an extravagant proceeding, we do not feel disposed to sanction a loan for it because it is an extravagant proceeding"; or to suggest to the Home Office and the Lunacy Commissioners that it was an extravagant proceeding, and that they were probably not aware of the local circumstances, and inform them of them? Would not that have been a form of co-ordination which would have

struck you as being desirable? I am speaking rather more with reference to the future than the past; I am not taking exception to what they have done or have not done?—It would be just a little risky, would not it?

34027. (*Mr. Byrne.*) Is it your opinion that the bulk of the lunatics and imbeciles now in the workhouse should be sent to what we might call a cheap asylum; not left in the workhouse, but removed to an asylum of a cheaper and more economical kind?—That is the recommendation of the Cottage Homes Committee to which we agree.

34028. Your former colleagues, Mr. Bagenal and Mr. Jenner-Fust, put that view before us?—I was not aware of that.

34029. Therefore the remarks which you have favoured us with later in your evidence to the effect that obstacles should be put in the way of people certifying many of these harmless lunatics in workhouses and sending them to an expensive asylum does not take away from the effect of your general recommendation, does it?—Yes.

34030. Which do you recommend should be the final and definite system?—The Cottage Homes Committee do not recommend the transfer altogether; it is not a simple recommendation, it is joined to another recommendation that asylums for the harmless and chronic cases should be built on the workhouse model.

34031. That is your final and definite recommendation?—That is what the Cottage Homes Committee recommend, and that is what the Local Government Board assent to.

34032. It has been necessary for you in reply to questions to say a good deal to-day in favour of preventing the pouring out of the harmless imbeciles from the workhouse into the expensive asylums, has it not?—Yes.

34033. That is merely to avoid dangers and difficulties which now exist. Under the system that you would eventually recommend, namely, the cheap economical institutions for the imbecile you would like to clear the workhouses?—Yes. There is a pretty strong opinion among the inspectors, and that was given effect to by the Cottage Homes Committee.

34034. Would there, in your opinion, be an advantage in one local authority having control over and the supervision over every form of mental defect?—Yes, I think so.

34035. Would that strengthen your recommendation that it should be the asylum authority that should start these institutions?—Yes.

34036. A large number of mental defectives are now to be found under the education system, are they not—under the Defective and Epileptic Children Act?—Yes.

34037. They are dealt with by the education authority, the county council. You agree with many of our witnesses that they should deal with the whole?—I think so. I think the county authority should have a list of all the mentally defective people in their county and deal with them.

34038. They have to deal with the inebriates and, except criminals, they have to deal with every form of defect in their county. On the same general ground would you recommend that the central authority for the mentally defective should be one. You recommend that the Local Government Board should deal with all pauper lunatics. Would not that have a bad effect that it would necessarily involve two lunacy authorities, the Local Government Board for the pauper lunatic and the Lord Chancellor or some other authority for the paid lunatic?—I cannot see the objection to that. I should have thought the two classes of lunatics differed essentially in so far that it is everybody's interest to get rid of the chargeable lunatic, and it might be to somebody's interest to keep in confinement the lunatic with property.

34039. It would have the effect of compelling us to have two lunacy authorities, but you see no great harm in that?—No, I should not anticipate any friction. We should not be interfering in any way with the judicial functions of the Lunacy Commissioners.

34040. If your view as to the removal of mentally defectives from the workhouses were adopted such people as would be under the supervision of the central authority would no longer be in their essence Poor Law people; they would be lunatics. That would be the distinction between them and other people, not pauperism but lunacy?—I think the pauperism would also be the mark. These lunatics are a cost to the authorities.

34041. Some of the mental defectives would be children attending the ordinary elementary schools, but who were found unable to follow the ordinary classes: they would not be paupers?—Of them I know nothing.

34042. But they exist?—At present they occasionally come into pauper institutions.

34043. Still, the great bulk of them would not be paupers?—I do not know.

34044. The defectives are just like the non-defective, just the ordinary kind of children going to elementary schools, mostly not paupers. That is true of other forms of mental defect, for instance, the inebriate who requires confinement?—I was not aware he was classed as a mental defective; he is not a lunatic in my sense.

34045. I am speaking of all forms of mental defect; these children are not lunatics in the technical meaning?—The inebriates are not paid for out of the poor rate.

34046. No, they are paid for out of the county rate, that is the poor rate eventually; the poor rate has to make up any deficiency in the county rate?—Their neighbours have to keep them, anyway.

34047. You do not think any transfer of mental defectives to the county authorities is any objection at all to the poor law authority, the central authority, continuing to deal with them?—No, we audit their accounts, and we are the body that have to deal with the county authorities.

34048. You say in your statement: "Of recent years the policy of Parliament has been to entrust to the Board the control of local finances and the supervision of local administration generally"—the supervision of certain branches of local administration; the Board of Agriculculture has some, and there are other branches of local administration not under the Local Government Board?—Yes. I was thinking, of course, of what is paid for out of the rates.

34049. One of our chief objects is to do everything we can in our recommendations to secure economy. I should like to have your opinion, as you have so much experience in these matters, as to the extent to which you think existing accommodation for lunatics is sufficient (no doubt you are familiar with many county asylums) and as to what is necessary for them?—I do not know anything about county asylums except my own.

34050. Take that. Do you think in general type it is unnecessarily extravagant, that more money is spent than a reasonable local authority ought to have spent?—Yes, I think that when once they get going there is every possible inducement to expenditure, from very big things like roofing to little things like separate mortuaries for the male and female, which strikes one as unnecessary. If I remember rightly they wanted to spend £13,000 on pigstyes and cow-houses, £20 a pig and £30 a cow. The county council did not know much about lunacy, but they knew a good deal about farmyards, and they were not going to have that. I know the recommendation was cut down by one-fourth, and then it was twice too much. This was in Sussex, Hellingly.

See p. 445 *post.*

34051. (*Mr. Hobhouse.*) Whose suggestion was it to spend this extravagant sum?—It came in the shape of the architect's estimate to the committee who bring it before the county council.

34052. (*Dr. Dunlop.*) Who suggested separating the sexes after death?—I do not know; I am not sure it is not the ordinary practice of the Lunacy Commissioners.

34053. (*Mr. Hobhouse.*) Was this put forward as a responsible proposal by the county council or by the Lunacy Commissioners, or is this merely a suggestion of an architect who is paid by commission?—It was the suggestion of the committee who of course did it on the recommendation of the architect. No doubt he would submit his plans and the committee would accept them, and the council would reject them.

34054. What is the committee?—The building committee; we were building a new asylum. This was the building committee of the new asylum.

34055. (*Mr. Byrne.*) May we take it generally you think for pauper lunatics something of a much humbler and cheaper description might be provided?—Very much simpler.

Questions 34056 to 34089.

J. S. Davy, Esq., C.B.

14 Jan. 1907

34056. Do you personally know the Exeter infirmary, the new buildings?—No.

34057. You have no doubt looked at the plans of it?—I have seen the plans.

34058. Do you think that, for instance, is quite good enough and expensive enough for any lunatic?—For any lunatic of that class. You must remember that most of the imbeciles in workhouses are people who have been agricultural labourers or day labourers with a very low standard of comfort. They go into the workhouse, are kept clean and kept warm and well fed, and if they are not offensive to their neighbours they probably have as good a time as they ever had in their lives. Why take those people and give them theatres, entertainments, lawn tennis courts, cinematographs and things of that kind? It does not seem reasonable.

34059. What the central authority should aim at securing and insist on is something probably costing not much more than half the amount now spent?—Yes.

34060. Are you satisfied that, with resolution, that could be brought about?—Yes, I think so, because people will understand that corruption hangs round the skirts of extravagance, to put it quite plainly. If you have enormous sums of money spent you may be perfectly sure something is going wrong.

34061. You believe it to be financially feasible; that it can be done?—Judging from the class of people I see who are the chronic imbeciles in workhouses, I think so.

34062. If you take the most economical and best Poor Law institutions you yourself have had knowledge of, they are ample for all purposes?—I think so.

34063. They can be brought down to something like £100 a bed?—I think so.

34064. Or very little more with the administration block?—Yes.

34065. You think the central body should aim at making that universal?—Yes.

34066. And should never allow £480 a bed and so on?—I do not think so. You see what always happens is that there is some exceptional difficulty which makes this place the one place where it is desirable to spend money. Now our practice is to say, "if you spend the extra money you shall not get a loan for it." Then we have the trouble. With regard to the lunatic asylums one great trouble is the fact that a number of lunatics are, and must be, extremely costly to build for; then every other lunatic is provided for on the same scale without considering that they must vary in their cost. What can a senile dement have to do with ornaments on the walls, and so on; he cannot appreciate them? In that way the worst is raised to the standard of comfort of the best, and I think that is one of the great reasons why you have this trouble.

34067. (*Mr. Hobhouse.*) Do you propose that to control these pauper lunatics you should also be able to veto any proposal for expenditure?—We have already the power of sanctioning the loans or refusing the loans. As we have shown, that amounts to nothing.

34068. When proposals are made to you from local authorities at the present moment, are you sometimes insistent on the Local Government Board that they should spend more money than they propose to do?—Sometimes.

34069. Not very often?—No.

34070. Not in the case of hospitals?—It is not nearly as common as it used to be.

34071. When did this beneficent change take place at the Local Government Board?—It is not at the Local Government Board that the change has taken place so much as the spirit with which the local authorities approach the matter of expenditure on buildings.

34072. I rather understood you said just now a change had come over your administration at the Local Government Board, that you were not so insistent on expenditure which the local authorities do not desire?—No, I did not wish to convey that impression at all. I may fairly say that of recent years we have been much stricter in controlling expenditure than we were at one time.

34073. What I understand you to say is this; if the control of the pauper lunatic passes out of the hands of the present authorities into yours, and if your views at the Local Government Board obtain, you will see that there is less expenditure upon these lunatics than there is at present?—I think so; mainly by getting better classification.

34074. Also by controlling unnecessary expenditure?—Yes.

34075. What is your practice at the present moment with regard to the other local expenditure upon which you have a veto; do you find there that your action is generally confined to preventing expenditure or to increasing expenditure?—Sometimes one and sometimes the other; sometimes plans come to us which we do not think adequate; then we say, "we will not sanction a loan on these plans because they are not good enough."

34076. You are very insistent sometimes at the Local Government Board in providing, in the matter of hospital accommodation for this very class of persons, sane labourers and so forth, a very considerable amount of rules and regulations which they do not find in their own homes?—Yes, they are sick people under treatment.

34077. Therefore, being sick people under treatment, they want much better treatment than they have at their own houses when they are sick?—When they are sick, yes.

34078. But they do not want it when they are insane?—Not necessarily.

34079. You draw that distinction?—I should not call a man who is the village "softy," sick.

34080. I should like a direct answer to the question?—I am quite willing to give a direct answer, if you will put it to me.

34081. You say to give the good accommodation is unnecessary in the case of insane persons?—Yes.

34082. But you make unduly good provision for persons who are sane; that you do not think unnecessary?—I never said we make "unduly good provision"; we have to make good provision for those who are sick.

34083. You require for persons who are sane a good deal of accommodation which they do not have in their own homes at the present moment?—It is necessary to give them more accommodation than they have in their own homes to keep them clean, because a great number of them are kept together. Are you talking of the sick or the able-bodied?

34084. The sick, at this moment.—He must be properly looked after and confined to his room.

34085. What guarantee should we have, if there was a transference of authority from the Lunacy Commissioners and the Home Office to the Local Government Board, that as your authority extends your requirement would not extend, and that we should not have the same extravagance, if extravagance there is now, under the Local Government Board as there is, or is alleged to be, under the Lunacy Commissioners?—I think in the first place you would have better classification. I think we should have much greater control in sanctioning the loans, because we should know about the buildings from the site to the last brick and we should be able to exercise a good deal more control in sanctioning loans.

34086. Do you not get grumblings from the local authorities that your requirements are excessive?—Sometimes.

34087. Constantly?—I should not say constantly. In the matter of buildings I do not think it is constantly. I think now the local authorities much more often err in excess than defect. We have to look at both excess and defect; we have engineering experts, medical experts and architectural experts, they advise us on all these matters; we do not give a loan unless we are satisfied it is good enough.

34088. All those experts are stringent in their requirements?—I hope they are, also reasonable.

34089. Are not you a little afraid lest when you have the care of lunatic buildings transferred to you your lunatic expert would be as extravagant in his demands as it is suggested they are now under the Lunacy Commissioners?—I do not think so, I think the thing could go very much better in one hand.

34090. But you do not confine it to one hand ?—Yes, so far as the administration of the building is concerned.

34091. Only in the case of the pauper lunatics ?—Only in the case of pauper lunatics, with other lunatics we have nothing whatever in this world to do; lunatics kept out of the rates are all we have to do with.

34092. With regard to these infirmaries whose cost you quoted; £116 in one case, £194 in another; what did that include. You exclude, of course, the site ?—Yes, I think the cost of site is excluded in everything; it includes sometimes receiving wards, sometimes receiving houses, sometimes officers' residences.

34093. Does it include the provision of water ?—In some cases, but not in all. I think that will be stated where a separate water supply is included.

34094. Does it include the cost of drainage ?—It nearly always would, in the case of a new Workhouse, include both water and drainage.

34095. Take the case of the £116 infirmary, did that include drainage ?—No, you would have to connect the drainage.

34096. Water ?—It did include water in this case.

34097. Did it include the cost of site ?—I should imagine not.

34098. What did it include ?—The building.

34099. Simply the bricks and mortar ?—I suppose so.

34100. Did it include the furniture ?—Probably.

34101. But did it ?—It is not on this return. I had this return made out nearly a year ago.

34102. You have quoted certain figures as exemplars of what you could do under the Local Government Board ?—I demur to your saying I quote them as to what we could do. They were got out for the Royal Commission on the Poor Law, and I give them to this Commission as being useful to them as the cost of what has been done, not as what we could do. It gives every single building that has been built from 1885 to 1905.

34103. What I understood you to suggest by those figures is this, that you can put up for £116 accommodation which is good enough for an ordinary pauper lunatic ?—I did not suggest anything of the kind.

34104. Then what is the use of the figures ?—The main lesson I should deduce from them is the extraordinarily varying cost.

34105. That and nothing more ?—I said the main lesson. The next thing I should say is that probably a good deal of the extra cost is extravagance, because in spite of local circumstances the variation is so great, and the numbers, too, of the cheap ones so large that you are inclined to think that in certain cases there has been extravagance. That is what I should think from these figures. I also should suggest that they show, assuming that the Local Government Board does its work with some amount of conscience, the great difficulty of controlling a local authority which is fairly set on spending money.

34106. What I want to know is this, I rather gather it is suggested to us that some of the provision for lunatics under the present system has been excessively costly ?—Yes, I think it must have been.

34107. Then you told us that under the supervision of the Local Government Board certain local authorities have put up buildings, in your opinion, adequate for pauper lunatics at certain sums which you quote ?—I object to the word "pauper" lunatics. I was asked whether the class of lunatics in imbecile wards in workhouses could be adequately dealt with in such a building as the Exeter Infirmary which happened to cost £100 a bed; some of them cost as low as £60. I said yes, I thought it was ordinarily good enough. Our experts have sanctioned them as being good enough for sick people. What is good enough for sick people, all sorts of people—they may vary from cancer and phthisis down to chronic rheumatism—is good enough probably for the class of lunatic in our workhouses now, that is very often doing his work like a man.

34108. I want to know whether that £116 or £194 includes the whole of the provision, or only a part of the provision ?—In some cases it includes the whole of the provision. Where it is an infirmary it is usually attached to an existing workhouse, but not in every case. There are buildings here which are called self-administered buildings. In those cases the whole thing is provided.

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34109. It appears to me that if you got a return from the Lunacy Commission of the cost of buildings being £340 a bed including everything, and on the other hand certain returns which you quoted, which only include part of the expenditure, the comparison of mere figures is not a sufficiently close comparison ?—No, you would have to consider the case which was quoted at Tooting Bec. That looks very extravagant, but it was explained, and the explanation seems to knock a great deal off it. I mean to say that the site was much too big for the place; that it was bought for another purpose; that the people, all of them, are sick, which all inmates of lunatic asylums are not; that it was built inside the metropolitan area with the London Building Act in force, and so on. All those circumstances make a very considerable difference in the cost, just as in the Hellingly Asylum the fact that the administration block is for a great many more people than the existing buildings hold, to some extent accounts for the fact that that building cost £500 a bed.

34110. Can you give me, on those figures you quote, what is the total cost as well as the partial cost ?—These figures show, I think, the total loan; in some cases it includes a chapel, in some cases it includes a board room and offices, in some cases it includes vagrant wards. There are notes to each case. The comparison between one place and another is almost certain to be inadequately stated; things are omitted and things are put in, which are not in the other case. The main fact remains that the outstanding loan for lunatics is £111 per bed and the outstanding loan for paupers is £49. Even that is subject to this consideration, that a larger proportion of the lunatics are sick than of the ordinary paupers.

34111. (*Mr. Greene.*) I am going to try and get somewhere near the subject we are asked to consider. We are asked to ascertain what is the constitution, the jurisdiction and the working of the lunacy authorities. I am going to ask you if the Local Government Board has anything to do with either of those matters ?—No.

34112. A suggestion, I suppose, has to be made as to whether the existing authorities, or either of them, should embrace the care of feeble-minded people. Has the Local Government Board anything to do with the care of feeble-minded people ?—Not unless they are chargeable to the poor rate.

34113. I think a good deal of misapprehension has existed, because I do not think several of the witnesses have seen the principles which underlie the existing statute law. The Local Government Board look after the ratepayers, I suppose, primarily, do they not ?—And the interests of persons supported out of the rate.

34114. The Local Government Board has to see that the local authorities raise the money to expend, have possession of the means to sustain the people who are subject to the Poor Law ?—Yes.

34115. Therefore their vigilance has to be directed to the subject of rates and finances that the ratepayers can produce ?—Yes, among other things.

34116. The Home Office have to look from the taxpayers' point of view. There is a grant which is obtained from the intervention of the Home Office and Parliament, and they look from the taxpayers' point of view at the lunatic ?—I do not think the Home Office have anything to do with the grant.

34117. Do you know who moves for it ?—It goes through the county council.

34118. Then the Home Office interest in the lunatic is only that of minister of public justice ?—That is all.

34119. Then the Lunacy Commissioners are appointed by the Lord Chancellor and their point of view is to see that the lunatic gets what the public provides for him ?—Yes.

34120. So there are three bodies, the Lunacy Commissioners who are the protectors of the patient, the Home Office who are the protectors of the public, and the Local Government Board who are the protectors of the ratepayers ?—Yes.

34121. Now I want to see what functions the Local Government Board should play in these matters; what their duty should be ?—They have to provide for the finances.

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34122. At the instance of the local authority?—Yes.

34123. The local authorities determine (whoever may have instigated them I am not for the moment considering) and they have to make provision, and they have first to come to you, or ought to come to you first, to know what financial power they have got?—Yes, what their borrowing powers are.

34124. At present according to the Statute they make their plans first and send them to the Lunacy Commissioners, then on to the Home Office, and at last they come to you?—Yes.

34125. Would not the proper way of doing it be for them to come first to you to see whether they have cloth enough for them to cut out in the shape they desire?—It seems to be rather a primary essential.

34126. You are put there in order to receive the applications for the local authorities to get their finances?—Yes.

34127. When the plans come to you, according to my reading of the evidence, they have passed the Lunacy Commissioners and the Home Secretary. The Lunacy Commissioners have not an adequate staff to look into the details of the plans and they are crying out for a permanent architect; the Home Office have told us, Mr. Cunynghame told us, that the clerk there simply looks at the plan to see whether it is greater than the average cost, that is all he troubles about; they do not look into the plans and have no experts, then they go on to you. Have you got a staff of experts to look into the plans?—We have about eighteen engineers and about twelve medical men, and we have an architect with three or four assistants.

34128. On the spot?—On the spot.

34129. Therefore you have all the necessary plans and equipment for dealing completely with the financial aspect of the needs of the local authority?—That is certainly so.

34130. Therefore if the Lunacy Commissioners, or at all events if the Home Office, were knocked out of the business, there would be a saving of time, and the plans would come direct to the persons who have most knowledge, have the best equipment for testing the plans and who have got complete knowledge of the finances?—Yes.

34131. Not only can you tell the cost of these buildings, but you have also got knowledge of the other wants of the locality?—We have the reports of the medical officer of health.

34132. You know as to whether there are swimming baths and public libraries provided and other things coming on in each district?—We know what is wanted.

34133. Therefore you know how much they ought reasonably to apply for lunacy purposes?—Yes.

34134. Therefore does it seem to you that the only sensible and common-sense view is that the local authority, instigated by themselves or prompted by the Lunacy Commissioners, should first apply to you as the first authority as to how much they should spend, and how best they should spend it?—I should have thought that would be a reasonable thing to do.

34135. Now comes the next question. The local authority having got the money, have you got the means, except in some boroughs by your auditor, of seeing that the money you have passed to be raised is spent?—No, in a great many cases we have not.

34136. In many boroughs you have not, in a few you have. The Plymouth clause has been put in and the Tunbridge Wells clause?—Yes.

34137. But in other cases you have complete auditing power and power of surcharge?—Yes.

34138. So that you can see what the local authorities require, what the best plans are with your expert assistants, and whether they have carried them out, which is most to the point?—Yes. I should say this, that we cannot say precisely how they have carried them out, because we do not visit the institutions.

34139. But you can see whether the money has been spent?—Yes.

34140. In addition to the general statute law you have had a great many provisional orders during the last few years?—A great many.

34141. Those have eaten into and extended the general law?—Yes.

34142. So it would be idle to turn to the Lunacy Act or any one general Act to see what the whole extent of your powers is?—Yes; very few people know them.

34143. Because so much depends on the Provisional Order?—Yes.

34144. Therefore you have very large powers of dealing with these local authorities?—Yes.

34145. I am going to ask you whether you have any power of compulsion over them in any way. I put this question in view of the last paragraph in your evidence where you say: "Of recent years the policy of Parliament has been to entrust to the Board the control of local loans and local finances and the supervision of local administration generally. The Board would strenuously oppose any change which would tend to diminish their power of carrying out these duties effectively."—General powers, our powers of actually compelling by order anybody to do anything, are very limited; our powers of making an order and enforcing it are very limited, they are confined to Section 299 of the Public Health Act; but indirectly we have extensive powers.

34146. If your powers of compulsion were strengthened you would have sufficient for the purpose?—Yes. We have indirect powers in the matter of loans; we can always refuse a loan.

34147. You are putting forward the view that the Local Government Board should come first into contact with the Lunacy Commissioners; I do not understand you to claim that they should be subordinated to you in any way?—No.

34148. You would leave them as they are, leave the Lunacy Commissioners to come into co-operation with you, but not to be in subordination to you?—That is what I mean.

34149. Departmental ambition seems to lead rather to large claims for the Home Office. As I understand it, it was desired to make the Home Office paramount and to subordinate the Lunacy Commissioner to them, in some way or other. Have you looked back at the history of the Poor Law and the Local Government Board law?—I have some knowledge of both.

34150. I think the Poor Law Board was the predecessor of the Local Government Board?—Yes; the Poor Law Commission; 1848 the Poor Law Board; 1871 the Local Government Board.

34151. It was stated here in evidence that at one time the Home Office had charge of lunacy matters, and we were told that from 1828 to 1832 the Home Office had the charge of lunacy matters; that was before the existence of your Board or your Board's predecessors, and there was no one else to do it, was there?—Nobody.

34152. So it fell to them. But since the Poor Law Board and the Local Government Board, its successors, have come into possession, it has been the policy of Parliament to heap all the duties of this sort, managing the property in the ratepayers' interest, upon the Local Government Board?—Continuously, without a break.

34153. With reference to the Home Office are you aware that the Home Office were allowed to try their hand at it from 1828 to 1832; that is managing lunacy in London?—I was not aware of it. I may say that practically the Home Office in those days was the only authority that attempted to deal with local affairs.

34154. So there may have been a good reason for letting hem have it then, which does not exist now?—Yes.

34155. We have been referred to Hansard's debates on the subject. I do not know whether you have looked back to see why it was taken away from the Home Office, why the administration of any lunacy matter was taken away from them and restored to the hands of the Lord Chancellor?—No.

34156. The other day we were referred to Hansard on the subject and an impression was put forward, and I should like to see whether it was entirely an accurate one. If you have not looked at it, it would be no use my putting the question. The question I was going to put was whether it was not a Lord Chancellor's parliamentary way of saying, *mene mene tekel upharsin*; you do not know?—No, I have not looked at it.

34157. To turn to another point; do you employ ladies in inspection under your office?—We have four ladies I think.

34158. What sort of inspection do they have to undertake ?—Children mostly, and infirmaries.

34159. Do you find it works satisfactorily ?—Yes.

34160. Are your officers, whether ladies or gentlemen, appointed during pleasure, or during good behaviour ?—They are under the ordinary Civil Servants' tenure of office.

34161. Would it be necessary, if this was handed over to the Local Government Board, for you to hold inquiries in nearly all cases where expenditure was wanted ?—I think we should hold a good many.

34162. More than you do now ? I mean local inquiries ?—We are holding more and more local inquiries.

34163. Does that add much to the cost ?—No, it adds nothing to the cost, I think. I think it tends to reduce the cost of the building, but our costs are nothing.

34164. Does it reduce the cost of the local authority ? They may have to employ counsel and solicitors to appear before you ?—Yes, the local authorities sometimes spend a good deal of money over these inquiries, but we should not order them unless the stake was, so to speak, considerable. We order inquiries in nearly every engineering case: the practice is being gradually introduced in cases of large Poor Law expenditure.

34165. Supposing the system were altered and instead of plans first going to the Lunacy Commissioners, secondly to the Home Office and thirdly to you, they were to come first to you, would you have in every case to have a local inquiry ?—I should not think so in the case of extensions.

34166. But in the case of new buildings ?—I think in the case of an absolutely new asylum we should. This is more or less hypothetical, because we have not considered the question. I am merely stating what I should do. It would probably not be in my department.

34167. It would not necessarily increase the cost very much ?—No, I should hope it would tend to reduce it.

34168. Perhaps sending to you in the first instance these plans and applications, as you have to deal with the raising of the money, would be on the whole the cheapest way of working this out ?—I should have thought so. Even on the matter of plans, where I hope for greater economy is by better classification.

34169. (*Mr. Hobhouse.*) Where you sanction a loan do you ever send down anyone to see how the expenditure for which the loan is incurred is carried out ?—We do in certain cases. Of course in workhouses we know all about it at once, but in sanitary works we have not done that; we have taken it for granted.

34170. (*Mr. Dickinson.*) I want to get quite clear this position with regard to the 4s. grant. I think you are the first witness who has been into it in any detail. As a matter of fact at the present moment the taxpayer does not pay any portion of that 4s. which is credited to a board of guardians when that board sends a lunatic to an asylum ?—Does he not ?

34171. Let me begin a little bit earlier so that you will see. Prior to 1885 the exchequer used to pay the 4s. for each lunatic ?—Yes.

34172. By the Act of 1888 the Exchequer contributions were lumped together upon a different system altogether to that of the old grants, and the county councils were ordered to pay the 4s. to the board of guardians ?—I see what you mean.

34173. The county councils receiving a sum of money from the Exchequer independent of the lunatics, but paying to the guardians the 4s. for each lunatic ?—Yes.

34174. The result of that is, is it not, that when a board of guardians decides to send a lunatic to an asylum, that board of guardians becomes credited with 4s. in respect of that lunatic, but that 4s. is provided for by the county ratepayer ?—The county ratepayer gets a sum from the Imperial Exchequer to assist him.

34175. We must get that quite clear.—Do you mean the grant is fixed ?

34176. The grant to the county council is fixed.—Yes, I see what you mean.

34177. You have been explaining to us why it is that boards of guardians tend to send their lunatics into the asylums, because they are under the impression that they gain thereby ?—Yes.

34178. I want to get the exact facts with regard to that. A board of guardians to-day deciding to send a person to a lunatic asylum is undertaking the obligation of paying say 11s. to the asylum authority for that lunatic and getting back 4s. from the county ratepayer. Is not that so ?—Yes. *J. S. Davy, Esq., C.B.* 14 Jan. 1907.

34179. Therefore there is no question of the Imperial taxpayer coming in there at all. We are considering that position of affairs ?—The county give the union 4s.; the union ratepayer is relieved at somebody's cost.

34180. The union ratepayer is relieved of that 4s. by the county ratepayer ?—We will call it so.

34181. That is the fact, is it not ?—Yes.

34182. Therefore, from the point of view of the ratepayer as a whole, the ratepayer is no better off ?—He probably would not be.

34183. He is really worse off, because he is keeping a lunatic at the rate of 11s. a week, instead of keeping a pauper at the rate of 6s. a week ?—Yes.

34184. Therefore, whatever inducement there is to guardians to send their lunatics to the lunatic asylum, is apparent only ?—Yes, I suppose the grant would still remain if no lunatics went to asylums at all.

34185. Quite so, and if all the paupers in London were sent to the lunatic asylums, the result would be the cost of 4s. on each of them would be paid by the county ratepayer.—And there is a contribution by the Metropolitan Common Poor Fund.

34186. Now with regard to the Metropolitan Common Poor Fund, there, when a board of guardians decides to send an inmate to the asylum of the Metropolitan Asylums Board, the result is to take the whole cost of maintenance off the union and to put it on to the county ratepayer ?—The metropolitan ratepayer.

34187. That is the county—the same district. Therefore, so far as London is concerned, the imbecile in the Metropolitan Asylums Board is paid for entirely by the county, is he not ?—Yes, speaking generally.

34188. A lunatic in a county lunatic asylum is paid for to the extent of 4s. entirely by the county ?—Yes.

34189. That is so, is not it ?—Yes.

34190. The balance is paid by the union. Is there any reason why the whole cost of the lunatic in the county asylum should not be paid for by the county in the same way as the imbecile in the Metropolitan Asylums Board asylums ?—It would be simply a further equalisation of rate, would not it ?

34191. Should you see any objection ?—I should see no administrative objection to it.

34192. I presume from what you have said to-day, that you would see the advantage of it, because you are somewhat in favour of making the whole charge for lunatics an imperial charge ?—Yes; it is obvious there is no administrative objection to it because the same authority is finding the money and spending it.

34193. I understood one of your difficulties in the way of the Local Government Board being the authority for approving plans of asylums, etc., was that you think the Local Government Board's work ought to be restricted to paupers ?—Yes.

34194. You contemplated, that in regard to lunatics who are not paupers they would still remain under the Home Office ?—Lunatics with property, yes.

34195. Therefore your view is that the Local Governmen Board's functions ought to be restricted to paupers ?—Yes, to pauper lunatics.

34196. Is there any reason in your mind why we should deal with lunatics and imbecile *qua* paupers at all ?—No; using the word "pauper" as meaning a man paid for out of the poor rate is simply stating the fact. It makes an essential difference; we are the protectors of the ratepayers; we have to look after the local finance generally. What I submit is, we cannot do that unless we have control from start to finish.

34197. (*Chairman.*) I think what Mr. Dickinson means is this; people who become lunatics and go to lunatic asylums would not become paupers otherwise ?—A great many of them would not.

34198. (*Mr. Dickinson.*) I was leading up to that. Is there any reason why a lunatic, *qua* lunatic, should be

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called a pauper? He is supported out of the rates it is true.—I think it is only fair to you to say that I told the Poor Law Commission that in my view I should like to see every lunatic paid for by the State and maintained by the State as an additional means of relieving local taxation. I think that would be far less mischievous than any system of grant. In that case he would cease to be a pauper, he would cease to be anybody but an unhappy person who was a lunatic by the act of God and maintained by the State. To that view I have acceded in another place, but that is n t the immediate point before us now. There is no talk of that.

34199. But there is here. We have to deal with the solution of the question how to deal with this extended class of lunatics, the feeble-minded.—I thought it was only about the lunatic authorities that we were concerned at present.

34200. What I want to get from you (I think we have had it already when we were dealing with only the feeble-minded) is this; we had representations from the Local Government Board in favour of taking the administration of the feeble-minded altogether out of the Poor Law, and I want to see whether you agree. You seem to agree that it would be advisable to remove all defectives, lunatics and others, from the category of paupers, so that it should not be pauper lunatic asylums, but should be lunatic asylums?—They would be pauper, all the same, so long as they were paid for out of the rates. They would be in a sense paupers when they are paid for out of the taxes, but that is a mere question of nomenclature.

34201. But everybody who is paid for out of the rates is not a pauper?—I do not know what the significance of the proposed change is. If it is merely a change of name I do not take very much interest in it. If it is to change the persons administering the affairs of the feebleminded I am in favour of it on the whole, though as I point out, certain functions with regard to lunacy must, I think, remain with boards of guardians as being the most convenient local authority.

34202. Supposing we were to suggest that lunatics should no longer be in workhouses at all but they should be dealt with by county authorities, or some other authorities in varying kinds of asylums, there should be then no need whatever to bring the Poor Law authority or administration into the case at all?—They must have some share in the matter, because there must be receiving houses for lunatics of all kinds and relieving officers have certain statutory duties in reference to lunatics, duties which have no relation to their other duties. They have a very embarrassing duty with regard to lunatics, and to take that administration from the boards of guardians and give it the county would mean a great duplication of officers.

34203. Let me limit it to lunatics in institutions. I agree there may be instances before the lunatic comes into the workhouse, but so far as the lunatic who is housed in a public institution of any kind is concerned, there would be no advantage in the Poor Law authorities having anything to do with him?—Not if he was housed in an asylum; if all persons of unsound mind were taken away from the jurisdiction of boards of guardians, then boards of guardians *ipso facto* have nothing to do with them. That was the recommendation of the Cottage Homes Committee, coupled, it must be remembered, with a recommendation that you should have these cheaper asylums.

34204. That is a recommendation which you approve of?—I think it is essential; as I point out in my evidence your main want is classification as a first step towards anything like decent economy.

34205. That classification could better be done by an authority who was dealing with all classes of mental defectives than by a workhouse authority?—I should almost think it would. I should like myself to see some central authority have a register of every person of defective intellect in the county, as a very first step, so that they would know where they are.

34206. If that were done, would there be any serious objection to extending the system which I point out holds good with regard to the Metropolitan Asylums Board, extending that to all counties, and making the charge independent whatever the State pays from the taxpayers' point of view?—That is to say, making everybody of unsound mind a county pauper instead of a union pauper; the area of chargeability for those persons would be the county and not the union. I have thought of that a good deal and made suggestions myself in that direction, but I am told by experienced people that the difficulty that would arise in the way of arrangements between the guardians would be this: some workhouses would then have a lot of room in them, and the county authority would naturally make bargains with the union authority for the reception of their lunatics into those particular workhouses that had separate lunatic accommodation. I am told the difficulty of arriving at a proper sum is a very serious obstacle to the adoption of the suggestion which, of course, has a very great deal to be said for it.

34207. It is a technical difficulty that might be got over?—It is one that would give rise to a good deal of opposition.

34208. Why; not from the guardians?—No, a good deal of opposition from the county authority.

34209. Not, possibly, from the guardians; they probably would approve of it?—I do not think that has been mentioned. In country boards of guardians you very often find that there is a pretty strong feeling in favour of retaining the lunatic in the workhouse, the feeble-minded imbecile who is technically a lunatic. He is very often very well known to the guardians; he is sometimes rather amusing. He does a lot of work. I think you would have some feeling in that way, but still not sufficient to be formidable.

34210. (*Chairman.*) I am not quite clear as to whether you think the Local Government Board ought to have the inspection and control of all the pauper lunatics?—Yes.

34211. That practically means the bulk of the lunatics?—Yes.

34212. Do not you think there may be some confusion or some difficulty, in the large asylums, where, as we all know, there are a very large number of private patients?—I should not have thought so.

34213. You would not put them under the Local Government Board?—If they lived with the other patients I should think the Local Government Board inspector, whoever he might be, the medical inspector, who went round would see that his accommodation was sufficient and good enough, but he, of course, would be a person whom there might be an interest in detaining and he would naturally fall more particularly under the Commissioners in Lunacy; he would be a case between the lunatic with money and the pauper patient.

34214. He is a lunatic with money, in many cases?—He would be between the case of a lunatic with money and the lunatic who is maintained out of the rates.

34215. No; because he is a lunatic with money; he pays for his keep, sometimes a considerable amount.—Still he is in a public asylum. I do not think those people who do really pay for their keep, pay enough. Supposing you charge a couple of pounds a week, supposing that asylum costs £500 a bed, 6 per cent. is the least you can allow; that is £30 a year for housing alone.

34216. That is hardly the fault of the lunatic that the asylum costs £500 a bed?—No, I do not think it would be any more degradation to the lunatic to have a medical inspector of the Local Government Board inspecting him, than to have a Lunacy Commissioner or a Home Office gentleman.

34217. Please do not think I meant that. You stated several times that it was your opinion that it should be the pauper lunatics only who should come under the Local Government Board and because they were paupers?—My language was not quite accurate. I should have said "asylum lunatics."

34218. You consider all patients in asylums should be more or less under the control and supervision of the Local Government Board?—Yes.

34219. That alters your evidence to a very great extent, does it not?—May I explain when I say "pauper lunatic" I mean a lunatic in an asylum. I admit that some of those pay their money. The error comes from this: because in Poor Law matters we consider everybody who is in a workhouse, whether he pays for his maintenance or not ranks as a pauper, we consider him to be a pauper, it is a question of nomenclature; we have in the work-

house people who pay pretty well their cost, we have many army and navy pensioners, people who come to receive treatment for some sickness.

34220. You do not take them compulsorily; it is quite a different thing?—It is.

34221. You remove the lunatic by force to the lunatic asylum; the cases are not an all fours?—I take it you object to their being called pauper lunatics.

34222. No; what I wish to make quite clear is this: your opinion, as expressed this afternoon, has been continually that pauper lunatics should be under the supervision and control, and that their management should be under the supervision and control of the Local Government Board. Now I have pointed out to you that there are a very large number of lunatics in the asylums who are not paupers you have told me that you wish to include those as well?—We audit the accounts in regard to them as well. What would you say in connection with these people who are in the lunatic asylum and part of whose maintenance is paid by their friends? Last year £200,000 was recovered in that way from the friends and relations. I understand the method of collecting is very defective. We shall have to see whether we can do anything, probably we shall be able to do something, as a Local Government Board; I am considering that point. That means that there must be a considerable number who are paid for. They I suppose would be ranked as being inmates of pauper asylums, but not paupers.

34223. (*Mr. Dickinson.*) They are ranked as paupers, that is to say, they lose their franchise?—I think so.

34224. (*Dr. Needham.*) I suppose you are aware as respects all people who go into county asylums who seem to have means, that inquiry is made by the Lunacy Commissioners into every case to ascertain whether they have means which will enable them to become private patients?—Yes.

34225. And the fact of people being private patients, that is to say, paying the cost of their maintenance, alters their status, so that the person who pays for them can discharge them?—Yes.

34226. As an alternative to discharge by the committee of the county asylums?—Yes.

34227. The Judges have made very strong representations with reference to the great importance of the difference between the two?—Yes.

34228. As regards what Lord Radnor has been asking you, you have got Dorset where you have an enormous number of private patients, a large separate building containing nothing but private patients, you have the county asylum adjoining it; do you suggest that the Local Government Board inspector should inspect the private block as well as the pauper block?—I should not.

34229. Then you would have a double set of inspections?—You have two buildings.

34230. But you would have double inspection?—But you have two buildings; practically two institutions.

34231. Quite so, but one of the objects of this Commission has been to see whether it was possible to amalgamate the Chancery Visitors with the Lunacy Commissioners in order that there might not be the double visitation which exists with reference to private patients already.—That I know nothing of.

34232. By your suggestions you are going to accentuate an evil which is existing at present?—I understand at the Dorset Asylum there are two separate buildings. You cannot call that double inspection.

34233. Take the Cumberland and the Bodmin Asylums; you have the Cumberland Asylum and the Cornwall Asylum, several buildings also there, but they are all on the same site, all part of the same institution. At Claybury you have Claybury Hall which is separate from a part of the asylum, but is on the same site and is part of the same institution. You have the City of London Asylum in which they have separate wards, but no separate block. Are your Local Government Board inspectors going to inspect the patients who are in all except the separate ward and the separate block and to leave those uninspected?—That would be a matter of arrangement between them and the Commissioners. I am disposed to think if the whole thing goes into the asylum accounts, which we audit, we ought to see by personal view enough to satisfy ourselves of certain particulars.

34234. Are the inspectors of the Local Government Board such experts in lunacy that they are competent (I do not use the word in any offensive sense) to examine into the lunacy of the lunatics who are detained as private patients and who have a right to expert opinion?—No; I have said before, the Local Government Board have not the desire, nor the staff, to interfere with the judicial functions of the Lunacy Commissioners. Our inspection would be for the purpose of controlling the expenditure and for the purpose of doing our best to ensure adequate classification. *J. S. Davy, Esq., C.B.* 14 Jan. 1907.

34235. How are you going to do with regard to a place like Fisherton House near Salisbury, where they have nearly 700 patients, certainly 300 of whom are paupers?—There, no question of accounts comes in.

34236. Then you would not visit those paupers at all?—I do not know, I do not think in that case we should: I think we should rely on the Lunacy Commissioners.

34237. Would not all this involve an enormous amount of confusion?—I should not think it would involve the slightest confusion.

34238. Are the Local Government Board prepared to take over the consideration of asylum plans, the dealing with asylum plans as they are dealt with at present by the Home Office, without any addition to their staff?—Yes.

34239. You think you could do the whole of the seventy sets of plans which are before the Secretary of State every year without any addition to the staff?—Yes, I could answer that at once because I have been considering the question of the architect's department. We have an architect who happens to be a very competent man, and we have things now running in a better way than formerly. The number of cases has diminished very much, local authorities now understand what we want better, and further are not building so much because of the increase in the rate of interest. We are now sanctioning one-fourth of the number we used to.

34240. And you have the same staff?—We have the same staff.

34241. You talked about an asylum costing £500 a bed; what asylum cost that?—I believe Hellingly. *See* p. 445 *post.*

34242. That cost £325.—I did not say it of my own knowledge.

34243. It is from a return published by the Lunacy Commissioners; sums actually expended as shown in Table 8 in their Report; the Lunacy Commissioners are responsible. Here it is, including land £325?—Hellingly borrowed £409,000, but they had standing to their credit £90,000 which they got from the Brighton and Hayward's Heath Asylum; that £90,000 probably makes the difference, but that was the cost. I may say one thing in relation to that case which is interesting to us all, I think, that out of that £400,000 which was borrowed the Steyning Union, which includes Hove, was responsible for £100,000 because the Steyning Union is one-fourth of the rateable value of the whole county of East Sussex. The number of paupers chargeable to Steyning Union at that time was ninety-two, which shows an extraordinary case of where urban ratepayers came to the help of their rural brethren.

34244. May I refer you to this return which shows that the East Sussex Asylum cost £325,000?—I should like to call the attention of the Commission to this fact. It is in no spirit of what Mr. Greene called "departmental aggrandisement" that we ask for this change. I need not say why it is; I hope I have made that clear to you. I do wish to point out this: that my Board have to do with the classes that produce lunacy; we have to do with the pauper and with the worst ends of the country. What I want certainly is to have some following up from the very first of the life of these people to the end. We think that the department which has to deal with the preliminary stages of lunacy ought to have some control over the paupers when they go into the asylums. We want to do it on financial grounds, and because we sincerely believe it will be a good thing for us in the whole of our work.

34245. (*Mr. Dickinson.*) Why do you say it is a good thing for you?—I mean it is a good thing for administration generally that we should have the whole run of it.

J. S. Davy, Esq., C.B.

14 Jan. 1907.

34246. (*Dr. Needham.*) Why ?—That is our opinion.

34247. (*Mr. Hobhouse.*) You attach importance to inspection because of the necessity of audit by you ? — That is one of the reasons.

34248. If the audit were removed from your department would there be any continued necessity for your inspection ?—If the inspection were otherwise settled and the audit removed from our department.

34249. Leave that question on one side. You have used the word "audit." Is it because you have to audit the accounts that you desire to have the control and inspection ?—That is one of the reasons.

34250. Then remove the audit and any desire that you have to inspect and control would be removed with it ?—No ; one of the reasons would be removed.

34251. One of the important reasons ?—I think it is an important reason.

34252. (*Chairman.*) Is there anything else you wish to add ?—The other thing is this. I have here the report of the Commission on Poor Law Relief in Ireland ; it has just come out. In it is a comparison between the cost of the treatment of the sick in Poor Law hospitals as compared with that of lunatics in asylums, rather taking the line that the sick in Poor Law hospitals are entitled to just as much expenditure as the insane are.

34253. (*Mr. Byrne.*) They recommend the entire removal from the Poor Law ?—Yes.

34254. (*Dr. Dunlop.*) You said the Local Government Board control the lunatics in the preliminary stages of lunacy ?—I think I said we control those classes which yielded the lunacy.

34255. But I think you will agree the vast majority of pauper lunatics would not be pauper except for the lunacy, so I do not quite follow the remark,—I do not know that.

RICHARD STEWART CLEAVER, Esq., called and examined.

Richard Stewart Cleaver, Esq.

14 Jan. 1907.

34256. (*Chairman.*) You have been kind enough to come here to give evidence on behalf of the Liverpool Incorporated Law Society and to give us a statement of your evidence. May we put that on the notes ?—If you please.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY RICHARD STEWART CLEAVER, ESQ., SOLICITOR, LIVERPOOL, ON BEHALF OF THE INCORPORATED LAW SOCIETY, LIVERPOOL.

I have been in general practice in Liverpool since the year 1867.

I was president of the Liverpool Law Society in 1888–89, and am a member of its Committee.

For twenty-five years I have acted as clerk to visiting justices of Tuebrook Asylum, West Derby.

I have for upwards of thirty years acted professionally for the guardians of the West Derby Union, comprising twenty-two parishes and townships, including the whole of the City of Liverpool, except the parish of Liverpool and the township of Toxteth Park. The union has a population of 529,684 and has at the present time 1,707 pauper lunatics in various asylums chargeable to its common fund.

I have had considerable experience in cases of lunatics so chargeable, and having property, in the proceedings necessary for making their property available for their maintenance.

My experience of lunacy practice has not been confined to cases of this class.

I attend at the request of the Committee of the Liverpool Law Society to represent the views which they desire to urge in favour of the extension to the provinces and particularly to the populous centres of South Lancashire, of local facilities for the transaction in District Registries of the High Court of most, if not all, of the business now under the control of the Masters in Lunacy, so far as it affects lunatics or alleged lunatics, in cases where it is convenient to parties to proceed in the District Registry.

In 1875 the District Registries of Liverpool and Manchester were established under the Judicature Acts and two Registrars for each of such Registries were appointed. These appointments were and are held by officers other than the County Court Registrars, who in all other places throughout the country occupy the dual position of Registrars of the High Court and of the County Court.

In December, 1886, the powers and duties of the District Registrars of Liverpool and Manchester in Chancery matters were extended and by Order 35, Rule 6*a*, the District Registrars of these two places are to act as Chief Clerks (now Masters), Registrars and Taxing Masters in all causes or matters proceeding in either of these Registries according to directions to be given by the Judge to whom the cause or matter is assigned.

Under R.S.C. Order 5, Rule 9, all causes and matters in these registries in the Chancery Division are to be assigned to such Judge of the Chancery Division as the Lord Chancellor shall by order direct. At the present time Swinfen Eady J. is the Judge under an order of the Lord Chancellor of June 8th, 1906. By this arrangement one Judge has continuous control of the business proceeding in the District Registry.

The business from these Registries both in Court and Chambers is taken by the Judge on alternate Saturdays, when the District Registrars of Liverpool and Manchester sit in Court as Registrars of the day, and the judgments and orders are drawn up and entered in the respective Registries. The Registrar is thus in touch with the case throughout and cognisant of the Judge's views thereon.

Liverpool and Manchester alone have District Registries which possess these privileges.

The work of the District Registrars include :—

(1) The taking of accounts of receivers, and mortgagees, executors' accounts in administration proceedings, and of guardians of infants in cases where allowances are made to the guardians out of income, and in some cases capital, for the maintenance and education of the infants, including allowance for the upkeep of a house.

(I may mention as an instance of the latter class a case proceeding in the Liverpool Registry in which a sum of £10,000 or thereabouts was allowed annually for the upkeep of a mansion and for the maintenance and education of the infants—the guardians to whom the money was paid rendering annual accounts which were taken by the District Registrar.)

(2) Enquiries as to heir at law and next of kin.

(3) The taxation of costs of all matters proceeding in the Registries.

The work of the District Registries has been performed to the entire satisfaction of the profession and the public and with very beneficial results in economy of time and expense.

The delay and inconvenience inseparable from the transaction in a central office in London of every detail of lunacy business from the provinces, from the largest to the smallest cases, have been represented from time to time to the Committee of the Liverpool Law Society, and early in the year 1905 the Committee addressed the Lord Chancellor on the subject, urging that the District Registry of the High Court might safely be entrusted with the performance of all the administrative work connected with applications in lunacy within its jurisdiction.

My Committee would welcome the adoption of the proposal that the jurisdiction in lunacy should be transferred to the Chancery Division, believing as they do that it would follow automatically from such a transfer, that the District Registrars in Chancery in Liverpool and Manchester would naturally deal with lunacy matters arising in their Registries, as they now do with Chancery business.

The great usefulness of the County Palatine Court of Lancashire is fully appreciated by the public and the profession in Liverpool and Manchester, and if, as the result of any changes which may be made in the existing arrangements for the transaction of lunacy business, jurisdiction in lunacy be added to that already exercised in the District Registries in those cities, it is probable that corresponding extensions of the jurisdiction of the Palatine Court would follow sooner or later. This is the more probable inasmuch as the Palatine Court has and exercises within its jurisdiction—*i.e.*, the county

of Lancaster—the like powers in regard to the property of lunatics as are exercised by the Chancery Division of the High Court.

Such a result would only tend to the increase of local facilities and would be welcomed.

But it is High Court jurisdiction in lunacy which is sought by Liverpool and Manchester, and what is desired is that the District Registrars who now exercise all the functions of chief clerks, Registrars and Taxing Masters of the Chancery Division of the High Court should be permitted to do whatever Masters or other officials of the Chancery Division may be permitted to do, should—as it is hoped—the work of the Masters in Lunacy be transferred to the Chancery Division.

The following observations are offered :—

(1) *Jurisdiction.*—The jurisdiction of the District Registries being, as they are, branches of the High Court is unlimited both as to area and value. In practice they are naturally resorted to chiefly by litigants resident in South Lancashire. There is a right of removal to the Principal Registry in London for cause shown.

In lunacy matters the residence of the applicant for relief by petition, summons or other process would—properly, it is submitted, govern his selection of Registry.

The residence for the time being of the lunatic could hardly be considered, since he might be under treatment at any one of the numerous asylums throughout the country.

(2) *Custody of Securities.*—The same rules and practice would prevail as in the High Court.

In District Registry matters it is the common practice to make orders in Chancery matters for bringing securities into Court. In lunacy the question of bringing securities into Court is linked to some extent with the question of the amount for which security is to be given by the committee or receiver. By so doing the receiver may limit the amount for which security is required.

(3) *Privacy.*—The suggested difficulty on this head is considered to be non-existent.

The public do not resort to the chambers of the Registrars at all. In fact would not be admitted. The solicitors concerned in each case, with the parties, if any, are separately admitted before the Registrar. Lunacy applications under Section 116 are almost invariably unopposed matters and would be treated in the same way as in the case of infants, *i.e.*, in private, both in the Registry, and before the Judge in London.

(3a) *Number of Lancashire Cases.*—The Liverpool Law Society has no means of ascertaining how many such cases are now proceeding in the offices of the Masters in Lunacy, but the information is probably available there. Lunacy in Lancashire is about one-twelfth of that in the whole country, and this may afford some guide to the approximate volume of the business which would be dealt with in the District Registries.

(4) *Provisions for Attendance of Court Officers and Vacation Work.*—Under R.S.C. O XXXV. R. 6a, the District Registrars are empowered to act as Masters of the Vacation Judge, during vacation and as a matter of fact one of the District Registrars is in attendance every day during vacation with necessary staff and available to deal with any business which may arise, or refer matters to the Vacation Judge.

The registry hours are normally 10 to 4, but prolonged if necessary.

(5) *Official Solicitor.*—The Official Solicitor of the High Court would act in cases proceeding in the District Registry where his intervention has been invoked, and is at the present time appearing in several matters proceeding in the Liverpool Registry.

From enquiry it would appear that hitherto the Judicial Trustee Act has not been resorted to to any great extent. This rests in the discretion of the Judge on his own initiative or on the application of parties.

(6) *County Courts.*—It is considered that the existing jurisdiction of the county court up to £200 might usefully be retained and extended. This is dealt with specially later in this statement where it is explained why the existing jurisdiction is rarely resorted to.

(7) *Complaints.*—Representations have from time to time been made to the Liverpool Law Society by practitioners respecting the delay and additional expense involved in the obligation to transact through agents in London business which it is believed could be as satisfactorily dealt with on the spot and which differs little, if at all, in its nature from that performed daily in the District Registries in Chancery cases. The grievance is the same as that which sufficed to induce the legislature thirty years ago to provide for the constitution of District Registries.

(8) *Taxation.*—Would be conducted by the District Registrar as it now is in matters in the Chancery Division with general satisfaction. The Judges of the High Court to whom are assigned the Lancashire work would, it is believed, fully endorse this. It is submitted in reference to taxation in Liverpool and Manchester that it is of advantage that the taxing officer has had cognizance as Registrar of the whole of the proceedings and is therefore in a better position than a Taxing Master in London to exercise discretion as to the allowance or disallowance of charges.

(9) *Orders.*—Would be drawn up by the District Registrar. The average time between the making and registration of an order might be stated at five days, but in cases of urgency this time is considerably curtailed.

(10) *Fees.*—As to fees and percentages these would be regulated as they now are in the District Registries on the same tooting as in the Principal Registry.

There would be neither local gain nor would there be loss to the Imperial Exchequer by what is proposed, as the fees are all paid by stamps. It is only in Liverpool and Manchester District Registries that this is so.

(11) *Costs.*—It is submitted that where work has to be conducted through London agents involving a mass of correspondence in explanation of facts, repetition of instructions, and discussion of questions and difficulties which arise—whether in Chancery, Admiralty, Common Law, or Lunacy—it is obvious that costs must be substantially increased.

(12) *Public Demand for Change.*—The subject has been under the consideration of the Liverpool Society for some years.

(*See* letter to Secretary of Commission of December 20th, and documents accompanying.)

It is believed that certain public bodies have made representations to the Commission on the matter.

There are no existing Statutory provisions available for dealing elsewhere than in London, with the property of lunatics of any amount, except those, the operation of which is confined to persons already chargeable to the poor rates.

The existing provisions are the following :—

Lunacy Act, 1890, Sec. 132. This seems to have been originally enacted (by the Lunacy Act, 1889) by way of extension of certain provisions of the previous Lunacy Acts now consolidated in Sec. 299 of the Lunacy Act, 1890.

In effect it has added little or nothing to the remedies provided by Sec. 299 owing to the construction placed upon it by the Court of Appeal in the case of *re* Noyce (1892) 1 Q.B. 642, where it was held that the order of the County Court Judge cannot operate to compel the transfer of any stock under the control of the Bank of England or registered in the books of any company, and that for that purpose resort must be had to the Judge in Lunacy under Sec. 133.

It is suggested that this section should be amended so as to permit the application to be made by a relative of the lunatic, which cannot be done at present, and that the Judge be authorised to do all such things as the Judge in Lunacy may do under Section 133 to the end that stock may be transferred to the committee or receiver or into court as the case may be.

Lunacy Act, 1890, Sec. 299. (1.) Enables the Poor Law authority to obtain from a justice in petty sessions an order authorising the seizure of money or personal property or receipt of rents of a lunatic.

(2.) Makes the receipt of the union officer a good discharge for property of a lunatic delivered to him without order of justice.

This section is useful in practice but is limited in its operation to money and chattels.

It is with difficulty that persons accountable are persuaded to act under it and they frequently stipulate for a special indemnity.

It is at least doubtful whether there is any method of enforcing the order of justices, and if compliance is refused the alternative is resort to the County Court.

Richard Stewart Cleaver, Esq.

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With regard to the question of the time occupied in the process of carrying through applications in the offices of the Masters in Lunacy under the existing system, and also with regard to the inconvenience and expense caused by a double procedure in Lunacy and in Chancery which frequently becomes necessary in relation to the same matter, I shall be prepared, if desired, to furnish some details of actual dates and cases.

In this connection I may observe that, with the object of avoiding the delay and expense incident to procedure in lunacy, I endeavour in every case in which it is practicable where trustees and others have under their control funds which it is desired to make available for the maintenance of persons detained as lunatics, to induce such trustees and others to pay the funds into the Chancery Court, under the Trustee Relief Act and thereupon the the Chancery Court is competent by its order to make all necessary provisions.

Some particulars can also be furnished if necessary relating to the extent of the business in cases of pauper lunatics which would fall to be dealt with locally if jurisdiction be extended in the manner contemplated by evidence before the Commission.

34257. (*Chairman.*) I think you have someth'ng you wish to add before any questions are asked; will you tell us what that is ?—In reference to the paragraph in my evidence which refers to the Palatine Court the paragraph concludes by saying: "This is more probable inasmuch as the Palatine Court has and exercises within its jurisdiction—*i.e.*, the county of Lancaster—the like powers in regard to the property of lunatics as are exercised by the Chancery Division of the High Court." I had forgotten when that was written that by a recent Act applicable to the Chancery of Lancashire, I think 1890, the jurisdiction of the Palatine Court is co-ordinated, made the same as the jurisdiction of the High Court within its territorial jurisdiction, which is the county. Therefore any alteration which this Commission may recommend, for instance, in the way of transference to the Chancery Division of lunacy jurisdiction, would ensure to the benefit of the Palatine Court by Statute, the Palatine Court now has whatever jurisdiction the High Court has within its territorial jurisdiction. If Lunacy were added to the High Court the Palatine Court would get Lunacy. But as I have said, with Liverpool people and Manchester people the great point is to be enabled to make these applications locally, as we do now make our applications with regard to actions pending in the other divisions. There are one or two other points I should like to mention. I have noticed in the evidence that remarks have been made several times with regard to the desirability of there being some record if possible at an early stage in applications, for instance, under Section 116 as to whether lunatics have property of their own. I mentioned this matter to Mr. Greene and I understood he was quite inclined to agree with what I said; he suggested I should mention it to you, namely that it seems to me that might be arrived at to some extent and in a simple way by the addition of a paragraph in the petition for the reception order. The petition for the reception order contains an undertaking by the petitioner to visit the lunatic, but it contains no statement whatever with regard to his property. It seems to me that it would be very convenient that it should be made, as far as may be, compulsory that the petitioner should state what his knowledge is as to the lunatic having property of his own available for his maintenance.

34258. It would be quite a short statement ?—Yes, I think it might be expanded beyond the mere affirmative or negative. I would certainly go as far as a statement that the person in respect of whom the reception order is asked has or has not property of his or her own.

34259. (*Dr. Needham.*) Are you aware that a very large number of petitions are presented by people who have no such knowledge, and could not give any information ?—I do know that, because only recently a person was received into an asylum I visit in a case where the petitioner was the manager of the hotel to which the person had been brought from one of the Atlantic steamers. Of course I know in those cases that could not be done. All that I am suggesting is that in those cases where the petitioner has knowledge it should be compulsory on him to state it.

34260. If you made that compulsory on the person who asked for a reception order that he was bound to make that statement you would interpose enormous difficulty and delay in getting patients under treatment who required treatment?—Quite likely, I see some difficulty. I am quite aware these things have to be done in a considerable hurry. It is a mere suggestion. I see a good deal of emphasis was laid upon that in questions addressed to some of the witnesses. It occurred to me it was worth considering whether something of that sort might not be done; it would certainly be useful. Might I also make a remark with regard to the county court jurisdiction. I was asked to state how it was that applications were not made frequently to the county court. One of the reasons has been mentioned in reference to the operation of the case which takes all stocks and shares out of the jurisdiction of the county court judge. Once show that there are any shares in the estate and his jurisdiction is gone; he cannot make an order. But there is another reason I think; that is that the county court is in one sense the most expensive court we have. It is the most expensive court in the matter of court fees. The county court is a most expensive debt-collecting court; you have to pay 1s. in the £; to sue a man for £50; you have to start by an initial payment of 50s. To sue a man in the High Court for £50 your initial payment is 10s. Here are two cases; I have extracted various time tables of cases and I have two small cases, one in the Masters' Chambers and one in the County Court; the cost of the application before the Master in one case was £21 odd, the ordinary case of an application under Subsection C of Section 116 where the person concerned was already certified, an application to make what he had available for his maintenance, a small sum; the costs were £21 odd of which £3 were court fees, that is £2 for the Order, £1 for the certificate of taxation. That is one-seventh. Here is a case in the County Court about the same size where the total costs are £12 9s., which included court fees £4 18s., therefore two-fifths of the whole costs were court fees.

34261. (*Dr. Dunlop.*) The county court was cheaper in the long run ?—Yes, it is cheaper. There is this further matter in regard to the county court; although county court officials are most obliging and courteous, certainly in Liverpool, we do feel when we are going there in Lunacy matters, and Chancery matters too, that we are rather travelling out of their ambit; they have to look up the law, they are not prepared for it, and in point of fact we have to take everything ready cut and dried before them. Still we should be very glad to have the jurisdiction of the county court extended so as to be able to meet the difficulty created by that case of *re* Noyce.

34262. (*Mr. Dickinson.*) Am I right in saying what you say is that if Parliament were to transfer the jurisdiction in lunacy from the Court of Appeal to the Court of Chancery that would *ipso facto* transfer it, in Lancashire, to the Palatine Court ?—It would not transfer all the business to the Palatine Court. But it would give the Palatine Court co-ordinate jurisdiction with the High Court. What I am here to represent is, not so much the Palatine Court, but that our district Registrars of the High Court should be brought into play.

34263. At the present moment that would be the effect ?—Yes.

34264. That the Palatine Court would have concurrent jurisdiction ?—Within its territorial jurisdiction.

34265. Absolutely equivalent to the Court of Chancery in London ?—Quite.

34266. So that persons interested in the affairs of a lunatic could carry through a case, either before the Court in London or before the Palatine Court ?—Yes.

34267. Would that extend to inquisitions in lunacy ?—That would depend on what might be done in consequence of the recommendation of this Commission.

34268. Going on the assumption that control were transferred from the present Lunacy Judges, the Court of Appeal, to the administration of the Chancery Court, that would have that effect ?—It would; it would transfer to the Vice-Chancellor of the County Palatine, Mr. O. Leigh Clare, whatever jurisdiction might be transferred to the Chancery Division.

34269. Would you, or would you not, advocate that the power of holding inquisitions should be given to the Palatine Court?—We are in favour of that; we see no reason why it should not be done.

34270. Do you think it would be done equally well?—We do.

34271. And I suppose more conveniently?—More conveniently.

34272. That being the case, what further change do you want in regard to the district courts?—The same thing would follow; our district courts are merely local offices of the High Court. The Registrar in Liverpool or in Manchester does precisely the same things in those cities as the Registrars and Masters and Taxing Masters of the High Court do in Carey Street.

34273. Why should not the same result flow, *ipso facto*, to those district registrars as would to the Palatine Court?—It will follow; it does follow; I say we should then have a double resort; we could go to the High Court, which would have jurisdiction over the whole country, if it was a case which required it. If it was a Lancashire case, pure and simple, we could go to the Palatine Court.

34274. And also to the district registrar?—The district registrar is the High Court.

34275. Is the High Court, in Liverpool and Manchester?—Yes.

34276. The Palatine Court has no power in Liverpool or Manchester?—Yes, the Palatine Court has jurisdiction over the whole of the county of Lancaster.

34277. What is the distinction between the Palatine Court and the District Court; have they concurrent jurisdiction over the same areas?—No, what we call the District Registry of the High Court is, as I say, merely a local office of the High Court for the local transaction of local business in the cities where the district registries are constituted and has jurisdiction over the whole of the country, and we can do the same things, we can issue process and pursue our proceedings just in the same way as you can in London with the jurisdiction over the whole of the country.

34278. Without a court?—The registrars attend every alternate fortnight here in London and sit with the Judge who is told off in the Chancery Division; that is at present Mr. Justice Neville. The registrar sits with the Judge as the Registrar of the Court and does all things that the London registrar would do if it was a London case and goes back to his registry and works out the action in the local registry so that suitors there are able to transact on the spot all their business. The Palatine Court is a special privilege which Lancashire, as a County Palatine, has. It is a court of very ancient jurisdiction, but its jurisdiction is over the County Palatine and so far it is a comparatively limited one compared with that of the district registry of the High Court.

34279. But it has a Judge?—Yes.

34280. And he does the work of a Chancery Judge in Lancashire?—Yes.

34281. If the work of the Judges in Lunacy were transferred to the Court of Chancery here, that work would go to the Judge of the Palatine Court?—If the proceedings were taken in the Palatinate Court in preference to being taken in the district registry of the High Court. We should have the choice.

34282. Is there any connection between the District Registry in Liverpool and Manchester and the Palatinate Court?—No.

34283. None at all?—They are two entirely independent courts.

34284. The result would be this, that a person wishing to take lunacy proceedings could either go to the Palatinate Court, or could go to the district registry of the High Court?—Quite.

34285. In the one case the proceedings would be commenced and concluded in Lancashire, in the other case they would be commenced in Lancashire and concluded in London?—No. I have explained in my statement that in December, 1886, the powers and duties of the District Registrars of Liverpool and Manchester in Chancery matters were extended, and by Order 35, Rule 6a, the district registrars of those two places are to act as chief clerks (now Masters), Registrars and Taxing Masters in all causes or matters proceeding in either of those registries according to directions to be given by the Judge to whom the cause or matter is assigned. The consequence is that once the hearing has been had in London, and hearings are had every alternate Friday and Saturday, and an Order has been made, every subsequent stage of the action down to the taxation of costs is carried on in the local registry, it never comes to London again.

34286. I was wrong in using the word "concluded"; in the one case they would be commenced carried on and concluded in the Palatine Court, in the other they would be commenced in Lancashire, then taken to the Judge in London, then finished in Lancashire?—The only difference is, the hearing in the Palatine Court takes place in Liverpool or Manchester, and in the district registry the hearing is in London.

34287. I do not yet see what further change you want than the mere change which has been described here, namely the transfer of the lunacy jurisdiction over property to the Judge in Chancery?—I want nothing more than that; I have only introduced the question of the Palatinate Court because I was invited to do so by some questions addressed to me by your Secretary. I understand that there is some confusion on the subject by one of the members of the Commission who thought we were speaking of the Palatine Court alone. What we said in the first instance was, if you recommend the transfer of the jurisdiction to the Chancery Division that would suit us exactly, because we should get, *ipso facto*, in our district registries the powers which would go to the Chancery Division.

34288. Would that, or would it not, destroy the existing jurisdiction of the County Court over questions of lunacy so far as it extends in Lancashire?—No. Further, I suggest that what there is defective in the present jurisdiction of the County Courts should be removed, namely the evil effect of that case which has been quoted whereby we are stopped at the outset in case there happen to be any stocks or shares belonging to the lunatic which would require transfer.

34289. That applies to all cases?—Yes. What we suggest is not designed or calculated to interfere with the jurisdiction of the County Court at all.

34290. (*Mr. Byrne.*) Under your proposal would a first Order, for instance, under Section 116 (*d*) be made by the Registrar in Manchester. The Masters exercise that jurisdiction, not the Judge?—I have said just now that we think we could do the inquisition business, and therefore we also think it includes the smaller, that we could deal with cases under subsection (*d.*) But I may say, in my experience at all events, by far the largest number of cases are cases under subsection (*c*) where there is no finding of lunacy or incompetency at all involved.

34291. Sub-section (*c*) is, a person lawfully detained as a lunatic?—Yes. It is really in regard to those cases, at least we so find, that we are so hampered. No matter how small the case, if there is a lunatic in an asylum who happens to have a little property, there is no question about the lunacy, because the person has been certified, he is properly under control, the only question is to get at the small estate which the lunatic happens to have. To do that we have to go through all this process of coming up to London, with the additional cost of agency correspondence. We think we could deal with cases under subsection (*d*), but I am aware that that is more of a controversial matter. But of course we should have to be content to take what it might be thought safe to entrust to us.

34292. Could you give us any idea of the extra cost that is entailed by having to come to the Masters in Lunacy in such a case now?—I think that County Court case is some illustration. No doubt the cost would be rather more in the Registry than in the County Court, but I think that the cost of carrying through a matter in the district registry would be not more than three-quarters of what it would be of carrying it through the Masters' offices here. Say it cost £20 in London, I think that £15 would represent it locally.

34293. The sections of the Act which you quote in your memorandum giving certain powers to County Court Judges show that those powers are very small at present; they are restricted?—Yes.

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34294. Would you recommend, generally, that the County Court Judges should have greater and more simply expressed powers in lunacy matters?—It is suggested that the jurisdiction should be extended up to £500; I see no reason why it should not be.

34295. And that the necessary powers should be given them to deal with every class of property?—Yes, that is important.

34296. So as to get over the vesting Order difficulty, you would recommend that?—Yes.

34297. We have had a recommendation made to us that there are a good many cases of lunatics with quite small property, with respect to which it might be well to arm the Lunacy Commissioners with certain powers. Under the Act the Lunacy Commissioners have power to enquire with regard to any lunatic whether his property is being properly expended for his benefit; if they find there is reason to believe it is not, they have to report to the Masters in Lunacy. Some persons have said why should not the Lunacy Commissioners be empowered to direct so and so to hand over the property to a receiver, or to deal with it in such and such a way?—I think very nearly all, if not all, those cases of small property are cases of persons who are already under the protection of the Poor Law, and that the guardians of the poor look very carefully after cases where there is property and collect it. If there be cases outside that, and I should not think there are many, I see no reason why the Commissioners should not be empowered to do something of that kind.

34298. If it is small property, £60 or £100, if it costs £5, £6, or £7, that is considerable?—Yes.

34299. There was a lunacy jurisdiction in Lancashire, was there not, up to some years ago; I think the Palatine Court in Lancashire had a lunacy jurisdiction up to 1850?—No original jurisdiction. The Palatine Court I think has always, at any rate for many years, exercised whatever jurisdiction in lunacy the Chancery Division has exercised in London, but that as you know, has been pretty well limited to cases where the court has under its control a fund in court, or a suit pending. Under similar conditions, and limited in a similar way, the Palatine Court does exercise a jurisdiction in making the property of lunatics available for maintenance.

34300. It is the initial power that is wanted?—Yes, the initial power.

34301. You do not recommend that the Palatine Court should have any special new powers given to it now, do you; you would rather have registries with the necessary powers?—Our application originally was in favour of the registries, but as I have stated already, it would follow that the Palatine Court would get whatever powers the registries get by the extension of those powers to the Chancery Division; therefore we should have a choice of tribunal.

34302. With reference to the last paragraph of your memorandum, would you give us some particulars of that?—I could hand in a couple of these time tables. (*The Time Tables were handed in. Vide p. . . . . post.*) These are to show the time consumed in various cases. The first one I see was commenced on the 1st August, and the certificate of taxation is the 10th December. There, of course, it is the long vacation which is the chief trouble; nothing takes place from the beginning of August to the beginning of November.

34303. That would be true if your proposal with regard to the registries was carried out?—No.

34304. Are they in permanent session?—They are in permanent session in this way, that they have access to the vacation judge just in the same way as litigants in the High Court in London have. The registrar is always there, and nothing would stop. The next case is one where the initial step was taken on the 13th November, and the taxation took place on the 22nd March. Here was a case, I think it was mentioned in one of the communications to the Commissioners, in which the sole amount was three shares in the National Telephone Company, representing about £15. Because the county court was not able to make the necessary order for transfer we had to go to the Master, and the cost of doing so was £14 3s. 7d. May I say if we had not had those costs, to save expense, taxed by the clerk of the peace, the costs would have been several pounds more than the fund; but, in order to save costs, because we were entitled to tax before the clerk of the peace locally, we did that. It would have cost us about £18 or £19 if we had taxed our costs before the Masters, but we just had a margin of a few shillings for our clients after taxing the costs locally.

34305. Does not a case like that seem to indicate rather the desirability of giving the magistrates in petty sessions or the County Court Judge, or someone sitting like that, power to make a small order rather than to go to any official or court of that sort?—I call attention in my statement to the existing enactments which govern the power of magistrates. They have power to make orders, but there again the same trouble arises as in the case of the county court; they cannot do anything more than authorise the officer of the guardians to seize and take. It was some years, in my experience, before savings banks, for instance, would take cognisance of the order of a magistrate. Now our savings bank in Liverpool will take cognisance of it, and we get the money paid.

34306. Are those sections used much in Lancashire?—Yes, they are used a good deal in Liverpool.

34307. Are they used practically whenever they can be?—Whenever they can be. The first enquiry is, "Can we get this money through the magistrates?" If we can we do; "If not through the magistrates, is it a case we can take to the county court?" If we can we do. Then if the county court cannot touch it because it happens to be shares, then there is nothing for it but to go to the Masters.

34308. (*Mr. Dunlop.*) In answer to Mr. Byrne you compared the expense of an action in the High Court, and one in the registry, assessing the expenses of a registry action at three-fourths of the expenses of a High Court action. Can you give us a similar assessment in regard to expenses in the county court *versus* the High Court; can we take it as a half or a quarter?—The contrast was between proceedings before the Masters, and proceedings in the county court. I said I had two cases to which I called attention, a small case before the Masters, £21, and a small case in the county court, £12 9s. Then I further said that of that £12 9s., £4 18s., or about two-fifths, were court fees.

34309. That is only one instance; but taking the whole thing together can you give us a general statement: would you say an action in the county court would cost half what it does in the High Court?—More than half; I should say about three-fifths would be about the true proportion.

34310. The official solicitor, Mr. Winterbotham, told us the cost of administering the small estates is sometimes just as heavy in the county court as in the High Court if they are conducted with care and due regard to cost. You disagree with that statement?—I disagree with that statement on this ground; to begin with, all proceedings taken locally must necessarily be cheaper than proceedings which have to be conducted through agents in London.

34311. That stands to reason, does not it?—Yes, first of all start with that; then the professional charges in the county court are on a lower scale, in fact there is very little professional profit in the proceedings, especially in Lunacy, because the principal consumption of time is at the outset, the attendances on the people before they decide to make up their minds to take the step. The mere steps themselves are quite routine matters, and that is all you get paid for.

34312. However, you contradict that statement emphatically?—Yes.

34313. Allowing that from the lunatic's point of view it would be a great benefit to have his affairs settled in the county court for reasons of economy, would you advise the extending of the money limit of the county court actions?—Personally I should have been satisfied with the present limit of £200, but I have no particular objection to it being extended to £500.

34314. I presume you have had considerable experience in dealing with county courts?—Yes.

34315. A capital of £200 means only £7 a year; it is a mere nothing. Is not the county court perfectly capable of dealing with incomes of say £50 a year, say £3,000 of capital?—That involves more than the mere question of the amount; it means dealing with a more complicated estate. In my experience the county

court judges and officers do not find it convenient; they have not the machinery for dealing with any complication in estates in the matter of taking accounts

34316. There are not many complications in managing £2,000, are there?—There may not be, but there may. I am thinking now of carrying through in Chambers and what follows. They have not the machinery and they are not conversant with the practice so as to make it convenient for them.

34317. But with the old lady with £2,000 of capital invested in some simple security and who becomes senile and is brought in under Section 116 (*d*) surely the difficulties must be very small; there is no elaborate machinery required?—It depends how it is cut up; it may be in a dozen investments.

34318. Supposé it were?—It is the detail which, in my opinion, the county court is not so well adapted to deal with.

34319. So that if there is any complication, and if it exceeds a certain limit of amount, you would still advise the High Court?—I do.

34320. Even if the High Court is so much more expensive?—In my opinion £500 would be a reasonable limit to give to the county court.

34321. That is only about £15 a year in trust investments?—It is not only a question of income, it is a question of the application of capital. In most of the cases of which I have particulars here, the capital as well as the income is applied until it is used up.

34322. You are aware of the fact that there is a lunacy percentage?—Yes.

34323. How would that be affected by this change, if your registries were able to deal with cases?—I take it our practice could follow whatever practice is set by the High Court. If you transfer to the High Court the arrangements as to percentages which now prevail in the Lunacy Office, exactly the same practice will hold in the local court.

34324. Do you, as a man of experience, think that the lunacy percentage is a fair and reasonable charge to make?—I think it is very heavy.

34325. Far too heavy, is it not?—It is. I may say with regard to that it rather appeared to me from the remarks that have been made from time to time during the sittings of the Commission that the impression is that there are no fees at all paid by the small cases. That is not quite correct. There is always a fee of £2 on the order and £1 for the certificate of taxation. In this small case I quoted, £21, £3 is court fees. That is quite enough for working that case.

34326. The transfer to the county court will be a benefit to the lunatic on the ground of economy?—Yes.

34327. The Chancery Court fees are not so heavy as the Lunacy Court fees; that is your experience?—Yes

34328. (*Chairman.*) Is there anything you would like to add?—Nothing more.

TIME TABLES.

Cases in Lunacy.

1.	(£1,000)	Summons issued	1st August, 1896.
		Affidavit of service sworn	8th August, 1896.
		Long Vacation.	
		Order made	29th October, 1896.
		„ settled	10th November, 1896.
		Certificate of taxation	10th December, 1896.
		Amount of costs £23 10s. 8d	
2	Cash at bankers, £218 9s. 3d.	Summons issued	13th November, 1900.
	Freehold property in mortgage for £750 at £4 10s. per cent., subsequently reduced by payment of £100 to £650 with interest at 4 per cent.	„ served	21st November, 1900.
		Order made	30th November, 1900.
		Draft received	4th December, 1900.
		Some delay occurred here through having to negotiate with lunatics' mortgagees.	
		Order completed	4th February, 1901.
		Taxation of costs completed	22nd March, 1901.
		Amount, £38 14s. 9d.	
3.	Clerk to Guardians appointed. Receiver without security. *Estate*:— Three ordinary shares of £5 each in the National Telephone Co., Limited, and accumulated dividends thereon, £5 0s. 6d. Shares realised £13 10 0 Dividends 5 0 6 £18 10 6	Summons issued	27th March, 1899.
		„ served	5th April, 1899.
		Order made	18th April, 1899.
		„ settled	27th April, 1899.
		To save expense, costs taxed by the Clerk of the Peace at £14 3s. 7d.	
4.	$1,519 in Savings Bank, New York. £84 9s. 9d. in English Savings Bank.	Summons issued	16th July, 1901.
		„ served	18th July, 1901.
		Order made	5th August, 1901.
		„ settled	16th August, 1901.
		Certificate of completion of security filed	12th September, 1901
		Money had to be obtained from New York.	
		Taxation of costs completed	7th February, 1902.
		Amount, £37 6s. 6d.	

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CASES IN LUNACY—*continued.*

5.	Income about £89 in hands of trustees of the will of lunatic's father.	Summons issued	17th February, 1903.
		Summons served	24th February, 1903.
		„ returnable	31st March, 1903.
		Order made	8th April, 1903.
		„ settled	29th April, 1903.
		Chancery proceedings for construction of will of lunatics father.	
		Order discharging Receiver	16th April, 1904.
		„ completed	23rd April, 1904.
		Taxation of costs completed	16th May, 1904.
		Amount, £51 14s. 11d. (including Lunacy and Chancery proceedings and subsequent discharge of Receiver.)	
6.	Pension of £2 a month. Very simple case.	Summons issued	4th July, 1905.
		„ served	7th July, 1905.
		Order made	19th July, 1905.
		„ completed	2nd August, 1905.
		Certificate of Taxation	29th November, 1905.
		Amount, £21 1s. 7d.	

COUNTY COURT.

7.	Amount in a Bank, £69 8s. 8d.	Plaint issued	16th December, 1898.
		Hearing	9th January, 1899.
		Order served on Bank	12th January, 1899.
		Payment received	19th January, 1899.
		Costs £12 9s. 2d., including Court fees £4 18s. 0d.	

RECEIVERS' ACCOUNTS.

8.	Income about £200 Taxed costs, £87 7s. 5d.	Receiver's first account lodged	26th July, 1898.
		(Appointment could not be given until after Long Vacation as Official full up with appointments.)	
		Appointment to vouch applied for	24th October, 1898.
		„ „ „ given for	11th November, 1898.
		Vouching completed	15th November, 1898.
		Engrossment of account and affidavit verifying received	December, 1898.
		Returned sworn	19th December, 1898.
		Affidavit in lieu of account lodged	30th July, 1901.
		Appointment to vouch obtained for	25th February, 1902.
		Receiver died	14th January, 1903.
		New Receiver appointed by order of	9th April, 1903.
		New Receiver's affidavit in lieu of account lodged	8th May, 1905.
		Appointment to vouch obtained for	27th June, 1905.
9.	Income about £200 Taxed costs, £82 4s. 8d.	Draft Receiver's fourth account lodged	20th April, 1904.
		Appointment to vouch	17th May, 1904.
		Engrossment of account and affidavit verifying received	21st August, 1904.
		Account and affidavit returned sworn	31st August, 1904.
		Draft Receiver's fifth account lodged	3rd April, 1905.
		Appointment to vouch	9th May, 1905.
		Engrossment of account and affidavit verifying received	23rd May, 1905.
		Account and affidavit sworn	24th May, 1905.
10.	Fund, £1,000 Taxed costs, £45 0s. 5d.	Receiver's first account lodged	12th August, 1902.
		Appointment to vouch	20th January, 1903.
		Appointment applied for to consider Receiver's remuneration	3rd February, 1903.
		Appointment given for	12th March, 1903.
		But it was not until	2nd April, 1903.
		Agents attended before the Master.	
		Engrossment of account and affidavit received for swearing	18th April, 1903.
		Returned to Agents sworn	22nd April, 1903.
		Affidavit in lieu of account lodged	12th August, 1904.
		Appointment to vouch	22nd November, 1904.

SIXTY-SEVENTH DAY.

Friday, 1st March, 1907.

PRESENT

The Right Hon. The EARL of RADNOR (*in the Chair*).

W. P. BYRNE, Esq., C.B.
F. NEEDHAM, Esq., M.D.
H. D. GREENE, Esq., K.C.
The Rev. H. N. BURDEN.
Mrs. PINSENT.

HARTLEY B. N. MOTHERSOLE, Esq., M.A., LL.M. (*Secretary*).

GEORGE COOPER, Esq., M.P., called and examined.

George Cooper, Esq., M.P.

1 Mar. 1907.

34329. (*Chairman.*) In the statement you have given us, you state that you are not giving evidence on behalf of the Asylums Committee. I take it that means, you are not giving evidence, either, on behalf of the London County Council?—I am not.

34330. You have been so kind as to give us this statement of your evidence; may we put it on our notes?—Yes.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY GEORGE COOPER, ESQ., M.P.

I am a surgeon, and reside at 92, Southwark Park Road, S.E. I am a Member of Parliament for the Division of Bermondsey of the Parliamentary Borough of Southwark. I was a member of the St. Olave's Board of Guardians 1886 to 1890, and a member of the London County Council from its constitution in 1889 to February 27th, 1906. I was Chairman of the Public Health Committee of the County Council for several years.

I desire it to be understood that in giving evidence I do not in any way represent the opinion of the Asylums Committee, but wish to place before the Commission for their consideration facts and conditions which have come under my observation during the seventeen years I was a member of the London County Council.

From its constitution I was a member of its Asylums Committee, and took an active part in the Council's asylum administration. I have been a member for different periods of the visiting committees of the Wandsworth, Banstead, Claybury, Manor, Horton, and Long Grove Asylums, and also of the Epileptic Colony, the Asylum General Purposes Committee, and the Pathological Sub-Committee. I have been chairman of the Banstead, Claybury, and Epileptic Colony Visiting Committees. I was also chairman of the Sub-Committee which investigated "Colitis," and was appointed with Dr. Mott to report to the Pathologists' Committee on medical statistics.

For seven years I was chairman of the sub-committee for the housing and treatment of lunatics. This committee formulated and presented a scheme for receiving-houses in London; the Epileptic Colony was erected on lines suggested by myself; the paper I presented to the committee I hand in. I also hand in a memorandum I submitted on the construction of a new asylum on the villa principle with hospital blocks for the acute and recent, and villas for the chronic patients. This scheme the Asylums Committee has adopted and plans are now being made.

As a Member of Parliament I should desire to point out that the Board of Lunacy Commissioners are virtually a perfectly independent Board, their only obligation being to report every six months the number of visits they have made, and patients seen, and lay copies of their report to the Lord Chancellor, before Parliament, before the end of June.

The plans, estimates, and regulations for the erection, alteration, or conduct of any asylum have to be sanctioned by the Home Secretary; but the Home Secretary has disclaimed any responsibility for or control over the actions of the Board.

With the advent of directly elected authorities, such as the County Councils, and the transference of the care of the lunatics detained in asylums into the hands of committees of the County Councils, it is a reasonable question for consideration whether the special reason for the existence of the Board of Lunacy Commissioners has not passed away, and that the Board be abolished, and any power and duty of theirs which is worth retaining, be given either to the Home Office or to the Local Government Board.

The whole method of visitation of lunatics savours of the time when lunatics were treated rather as prisoners than as patients. The county magistrates had the care of prisoners in gaols and lunatics in asylums; prisoners and lunatics were treated very much alike; both were placed for security in strongly built buildings, surrounded by high walls, deprived of freedom, and kept strictly under control in rooms, the doors of which had to be unlocked to admit them, and carefully locked again after their admittance; the uniform of the attendants in a lunatic asylum and a gaol was almost similar in appearance, whilst a bunch of keys fixed by a chain to a belt formed a conspicuous part of their dress.

As two magistrates form a petty divisional court to officially visit a gaol, so two magistrates formed an official inspection committee of every asylum, the wards of which have to be officially visited every two months.

No alteration was made in the number of this official visiting committee, when the care of the asylums was transferred from the county magistrates to the county councils.

Speaking from personal experience, I have always found on every visiting committee of the London County Council asylums, members who spend on the committee day a large portion of their time in the wards seeing and talking with the patients, and appear to know the patients almost as well as the medical officers. Frequently these members bring up patients, who desire to see the committee, or report as to the condition of the patients, their food, or the structure of the asylum, but as these acts are done singly, no record can be made in the visitors' book; the only visit which conforms to legal requirement is a solemn parade of two members of the visiting committee through the wards, accompanied by a staff of medical officers and attendants to unlock and relock the doors of the wards, etc.

The same antiquated arrangement accompanies the official visits of the Lunacy Commissioners.

The presence of two Commissioners (one legal and one medical) is required to make an official inspection, and they are legally required to visit every asylum and see every patient at least once each year. This might have been carried out many years ago, but the increase in the number of persons detained in public asylums has made this impossible unless it is done in a rapid and perfunctory manner.

In 1847 there were 26,516 certified lunatics, therefore each pair of Commissioners would have to see 8,838 a year, or about 170 a week. In 1905 the number of certified lunatics had increased to 119,829, and each pair of Commissioners has to see 39,943 a year, or 768 a week.

Some asylums have not been visited every year. The medical superintendents reported that in 1905 no inspection was made of either Banstead, Cane Hill, or Colney Hatch Asylums by the Lunacy Commissioners.

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No inspection of Cane Hill Asylum was made between March 24th, 1903, and October 28th, 1904, a period of nineteen months; of Hanwell Asylum between February 14th, 1902, and May 3rd, 1904. When the Commissioners visited Banstead in 1897, they state "eighteen months had elapsed since the previous inspection."

The time given to an inspection of an asylum has greatly shortened. Five days were given to the inspection of Hanwell Asylum in May, 1890. (London County Council Report, 1890, p. 110.) Five days at Colney Hatch Asylum in 1889, four days in 1892; also Hanwell, London County Council Report, 1889, p. 139, and Claybury, 1895, p. 46; two days to inspect Colney Hatch, 1903, and two days in 1904; one day Hanwell, 1904, two days 1905.

The Manor Asylum (748 patients) and the Epileptic Colony (288 patients) were inspected on the same day, May 14th, 1904, and on the same day, July 25th, 1905.

On March 15th, 1901, the Commissioners write in the visitors' book of the Banstead Asylum: "We in course of yesterday and this morning have fully inspected this asylum." They further state that 2,446 patients were on the books, one of whom was absent on trial. In the earlier days of the London County Council, they frequently stated that they had spoken to, or given ample opportunity to every patient of making every wish or complaint known to us." (Hanwell, 3/2/94, London County Council Report, p. 73). Latterly this wording has degenerated into "To all patients in residence (2,520 patients) have been afforded during yesterday and to-day the opportunity of speaking to us." (London County Council Report, Hanwell, 14/10/02, p. 86), or "During our progress through the wards the patients had full opportunity of speaking with us." (London County Council Report, 20/3/99, p. 38.)

The hours given to inspection are the official hours (with the necessary time taken for lunch) and at the outside have been five or six a day. It is simply a play upon words to suggest that all the requirements demanded by the Lunacy Act of the Commissioners can be adequately performed in two days, or a day and a half, or that the Manor Asylum, and the Epileptic Colony, although near together, can be properly inspected in one day; such inspection means seeing patients at the rate of four each minute. In making such hurried inspections it is natural the Commissioners should ask for the presence of the medical superintendent, to explain the mental condition of the patients.

It is doubtful whether, in the interest of the public, the medical superintendent should be present when the Commissioners visit the wards, as my personal experience is that the presence of a medical superintendent effectually closes the mouths of many complainants, who seem to believe (erroneously) that the medical superintendent is the one man who prevents them from obtaining their freedom.

While the Commissioners have during the last few years been slack in carrying out their duties of inspection, from inability to cope with the vastly increased work, some have felt it their duty to explain in their report in the visitors' book the nature of the duties falling to a visiting committee (London County Council Report, Hanwell, 10/4/02), stating they had pointed out to the patients that the visiting committees are the persons to whom their complaints and demands for release ought to be addressed (London County Council Report, 28/5/95, p. 36; and 1/8/89, p. 139).

It has not been unusual after an inspection of an asylum by the Commissioners, for the time, of some of the visiting committee, to be taken up in interviewing chronic and hopelessly insane patients, who unanimously declare the Commissioners have ordered their discharge. In some asylums this demand to see the committee, or members of a committee, is liable to abuse, for it is used, not to hear reasonable complaints, but by the medical superintendent as an anodyne for troublesome patients. It is not at all unusual for the visiting committee to have applications from patients who have been seen by them, or some of the members of the committee, nearly every day the committee attends the asylum to transact business.

The reports of the Commissioners are stereotyped, and of little real value; being too often a bald recapitulation of facts and figures which have been furnished by the officials of the asylum. It seems absurd that the only result of the Lunacy Commissioners' inspection should be a report formally presented to the visiting committee through the visitors' book, the materials to form which report have been furnished by the committee's own officials, and therefore well known to the committee.

The Commissioners have been apt to somewhat step outside their functions in calling for reports of investigations of assault cases, and then prosecute attendants for assaults; although the visiting committee, who have investigated the cases carefully, think that such a serious step is not necessary.

The Commissioners frequently have interfered unnecessarily with the administrative work of the visiting committee (London County Council Report, 16/5/99, p. 10).

Every asylum has to submit "General Rules for the Administration of the Asylum," for the approval of the Home Secretary. The Home Secretary insists that these should come to him through the Commissioners who have prepared "Suggestions for General Rules," practically a set of model rules. In the Commissioners' view the medical superintendent is the official of the asylum, and to a great extent they are right. When the Asylums Committee of the London County Council submitted its new rules in 1904 to the Commissioners, the Commissioners insisted that all subordinate officers should be stated to be under the "direction and control of the superintendent;" this includes the steward, the storekeeper, and the clerk of the asylum. The Asylums Committee met this by agreeing to insert "the general direction." The Commissioners' model rule for the clerk of the asylum reads; "... Shall devote his whole time to his duties, which he shall perform under the direction and control of the superintendent." This is very well in theory, but practical experience in the administration of an asylum has taught the visiting committees of the London asylums that to a great extent "accountable" officers should be independent of even the medical superintendent; otherwise, who is to call attention to things which the committee ought to know. Any such officer who is under the entire control of the medical superintendent would not dare to question any of his orders, and there would be no proper check on extravagance.

The experience of every London visiting committee is that after all the medical superintendent is human, and the committees have had furnished them too many instances of favouritism to officials or to themselves (i.e. medical superintendent), as long as it can be done at the public expense. Some members of the staff have been ordered beer or port wine as sick extras, from one year's end to another; junior clerks have been taken from public work to do the private correspondence of the medical superintendent. At different times the visiting committee have had unofficially brought under their notice the unreasonable use of gas, electricity, coals, milk, cream, garden produce, poultry, newspapers, journals, the employment of lunatics as domestics, etc., etc., under the name of "emoluments," at the public expense; the stewards and clerks being too much under the medical superintendent's thumb to take the matter up.

The point is that the Commissioners, by insisting on bad model rules being followed, compel every county to govern its asylum as the Commissioners think good, and not with economy, or as the Visiting Committee wish. This interference in administrative work is the more conspicuous because the Commissioners have done apparently nothing in the way of investigating the methods of medical treatment in the asylums, the clinical work in the wards, the method of note-taking, the condition of the case-books, or the time devoted to the wards by the medical staff.

As a body the Lunacy Commissioners have no initiative; they have to be moved before taking action. It is only possible for the members of a Board who never raised any objection against a brewery being established in the Hanwell Asylum, to have inserted in the visitors' book of the Colney Hatch Asylum "Very many were the discontented in the laundry at the withdrawal of their small allowance of beer, having regard to the fact that the vast majority will never leave the asylum, and that all there were brought here against their will, and that a certain proportion of those brought here, and likely to be discharged, have been insane through excess of drink, it does seem hard, that the many should suffer for the sake of the few, and their possible, though not probable, amelioration in habits." (London County Council Report, p. 77, 1892); or "Beer is not given to the workers, which we regard as a mistake, as it keeps down

the percentage of employed patients, and employment is a patent factor in recovery and the effectual remedy for some destructive habits. The asylum is not a reformatory, and claiming to be advocates of temperance, which total abstinence is not, we think that the withdrawal from the temperate of their past life's beverage, irritates, whereas every effort should be made to alleviate the morbid discontent of the sober patients in proportion to whom the drunkards are few. These last, if in the incipient stage of their vice, so soon recover, that they must be discharged, too soon for the eradication of that vice; if they are old stagers they come to the asylum a wreck of humanity, and their condition is too chronic for discharge, except through death. We deem it to be our duty to repeat our colleagues' objections in 1892, to what is in no sense a proceeding in the cause of true temperance, which is the avoidance of excess." (London County Council Report, 2/10/93, p. 60, also 28/1/90, p. 97.)

The Commissioners' report in the visitors' book often has lent itself to the expression of private personal opinion on matters over which the Commissioners have no control. The subsequent statements of the medical superintendents (p. 116, 1890; p. 47, 1891; p. 27, 1893, and p. 31, 1894) probably stopped any further remarks on the absence of beer from the dietary.

On all other medical matters the Commissioners are silent—the true nature of what the medical superintendents called "summer diarrhœa" had to be brought to the Commissioners' notice by the London County Council as a result of an investigation initiated by a Sub-Committee of the Asylums Committee, and not by the medical officers of the asylums. The Commissioners took action, and after investigation proved the ailment to be dysentery, and contagious.

The Commissioners have not recognised the confusion and uselessness of the medical statistics. (London County Council Report, 1898, p. 36; 1904, p. 9; 1906, p. 13.)

The object of statistical tables is to present accurate and intelligible information to the general public concerning insanity and its causes. They should be drawn up in a form as simple as possible consistent with accuracy.

This object cannot be gained by the publication of unreliable and contradictory statistics. Not only is the form of classification of some tables in use at fault, but also the data on which they are based, depending, as they must do, on the personal equation of the medical officers of the various asylums. I believe after long waiting some uniform classification, full of technical terms, has been received favourably by the Commissioners, but while it may be of some use to the members of the medical profession, it will give to the ratepayer who has to pay very little information.

For years the question of sending aged people to asylums must have been under the notice of the Commissioners.

In the reports of the Visiting Committees and medical superintendents they must have recognised that a large proportion of these aged people ought never to have been certified, and should not be in an asylum. (London County Council Report, 1897, pp. 33, 34). "It was a pity these old people should be sent to an asylum, that they were often unnecessarily certified." (London County Council Reports, 1899, p. 40; March 31st, 1900, p. 39; 1896, p. 27; 1893, p. 51; 1896, p. 48; 1905, p. 63; 1905, p. 9; 1906, p. 10; 1906, p. 11). The Commissioners have not moved in the matter, except to refer to the question in the Annual Report. No inquiry apparently has been made into these cases which the medical superintendents declared ought not to have been certified.

One of the special reasons which led Parliament to create the Board of Lunacy Commissioners, was to form an authority which would prevent any abuse of the powers granted under the Lunacy Act. In the Annual Reports of the London County Asylums occasionally there are paragraphs reporting the fact that persons had been sent to the asylum, in whom, on admission, no indication of mental unsoundness could be discovered.

Doctor Alexander (Hanwell, London County Council Report, 1892, p. 101), wrote: "After prolonged and repeated examinations four female patients were discharged as not insane, the indications of insanity that were observed by the certifying doctors having no doubt disappeared by the time the patients had reached the asylum."

In the 1897 Report, p. 73, a similar case is reported. Dr. Claye Shaw (Banstead) several times reported that in many of the cases there were few symptoms of insanity present on admission. Reports, 1900, p. 39; 1896, pp. 48 and 27; 1893, p. 51.

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In Report, 1895, p. 52, Dr. Moody (Cane Hill) states in reference to a criminal lunatic sent from Broadmoor, "After careful observation for some time, I was not able to detect any signs on which I could certify him as insane, and he was accordingly discharged."

At Banstead Asylum I was present when the medical superintendent brought before the Committee a patient he had admitted and detained, but could not certify. The man was immediately discharged by the Committee.

In 1898 I obtained a return of all persons detained in the London County Asylums who could be discharged if they had friends to go to, or friends in a position to look after them. There were more than 600. The Asylums Committee in consequence of this report applied to Parliament for power for the Asylums Committee to board out such a class of patients, but the Bill did not pass.

This is a reasonable scheme, as there are many attendants, male and female, who have married and left the service, who would be willing to take in such patients, and whose past record and training could be relied upon to look after such patients in a satisfactory manner.

The Commissioners have done nothing to urge upon the Asylums Committees of England the separation of the acute recoverable cases, the puerperal, adolescent, the children, and primary cases of insanity, from the chronic and intractable cases. For years they must have seen children in the old men's wards at Colney Hatch.

In some of their entries in the Visitors' Books they have advocated the antiquated plan of mixing the acute cases with the chronic, as it brightens the chronic cases up. (London County Council Report, 1890, p. 98.)

All Visiting Committees, certainly those of the London Asylums, are impressed with the wrong and damage which arises in mixing primary recoverable cases, children, youths, and girls, and women suffering from puerperal insanity, with chronic and old residents, owing to the profane, indecent, and filthy language used by many of the old residents of an asylum. It is absolutely necessary in order to secure economical management in an asylum to have a number of chronic patients, as it is from the chronic class the greater portion of the workers come. For this reason the London Asylums Committee has designed an asylum which will secure this classification of cases, by housing the chronic cases in villas, the sick and infirm in separate infirm wards, and the acute and recoverable cases in hospital villas for both sexes, fitted with all the necessary laboratories and accessories required for modern research and treatment. Such an asylum would have been erected at Horton and Long Grove, if the Home Secretary as far as regards the Horton Asylum, and the Commissioners at Long Grove, had not forced on the London County Council a replica of the "Barrack" Asylum, erected by the Commissioners' architectural adviser at Bexley.

One of the stereotyped phrases made in the visitors, book in an asylum—"The case-books are well kept and up-to-date"—may be true of the case of the books of one or two London Asylums, but any person who will carefully examine the case-books generally, and compare the entries made in reference to different cases, must find that the same phrases and conditions appear over and over again, and the unhappy experience of a London Visiting Committee is that the notes made by the junior staff are written from memory, in moments of leisure, and are therefore unreliable, and sometimes inaccurate. If the entries in the case-books are compared with the record of conditions found on post examination, the inaccuracy of some of the entries becomes at once apparent, and also the unreliability of any statistics based on such records.

Whenever attention has been drawn to the matter, the flattering remarks made by the Commissioners in the visitors' book are invariably quoted as an answer.

The defective note-taking arises in the opinion of those qualified to judge, because:—(1) The notes are not made at the bedside; (2) too many patients are allotted to each medical officer for effective daily supervision; (3) owing to acute and chronic cases being mixed together, the acute cases are lost in the chronic; (4) of lack of interest and stimulus in the work; (5) the best trained medical men do not try for Lunacy appointments;

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(6) the Lunacy Act, and the Lunacy Commissioners, by their multiplicity of orders, make such a serious demand on the time of the medical superintendent that he finds but little time to look after details.

Patients are frequently received at an asylum in a dying condition, or, having suffered so much from shock caused by removal, have died in a few hours, or a few days after admission. A Justice of the Peace has ample power under Section 19 (2) Lunacy Act, 1890, to suspend the removal of a certified lunatic if the medical practitioner called in will certify in writing that the lunatic is not fit to be removed. The Commissioners do not appear to have taken any action in any such cases.

A Return of the London Asylums Committee, obtained from the London County Boards of Guardians, showed that for the year ending March 31st, 1898, 6,280 persons had been removed as alleged lunatics to the parish workhouse or infirmary, every one of these persons under Section 18, Lunacy Act, 1890, by being brought to the workhouse, were made paupers, and would therefore lose their right to a vote, if otherwise qualified.

Only 3,573, out of the 6,280 persons so removed, were certified for removal to an asylum; therefore, 2,707 were arrested and detained in the workhouse for periods of three to fourteen days. This serious position has been placed before the Commissioners, and was one of the factors which caused the London Asylums Committee to bring forward its plans for receiving houses.

It must be recognised that the State in dealing with mental disease, places a stigma upon it which no other disease is subjected to, and raises an effectual barrier to the patient applying for treatment in the earlier stages of the disease and frequently, owing to this delay, forces the ratepayer to maintain, not only the patient for life, but often those dependent upon him for years. It was owing to the desire to take away from the early treatment of this disease, this stigma of pauperism, that the London Asylums Committee proposed to establish receiving houses for alleged lunatics, entirely separate from the Poor Law, the receiving houses to be staffed by non-resident physicians and surgeons, skilled in special subjects; with an out-patient department attached, so that persons could be treated in the earlier stages of the disease, and prevention of insanity secured.

The receiving houses also could be used to establish at each a psychiatric clinic for the better training of every medical practitioner in the causes and symptoms of insanity. But the State, in its endeavour to protect the legal position and material interests of the alleged lunatic, sets up a procedure which seems deliberately calculated to increase the patient's mental disturbance, and retard the chance of an early recovery.

The Poor Law officers in London have read in Section 18, Lunacy Act, 1890, authority to *at once* remove to the lunatic wards of the workhouse all alleged lunatics brought under their notice. In 1898, only twenty-six out of 3,573 certified lunatics were removed direct from their homes to an asylum.

It is not unusual for an alleged lunatic to be forcibly removed from home by the relieving officer, or, if found wandering at large, to be arrested by a constable, taken to the police station, submitted to the ordinary examination in the station dock by the police inspector, and either sent to the workhouse in charge of a constable, or taken before a magistrate, who remands the prisoner to a gaol, in order that the prisoner's mental condition may be ascertained by the prison medical man. The procedure before the Justice at a workhouse too often simulates that of a Court and not that of a sick room. Such procedure naturally adds another delusion, that of being detained in the asylum as a punishment for some imaginary crime, to the other delusions the patient exhibits.

It is the experience of the London County Council Asylums Committee that between the time a person is notified as an alleged lunatic, and his removal to an asylum, days, and even weeks, may elapse. Cases of acute lunacy, whose only hope of recovery depends upon immediate asylum treatment, have been kept back through the absence of any adequate system of inquiry at these initial stages as to their social position. Many persons have been unnecessarily made paupers, with great hardship to the individual, and injustice to the ratepayer. The practice of removing every alleged lunatic to the workhouse is generally considered by the friends a greater hardship than the existence of insanity. This feeling is intensified when the guardians send in to the immediate relatives a heavy bill for removing the patient to the workhouse, doctor's fees, and for cost of sending the certified patient in a carriage accompanied by a relieving officer to an asylum.

Two cases recently came under my notice, and the charge made in each case was about £5.

In removing the lunatics to asylums, scandals constantly occur. The work is done under the supervision of the relieving officer, who looks upon the charges he can send in for doing this work as a perquisite, and it is rarely that the services of a skilled attendant are obtained.

Patients arrive at asylums in straight jackets, other means of restraint are sometimes used. Recently two lunatic women and one lunatic man were sent in an omnibus with two attendants to the Claybury Asylum, from Islington. The man being very violent, was laid on one of the inside seats in a straight jacket, while the two women were made to sit upon the opposite seat, and were horribly frightened by the language and actions of the man.

I believe I am correct in stating that in the opinion of the Commissioners no asylum should be erected for the accommodation of more than 1,000 patients, and they have not, to my knowledge, taken any steps to prohibit the erection of asylums arranged to accommodate 2,000 patients. The fact that the Commissioners insisted upon the erection at Long Grove of a replica of the Bexley Asylum favours the opinion that they have altered their views as to the numbers of patients an asylum should be built for.

There is, undoubtedly, great force in the argument that the cost of the erection of the administrative office for an asylum of 1,000 patients and 2,000 patients is almost the same, and the larger the numbers the cheaper the administration. There can be no doubt that what the ratepayer gains in the maintenance rate, he loses on the medical side, as, in very large asylums, the medical superintendent, who, in the majority of instances, is selected for his high medical qualifications, experience and ability, has to devote the greater portion of his time to purely administrative work, to the detriment of his professional work. If these large asylums are to be perpetuated it would be reasonable that the purely administrative work should be given to a well-trained business man, and the work of the medical man confined to medical investigation and treatment.

Under Section 254, Lunacy Act, 1890, as amended by the Act of 1891, plans and contracts for the purchase of lands and buildings, and for the erection, restoration, and enlargement of buildings, agreed upon by a visiting Committee, shall not be carried into effect until approved by a Secretary of State.

Section 272 provides that the method of obtaining the Secretary of State's approval is to submit the plans (with estimates of cost) or contracts to the Commissioners.

To carry out this work the Commissioners appoint an architect to advise them.

The architect who at present advises, like his predecessor, is allowed to take private practice, and is largely engaged in designing and erecting asylums, and presumably advises on his own plans.

The complaint is that unless the architectural adviser of the Commissioners is engaged by a county council, or an architect taken who is *persona grata* to the Commissioners and their adviser, the plans are unduly crititised, and greatly delayed, and that these architects either name, or endeavour to name, the contractor to erect the building, in this way depriving the asylums committees of the benefit of competition, both as to architect and contractor.

The London County Council Committee has had plenty of experience of this delay, which they believed arose from this cause.

The Epileptic Colony buildings were designed by the engineer of the Committee, the plans were sent to the Commissioners on August 17th, 1899; they received the Home Secretary's approval, April 6th, 1901, a period of twenty months. (*See* extracts from Minutes of Horton Asylum sub-Committee, *p.* 380, *post.*)

The plans for the buildings at Colney Hatch, to replace those destroyed by fire, which were also designed by the London County Council Asylums Committee's engineer, were sent to the Commissioners on October 7th, 1904, and

passed by them August 10th, 1905, a period of ten months. (*See* extracts of proceedings annexed, p. 381, *post.*)

After the fire at Colney Hatch Asylum, a fire of which one of the indirect causes was the alteration by the Commissioners of the London County Council's original plans, the Commissioners wrote and pressed with a threat, "The erection of a replica of the asylums at Bexley and Horton Asylums (designed by their architectural adviser) the plans of which could be approved and used without appreciable delay . . . .

"In absence of an undertaking that immediate steps would be taken to make such provision, it would probably become the duty of the Commissioners to report the London County Council to the Secretary of State, under Section 243 of the Lunacy Act, 1890, as having failed to satisfy the requirements of the Act as regards Lunacy accommodation." (*See p.* 382, *post.*)

The Asylums Committee informed the Commissioners that their officials had inspected many asylums on the continent, and that they had prepared a scheme on the villa principle, which they believed would prove far better on many grounds for the patients than the costly "Barrack" asylum, with its long, expensive, and insanitary corridors. The Committee had to give way, and were thus compelled to appoint the Commissioners' architect, and adopt the architect's designs, although they felt they had a far better scheme of their own.

In giving way in appointing the Commissioners' architect, the Committee made terms with him that they could alter the design, and required him to add four villas, and two acute hospital villas.

The plans for the foundation of this asylum were sent on July 15th, 1903, and approved August 5th, 1903, that is in twenty-two days. On November 24th, 1903, the architect saw the Long Grove Committee, and decided various matters with it; the plans of the alterations never came back to the Committee for approval, but were sent direct to the Commissioners, and approved by the Home Secretary, December 19th, 1903, that is in twenty-five days.

The architectural adviser received for the plans for the Bexley Asylum £10,000, Horton Asylum £5,750, and Long Grove Asylum £10,000, that is £25,750 for one design, the only difference being that fresh levels were required to be taken for the foundations of the Horton and Long Grove Asylums.

The plans of the structures not designed by the Commissioners' architectural adviser received considerable criticism, chiefly on points of the structure not intended for the occupation of patients; such as the absence of a pantry, or servants' hall, or the number of bedrooms, or whether a a door should open into another room or into a passage, or the size of the drawing-room in the medical superintendent's house; all small things, for which the plans were referred back for reconsideration, causing delay in getting on with the work, at the time the Commissioners were pressing the London County Council Asylums Committee upon the urgent necessity of increased asylum accommodation. (*See* extracts from Horton Sub-Committee's Minutes, p.380, *post.*) All suggestions to improve the construction of the asylum from the treatment point of view have come from the committee, and never from the Commissioners. Two villas and a hospital villa were conceded at Bexley Asylum after considerable opposition. The successful working of this form of accommodation has been so conspicuous that it has converted the London County Council Asylums Committee to the principle of an asylum on the villa principle, and four villas have been erected at Horton Asylum, one at the Manor Asylum, and eight at Long Grove Asylum.

It is claimed for the villa system that in sanitation, ventilation and light, freedom from fire, larger liberty to patients and more homelike surroundings, it would more than compensate for any increased difficulty in administration, and it has been proved so in the hands of an able medical superintendent. This system lends itself to a better classification and more effectual isolation in the event of contagious disease.

The Commissioners have preferred to remain stationary, and support the asylum designed on the "barrack" principle, with its long and costly corridors, and the segregation of large numbers of patients in large rooms.

The Commissioners have steadily opposed cheaper construction, and in doing so have forced upon the London County Council Asylums Committee conditions which have proved in the fire at Colney Hatch to be fatal. Owing to the great demand for asylum accommodation the London County Council Asylums Committee gave their engineer instructions to design temporary buildings at Colney Hatch and Banstead Asylums. He designed wood-framed structures, covered externally with galvanised iron, and *finished inside with plaster.* The plans were submitted to the Lunacy Commissioners, who modified the arrangements, and recommended that wood should be used in the place of plaster in the interiors. (London County Council Report, 1896, p. 31.)

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The Commissioners were altogether opposed to the erection of temporary buildings, and the Asylums Committee sent a deputation to the Commissioners, of which I was a member. The complaint was that if lined with plaster the structure would be of too permanent a character, and the Commissioners suggested that if the buildings were lined with wood instead of plaster, and with felt to keep them warm, they would license them for five years. The introduction of this matchboard lining gave rise to the fire at Colney Hatch; if the plaster had remained no fire would have occurred.

The Commissioners have always insisted upon massive walls of brick and mortar, ignoring the fact that asylums, like hospitals, become obsolete in fifty years, probably in a single generation.

The London County Council spent between £150,000 and £200,000 in reconstructing Hanwell, Colney Hatch, and Banstead Asylums.

When Hanwell was opened it was declared to be a model, and could not be improved upon. It is not to the credit of the Commissioners that the underground rooms at Hanwell Asylum, in which large numbers of patients had to reside and sleep, were not abolished at the Commissioners' instigation, but by the spontaneous action of the London County Council committee.

The medical superintendent at Banstead said (London County Council Report, 1896, p. 27): "Many structural changes in the building have been made; in fact the changes amount almost to a renovation. . . . This asylum is now twenty years old, and it is quite surprising to note the amount of hygienic modification and structural alteration required to bring it up to date. Old buildings, unmodified, are apt to become insanitary, and perhaps we may attribute the general good health the people have enjoyed here to the fact that we have not allowed ourselves to drop behind in modern improvements. The new temporary buildings that are being erected to accommodate 300 men are an interesting experiment—nothing on so large a scale having, to my knowledge, been hitherto attempted, but I have every confidence that next year's report will be favourable about them."

The 1897 and 1898 reports spoke well of the temporary buildings, and the liking of the patients for them.

The Commissioners are the real arbiters of the plans, and claim to have reduced expenditure. This has not been the fortunate experience of the London County Council Committee, as a reference to the extracts of the Horton Estate sub-committee will show.

To those who know exactly what is done, the procedure is farcical and the claim without foundation. The estimates usually submitted to the Commissioners are the architect's *cube* estimates, and are quite unreliable. Owing, not to any requirements of the Commissioners, but solely to the requirements of the Finance Committee of the London County Council, the London County Council Asylums Committee have to make a quantitive survey to satisfy the Finance Committee, and it is that estimate which has been presented to the Commissioners, and it certainly has not been reduced by them.

The Commissioners never see that the proposed plan is not exceeded, neither is it their practice to inspect the asylums after they have been erected, to see that the actual plans submitted have been carried out. As a matter of fact, the criterion of expenditure is not by any consideration of "cube" estimates, but by a careful examination of detailed *plans*, and the *specification.*

This is where the money is spent, thousands of pounds are included as provisional sums, and practically the expenditure is in the architect's and not the committee's hands. The procedure devised in the Lunacy Act and by the Commissioners does not lend itself to economy. Committees of county councils prefer an "omnibus" building contract, and they do not favour a large number

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of subsidiary contracts for plumbing, electric lighting, slating, tar paving, machinery, etc., etc., although they might be very advantageous for the ratepayer; if the committees did, there would be much time wasted in getting these sub-contracts approved by the Home Secretary.

Asylum committees may obtain plans by competition amongst architects, and the competitors put in low estimates. The finally agreed-upon plans and estimates would in due course go to the Commissioners for approval. It would be interesting if a return could be obtained as to the amount of the estimate given as a competitor, that approved by the Commissioners, and that of the actual expenditure. The London County Council Asylums Committee had to take over and complete from the Middlesex magistrates the Claybury Asylum, which was then half built. The Commissioners' present architectural adviser being the architect of the asylum, in spite of the active efforts of the London County Council to cut down the expenditure, the final cost largely exceeded the estimate submitted with the design to the Middlesex magistrates.

The London County Council is placed in a far more favourable position as to the approval of asylum plans than other counties, as outside the County of London it is necessary for the authorities to borrow money for asylum building, with the consent of the Local Government Board. The plans of the asylum, therefore, after being passed by the Commissioners, and approved by the Home Secretary, have to undergo a second examination by the Local Government Board, no doubt with serious delay, and if the expenditure exceeded the loan, the extra expenditure would be the subject of an additional loan, and perhaps a Local Government inquiry.

The Commissioners issue suggestions and instructions in reference to sites, construction and arrangement of buildings and plans. They do not appear to have been altered since 1894; as far as London is concerned, they are out of date as regards drainage. Compare the architect's report (London County Council Report, 1893 p. 27), made when he handed over the asylum, with the condition reported only seven years after (London County Council Report, 1900, p. 59) when the drains were found to have been laid without concrete in made ground, the joints and pipes found to be broken, and the drains had to be relaid in concrete at heavy cost. At Bexley this year ceilings have been pronounced to be dangerous by the superintending architect of the London County Council, and are being repaired at a heavy expense (London County Council Report, 1906). Such charges ought to be added to the capital cost of the asylum.

I believe the Reference to the Commission does not take in any question of the medical treatment of mental disease, but I cannot conclude without drawing attention to the fact that, while the knowledge of the causes of other diseases has made great advance during the last twenty-five years, the knowledge of the causes of insanity with the exception of general paralysis of the insane, remains much where it was fifty years ago, and this ignorance arises in a great measure, in my opinion, from the present system, and the Commissioners have done little or nothing to help those Asylum Committees who were anxious to alter the present conditions.

The London County Council Asylums Committee had done its best to introduce a more scientific system of dealing with insanity in London, and it has had to stand by and see New York and Glasgow partly adopting, and successfully working, a reformation which it had considered, and initiated, and been refused by Parliament.

The absence of the student from the wards deprives the medical superintendent of that stimulus and criticism which keeps men abreast of the times, while the great majority of students become qualified as medical practitioners without any practical training in the symptoms and diagnosis of mental disease. The London County Council scheme would have secured this desirable object.

As the Local Government Board has now, outside the County of London, to sanction all building loans, and also examine plans for asylums, and is the authority chiefly concerned with Local Government and the Poor Law, those duties and powers of the Lunacy Commissioners thought worthy of being retained should be transferred to the Local Government Board, and the President of the Board be made directly responsible to Parliament for the care and treatment of lunatics in England.

That the Asylums Committee of every county should have power to board-out lunatics under regulations to be approved by the Local Government Board.

That to the County Council of each county in England be given the charge of all lunatics in each county, the duty of inspecting, at least once in every three months, all lunatics detained in private asylums, workhouses, or in the care of relatives, with a requirement to report their action and proceedings before a fixed date each year to the Local Government Board.

That no further licence be given to private owners of asylums, neither power to transfer the present licence to other premises.

That the plans of all alterations in private asylums, and alterations in public asylums, or for the erection of new asylums, and their estimates, be submitted to, and approved by, the Local Government Board.

That the county councils be given power to make arrangements for the removal of all lunatics in their counties, by the aid of skilled attendants, and in a proper manner, and to establish reception houses, if thought necessary, in populous districts.

That every Poor Law authority shall be required to send, with a certified lunatic, a copy of the facts and conditions obtained by their officials from the relatives and friends of the patient.

That a statutory visit to any asylum workhouse or private asylum may be made by a single member of the asylum committee of the county council, who must make an entry as to the condition of the wards and patients in a visitors' book.

That inspectors of the Local Government Board appointed, who may singly visit, and if necessary discharge any person detained in a public or private asylum, and be empowered to hold an inquiry into any complaint, and be given the same powers as a member of a visiting committee of the county.

That such inspectors be medical men with a University qualification with recent experience in the work and methods of a general hospital, and a knowledge of recent scientific research.

That any architect appointed by the Local Government Board to advise on submitted plans be required to devote his whole time to the duties of his office.

That a county council shall have full power to erect an asylum on any line it may deem most fitting to secure classification and better medical treatment of the patients, as long as it conforms to regulations laid down as to air space per patient, light and escape in case of fire.

That seeing the great benefit the special diploma of public health has secured for the public health service, it is advisable to bring under the notice of the proper authorities the desirability of establishing a similar diploma for mental disease. This would be facilitated by the systematic practical teaching of mental disease in England by the establishment of mental hospitals for acute cases, on the lines of general hospitals where medical teaching is carried on. A scheme for such teaching must be devised before contemplating the establishment of a diploma.

EXTRACTS FROM THE MINUTES OF THE HORTON ASYLUM SUB-COMMITTEE. OCTOBER 9TH, 1899.

Read a letter dated October 4th, 1899, from the Lunacy Commission, returning the plans of the epileptic colony, which had been sent for their informal approval, and enclosing for the committee's information copy of a report made thereon by the Commissioners' consulting architect as follows:—

September 27th, 1899.

". . . The house for the medical superintendent is of convenient size and well planned, but in my opinion the study would be better opening into the hall than into the dining-room, and if carried up two storeys would give another bedroom at little extra cost. Four bedrooms, inclusive of servants' room, are barely sufficient for a superintendent who may be a married man. (And some of the rooms are very small. C.L.)"

The sub-committee having considered the suggestions in this report, and the asylum's engineer having reported as follows:—

". . . (*m*) Medical superintendent's house. This, as the committee will remember, was designed wholly to instructions given; its cost being fixed at £1,300. The

additional bedroom recommended can be easily added, and the alteration made in the house to give access to it will enable the rooms to be made larger."

Resolved, " . . . (*m*) That an extra room be provided in the medical superintendent's house, but that no alteration be made in the size of the rooms, or the opening of the study into the dining-room."

EXTRACT FROM THE MINUTES OF THE HORTON ASYLUM.

SUB-COMMITTEE. OCTOBER 23RD, 1899.

The asylum's engineer reported that he had prepared plans for the epileptic colony, embodying the alterations decided upon at the last meeting, and he submitted such plans with the following remarks :—

" Plan 4a shows the addition which it is proposed to make in the medical superintendent's house. I have not been able to carry out the instructions of the committee with regard to the size of the rooms, as the addition of the necessary passage on the upper floor, to give access to the additional bedroom, has added a certain width to the rooms below, so that the dining-room, kitchen, and one bedroom have each gained in size. This alteration has added about 11,000 cubic feet to the house, which addition, valued at 9d. per cubic foot, represents £413. . . ."

Resolved, " That the report be received, that the plan be again forwarded to the Commissioners for informal approval; also that the clerk do endeavour to arrange for a deputation to confer with the Commissioners with regard thereto."

November 6th, 1899.

Clerk reports to Horton Sub-Committee conference with Commissioners, and states that " The plans of the . . . medical superintendent's house were all inspected and approved. . . ."

EXTRACTS FROM THE MINUTES OF THE HORTON ASYLUM SUB-COMMITTEE. SEPTEMBER 24TH, 1900.

Read the following report from the clerk :—

September 24th, 1900.

" On the 7th inst. I sent the plans and description of the epileptic colony buildings to the Commissioners in Lunacy. . . . On the 13th inst. I received a letter from the Commissioners stating that they would be willing to send the plans of the buildings to their consulting architect for report; but before doing so they desire to call attention to two or three matters of arrangement, viz. :—

" . . . (3) That the plan of the superintendent's house does not provide a pantry. The omission of this must be due to oversight, for it must be considered to be an indispensable apartment in every gentleman's residence.

" I sent a copy of this communication to Mr. Clifford Smith, and submit his reply."

. . . Read the following letter from the asylum's engineer with his remarks on the above :—

September 20th, 1900.

" . . . (3) Medical superintendent's house. There is no pantry provided for in this house; none was shown upon the plan submitted to the Commissioners in September, 1899, and its absence was not referred to in the report of their consulting architect thereon. The revised plan of the superintendent's house was, with other plans, laid before the Commissioners by the deputation of the asylums committee on November 1st, 1899, and no reference was then made to an increase in the number of the domestic offices. . . ."

Resolved, " That a copy of the asylum's engineer's remarks be sent to the Commissioners in Lunacy in reply to their letter."

EXTRACTS FROM THE MINUTES OF THE HORTON ASYLUM SUB-COMMITTEE. OCTOBER 8TH, 1900.

Read the following letter from the Lunacy Commissioners dated October 3rd, in further reference to the plans for the epileptic colony.

" SIR,—. . . Having regard to the small size of the kitchen in the superintendent's house, the Commissioners have no doubt that a small servants' room or pantry should be provided.

" They notice also that the height of the principal sitting-room is only 10 feet 6 inches, which seems somewhat low. . . ." *George Cooper, Esq. M.P.*

The clerk reported that he had sent a copy of this letter to the asylum's engineer, with a request for his observations thereon. 1 Mar. 1907.

Read the following report of the asylums engineer :—

" . . . Reference is again made to the medical superintendent's house, and the Commissioners ask that a small servants' room should be added. They state also that they consider 10 feet 6 inches, the height of the ground-floor rooms, somewhat low.

" In the first plan submitted to the Commissioners the whole of the rooms were considered small, and considerable addition was made to the house as a result.

The price of this house originally was fixed at £1,300. The value of the original house, taken at 9½d. per foot cube, is £1,542 16s., and this was increased to £2,042 10s. when the house was enlarged to meet the views of the Commissioners."

Resolved, " That the sub-committee consider the additions suggested to the . . . medical superintendent's house, and the expenditure for same to be unnecessary, and that the Commissioners be asked to receive a deputation. . . .

The Commissioners wrote on October 10th, 1900, that they could not receive deputation before end of month, and suggested that further observations should be made in writing, and this was done; a letter being sent on October 16th, 1900, pointing out, *inter alia*, that the medical superintendent would not occupy the same position as regards salary as a medical superintendent of an asylum of 2,000 patients.

EXTRACTS FROM MINUTES OF HORTON SUB-COMMITTEE, NOVEMBER 5TH, 1900.

Read the following letter dated October 25th from the Lunacy Commission with further observations on the plans informally submitted to them for the epileptic colony buildings.

" SIR,—. . . The Commissioners are of opinion :—

" (4) That in the superintendent's house, either the kitchen should be sufficiently enlarged to make it adequate for the double purpose of a cooking room and the day residence of the domestic servants, which the Commissioners are satisfied is not the case in the plans recently before them, or that a small room should be provided for the latter purpose.

" (5) That the Commissioners would greatly deprecate the appointment as superintendent of the new epileptic colony of any person who would be of inferior education or position to the medical superintendents of other London asylums.

" A gentleman of some experience should be appointed to make this experiment a success, and if a salary smaller than the not extravagant salaries of the medical superintendents of the London asylums generally be paid him, he should at least have the comfort of a house containing adequate accommodation for a gentleman and his family. . . ."

Read the following report of the asylum's engineer :—

" A copy of the last communication from the Commissioners on the subject of the . . . medical superintendent's house has been handed me, and for the information of the committee I have prepared plans showing the variations which the Commissioners now ask for in these buildings." . . .

" The additions to the medical superintendent's house will probably amount to about £80 in value, if taken on the present schedule of prices."

Resolved, " That the altered plans be adopted, and be forwarded to the Commissioners in Lunacy for their informal approval."

On November 19th, 1900, it was reported to the Horton Sub-Committee that the plans were informally approved.

COLNEY HATCH ASYLUM.

Buildings to take Place of Temporary Structures destroyed by Fire.

October 7th, 1904.—Sketches submitted by the asylum's engineer to committee, and approved. Resolved, That they be informally submitted to Commissioners.

October 19th, 1904.—Deputation to Commissioners, who informally gave general approval to sketches.

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October 21st, 1904. Engineer reported that in view of general approval he could now put in hand detail plans of buildings, and he asked for instructions as to details.

January 27th, 1905.—Engineer submitted plans except hospital.

February 8th, 1905.—Engineer called at Commissioners and saw Dr. Needham, who suggested plans should be submitted to full board. This was done.

February 24th, 1905.—Engineer reported that with medical superintendent he had visited Mount Vernon Hospital and the new sanatorium at Northwood, and that the cubic space per patient was much higher than that provided in our plans. Resolved, No alterations be made in plans.

April 6th, 1905.—Engineer received plans from Commissioners, with consulting architect's report. Latter made several comments on design of infirmary block. The engineer said he proposed to discuss this with the consulting architect.

May 5th, 1905.—Engineer reported plan of hospital returned from Commissioners, who considered floor space too small. Committee did not consider floor space necessary.

May 9th, 1905.—Twenty plans sent to Commissioners with engineer's observations on their consulting architect's report.

June 28th, 1905.—Plans returned from Commissioners with second set of comments from consulting architect.

June 30th, 1905.—Engineer reported on same to committee, and was instructed to reply to Commissioners in accordance with conclusions which committee arrived at in discussing the matter.

July 12th, 1905.—Engineer replied to consulting architect's second set of comments, and sent twenty-three plans to Commissioners.

August 4th, 1905.—Plans returned as generally satisfactory.

August 10th, 1905.—Preparation of constructional plans for Home Secretary put in hand.

Letter from Lunacy Commissioners, dated February 19th, 1903, submitted to Asylums Committee, February 24th, 1903.

The letter, after referring to the fire at Colney Hatch, and use of temporary buildings at Banstead, goes on to say:—

"The Commissioners must press for the immediate commencement of additional permanent accommodation such as would be provided by the erection of a replica of the asylums at Bexley and Horton, the plans of which could be approved and used without appreciable delay.

"At the same time the committee and the council should seriously consider of still another asylum to meet the constant increase which is going on in the number of insane persons, for whose care and treatment they have to provide.

"In the absence of an undertaking that immediate steps will be taken to make such provision, it would probably become the duty of the Commissioners to report the London County Council to the Secretary of State, under Section 247 of the Lunacy Act, 1890, as having failed to satisfy the requirements of the Act as regards asylum accommodation."

LONG GROVE ASYLUM PLANS.

Foundations.—Sent to Lunacy Commissioners, July 15th, 1903. Approved, August 5th, 1903.

Superstructure.—On November 24th, 1903, sub-Committee decided numerous matters in connection with the superstructure, to enable the architect to complete his drawings.

The plans were submitted direct by the architect to the Lunacy Commissioners without coming again before the committee, and were approved by the Home Secretary, December 19th, 1903.

Central Station for Electricity.—Plans sent August 10th. Approved December 16th, 1905. Returned to London County Council December 21st, 1905.

34331. (*Dr. Needham.*) In your statement you speak about the members of the London County Council who spend on the committee a large portion of their time. Is it a fact that it is becoming increasingly difficult to get men to devote their time to this work, which is considered not of a pleasant character?—I cannot say so.

34332. Sir John McDougall gave evidence to that effect before the Commission; do you agree with him?—I do not, on that point. I think there has been a falling off of three or four members and that is all.

34333. Do you think that the committee visit as regularly as is desirable?—The difficulty has arisen from the increase in the number of asylums, which has caused very great strain on the members of the Asylums Committee. When I was first a member there were four asylums, now there are ten, and practically the members of the committee are the same, therefore the difficulty has arisen from that. Many men are on the committees of two, and some of every asylum.

34334. Then it is a more difficult thing than it was, at all events, to get the work done by them?—Simply by the increase of the numbers of the asylums.

34335. I do not care what the cause is, there is the difficulty. Further on in your statement you say: "Some asylums have not been visited every year. The medical superintendents reported that in 1905 no inspection was made of either Banstead, Cane Hill, or Colney Hatch Asylums by the Lunacy Commissioners"?—That is so.

34336. Would you be kind enough to look at these papers (*handing same to Witness*), which are all copies of entries made by the Commissioners in 1905 in those asylums and sent to the Commissioners by the Clerks to the Asylum Committee?—Quite so, I know that.

34337. May I ask you how it is you say some asylums have not been visited every year. There are three entries of the visits to those three asylums in 1905. What have you to say in reference to that?—You see my statement is "The medical superintendents reported that in 1905 no inspection was made." The Medical Superintendent of Hanwell stated——

34338. I am not talking about Hanwell I am confining myself to that statement?—The statement made in my evidence is——

34339. If you well be good enough to confine yourself to Banstead, Cane Hill and Colney Hatch, we will go to Hanwell presently?—As regards Colney Hatch this is the report of the medical superintendent, page 63 of the London County Council Report. "Colney Hatch; no visit has been made to the asylum by the Commissioners in Lunacy during the past twelve months."

34340. May I ask you to read again, if you are not satisfied. You say no visit was paid during the year 1905. I have handed you three copies of entries made at those specific asylums which show that they were visited in 1905?—I can only read you out the statement that has been made by the superintendent.

34341. Then the information given you by the superintendent, I suppose, was incorrect?—One or the other. Here I have the statement. Cane Hill is the same.

34342. Will you look at those again, they are sent by the clerks of the London County Council; they are not forgeries?—I have seen the whole of these.

34343. Then your statement is incorrect?—No it is not, it is accurate.

34344. How can your statement be accurate when there is the evidence in the written documents that those visits were paid in 1905?—Take Cane Hill. Dr. Moody reports on the 31st——

34345. I do not care what Dr. Moody reports, there is the evidence?—Probably this is how it may be, on the 1st January one year you may pay a visit——

34346. You have got the dates there?—Yes.

34347. Those were all visited in 1905?—Then the medical superintendent must have made a false statement.

34348. That I have nothing to do with. At all events you admit the statement is not a correct one?—No, I do not. I simply say that is the statement of the medical superintendent; if you read it, it says so.

34349. You say, "Some asylums have not been visited every year," that is not a statement of the superintendent, it is your statement?—Very well; I prefer the statement of the superintendent; he makes a deliberate statement.

34350. But you have the copies of the things made by the clerks to the London County Council. Those are the actual copies sent to the offices of the Commissioners in Lunacy by the clerks of the London County Council. Can there be any doubt about that?—There is the statement in the County Council's book published to that effect.

34351. There are the original documents before you, what more do you want?—Then the medical officer must have made an untrue statement.

34352. Very well. Then you say: "No inspection of Cane Hill Asylum was made between March 24th, 1903, and October 28th, 1904, a period of nineteen months." That is quite possible. The Act of Parliament requires that the asylum shall be visited once in each year, not once in every twelve months. "Of Hanwell Asylum between February 14th, 1902, and May 3rd, 1904." Now may I ask you to look at a copy of the Hanwell Asylum entry which shows that it was visited in 1903. There is the document sent by the clerk to the Asylums Committee?—I only go on the medical officer's statement.

34353. I put before you the evidence; I do not care about the medical officer's statement. Do you accept the evidence?—I will take that.

34354. Then that is an incorrect statement?—No, I do not think so.

34355. Is it the truth to say that no inspection of Hanwell was made between February 14th, 1902, and May 3rd, 1904, when you have the actual document saying that it is not true?—I go on the statement. I think I have some of your own statements here Mine were all taken from your own reports.

34356. If you will be kind enough to confine yourself to the question you are asked I shall be very much obliged?—If the questions deal with anything in my report I shall be pleased to do so.

34357. The question which you are asked is this: Are you satisfied now that a visit was paid in 1903 to Hanwell? You have the document before you showing that it was, it is a document sent by the clerk to the London County Council. There can be no dispute about it?—Very well.

34358. Then it is an incorrect statement. Then you say: "The time given to an inspection of an asylum has greatly shortened." That is perfectly true. Are you aware that in the time to which you refer when five days were given to the inspection of Hanwell, all the names were taken?—I am not aware; I only know of the fact that five days were taken.

34359. Are you aware that all the names were ticked off in a book and a vast amount of unnecessary time was spent in that useless operation?—Then all I can say is the Commissioners must have done a great deal of unnecessary work.

34360. I do not care about that; I ask, are you aware of the fact?—I am not aware of it.

34361. You are aware of it now?—That used to be the usual time.

34362. You say, "In 1904 one day was spent at Hanwell"?—May 3rd is the only record.

34363. May 2nd and 3rd in 1904 were the two days which were spent at Hanwell?—I have only the record of May 3rd.

34364. You have only the record of the day on which the entry was written?—Mine were printed records from the County Council Asylums records book.

34365. You have the entry of the 3rd. I assure you that May 2nd and 3rd, 1904, were spent at Hanwell Asylum in its inspection?—There is nothing said in the Commissioners' report as to May 2nd. All I have is May 3rd.

34366. I tell you that the Commissioners spent those two days?—I accept that. The Commissioners did not state that fact in their report.

34367. The Commissioners, of course, in making their report, give the date of the day on which they make their entry, not the day on which they make their visit?—It is very unusual, they frequently say "during the last three days," or whatever it may be. Allow me to read this: "Hanwell, February 3rd, 1894. During the three days of our visit we have gone over the whole of the asylum." "October, 1903. We have finished our four days' inspection of this asylum." Then this is Claybury, "The fourth day of our inspection here." "Banstead. five days here."

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34368. You may take it from me that in 1904 two days were spent by the Commissioners at Hanwell. Then you say: "The hours given to inspection are the official hours (with the necessary time taken for lunch) and at the outside have been five or six a day." May I suggest that the Commissioners usually start their work at about ten and finish at five or even six, and that they take half an hour for luncheon?—I never troubled to enquire how long they take for lunch, I think that is a reasonable time.

34369. You do not seem to have enquired carefully into many of the statements you have made in this statement, but you have not hesitated to fling charges against public officials in a way which strikes me as being very peculiar?—It is a singular statement to make before you begin to ask questions.

34370. I have been asking you already with reference to certain statements that you have made, which have been proved not to be correct, with reference to the non-visitation of certain asylums by the Commissioners which have been proved by copies of the entries sent by the clerks of the County Council and shown to have been made?—I have been present sometimes when the Commissioners have arrived, and I have never known them come at 10 o'clock.

34371. Then you say, "In making such hurried inspections it is natural the Commissioners should ask for the presence of the medical superintendent to explain the mental condition of the patients." You are probably aware that it is no part of the duty of the Commissioners to inquire into the mental condition of the patients in a county asylum?—Then I am unable to see why they send for the medical superintendent to take them round.

34372. Has it not occurred to you that the medical superintendent being the chief officer of the asylum, it is natural the Commissioners should wish to see him and to hear what he has to say about the general condition of the asylum?—I can hardly see why he should go through the asylum with them. I have known repeatedly while the committee have been sitting that the Commissioners have sent and asked for the presence of the medical superintendent and taken him away from the committee.

34373. I should think it an extreme impertinence for the Commissioners to go over an asylum without having the medical superintendent with them?—I think the Commissioners' visit is on the part of the State to protect the individual.

34374. Then you say: "While the Commissioners have, during the last few years, been slack in carrying out their duties of inspection, from inability to cope with the vastly increased work, some have felt it their duty to explain in their report in the visitors' book the nature of the duties falling to a visiting committee, stating they had pointed out to the patients that the visiting committees are the persons to whom their complaints and demands for release ought to be addressed." Is not that a part of the duty of the Commissioners, to point out to patients who have the power of discharge and who have not?—I think the patients know that perfectly well.

34375. Is there any reason why the Commissioners should not point that out?—No, I do not suppose so.

34376. Why do you make that charge?—I think it is an unnecessary statement in the book.

34377. Why do you make the charge?—There is no charge; it is a statement of fact.

34378. Most of your statements of fact are distinct charges against public officials?—Very well, take it so; I am quite willing to let it be so.

34379. You say: "The reports of the Commissioners are stereotyped and of little real value, being too often a bald recapitulation of facts and figures which have been furnished by the officials of the asylum." How about what they see when they go round; do they say nothing about that?—Very little.

34380. I am afraid you have not read their reports very carefully?—I have; I possess the whole of them.

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34381. I am afraid you have not derived much advantage from them?—They have been dry reading.

34382. They are sure to be that. Then you say: "The Commissioners have been apt to somewhat step outside their functions in calling for reports of investigations of assault cases, and then prosecute attendants for assaults, although the visiting committee, who have investigated the cases carefully, think that such a serious step is not necessary." Is not that a part of the duty of the Commissioners?—I am not aware; we were advised they could not call for the evidence we had taken.

34383. Is it not a part of the duty of the Commissioners to see the patients are not improperly treated?—It is part of the duty of the Commissioners to make investigation on their own account.

34384. Is it not part of the duty of the Commissioners to see that people are not assaulted or improperly treated in the asylums?—Quite so, but they must make their own investigation.

34385. They probably have made their own investigation before they ordered a prosecution?—I have never heard of one. I have known them send for a report and prosecute on a report. We have been advised that they have no right to send for a report; it is their duty to make their own investigation and then prosecute.

34386. If you refer to the Act of Parliament you will see the Commissioners have the right to send for anything they think proper from the asylum. The liberty given to them in that respect is of the very widest possible character?—I have always looked upon it that the Commissioners are overworked and unable to do their work efficiently in that respect, and therefore they have called for the report and not done the work by their own investigation.

34387. Then you say: "The experience of every London visiting committee is that after all the medical superintendent is human, and the committees have had furnished to them too many instances of favouritism to officials or to themselves (*i.e.*, medical superintendent), as long as it can be done at the public expense." Is that a fair statement to make with reference to the medical superintendents of the London county asylums? You say you do not come here to represent the views of the committee, yet you speak as if those were the views of every London visiting committee. What right have you to speak on behalf of every London visiting committee?—I have been a member of a good many.

34388. What right have you to speak on their behalf. The Asylums Committee of the London County Council have been asked to give evidence here, and they have said in reference to only one point, that is the appointment of an architect, have they anything to say before this Commission. I want to know upon what grounds you give evidence practically, as you state in this, on behalf of every London visiting committee?—I make no such statement.

34389. You say: "The experience of every London visiting committee is"; how can you say that unless you speak for them?—When I was a member.

34390. You mean that was your own opinion?—Not only that; you must be aware that a very serious difficulty arose—you may not be aware of it—I have no desire to drag it in here, but there was some matter with the medical superintendents as to serious abuse of the question of emoluments.

34391. I can honestly say I have never heard anything which has shown me that the position of the medical superintendents of the London asylums is inferior to the position of the medical superintendents in the country, which is of the highest character, and I think it is an extremely unfair thing to attack a body of men who do their work extremely efficiently, who are a most respectable body of men, and who do not deserve a thing of that kind at the hands of a person who, as you say, has been connected with various committees?—I beg your pardon, Mr. Chairman, but this is a lecture. I am perfectly willing to answer any question, but I object to having a lecture put in. Any question Dr. Needham wishes to ask I shall be pleased to answer.

34392. I do not think I can be called to account like that, I am quite entitled to say what I have said. I think it is an unfair thing for you to say that?—Here is a return of emoluments which we had to agree to. Some medical superintendents have used gas, electricity, coal, to any extent, hundreds of thousands of feet of gas in six months.

34393. Surely those are all matters which the committee could regulate. It does not seem necessary to make a charge against the medical superintendents for things of this kind?—My charge is against the Lunacy Commissioners; they require the medical superintendent to be the paramount officer; we are practically agreed upon that point; but when the medical officers, because they are declared by the Commissioners to be paramount officials of the asylums, actually claim that it is their duty to appoint the steward, the clerk and various other officials, it is a different thing.

34394. That is too foolish?—They have done so.

34395. The medical superintendents are the servants of the committee. Of course the committee can do what they choose?—I think they have been hampered by the Commissioners very much indeed.

34396. The Commissioners have recognised throughout that all the officials of the asylum are the servants of the committee?—In regard to the Lunacy Bill there was a report in 1899 on May 16th which says: "With reference to the Commissioners in Lunacy we consider this clause arbitrary and unnecessary." I wish to say that the Commissioners have created difficulties by their rules and regulations with the medical superintendents and committees; medical superintendents have claimed that it is their duty to appoint the steward and that they ought to appoint the clerks.

34397. Are you representing the views of the County Council?—I am representing facts and conditions which have come under my observation.

34398. You are representing your own views only?—I am; I said so at the beginning.

34399. "One of the special reasons which led Parliament to create the Board of Lunacy Commissioners was to form an authority which would prevent any abuse of the powers" and so on; "In the annual reports of the London County Asylums occasionally there are paragraphs reporting the fact that persons had been sent to the asylum in whom on admission no indication of mental unsoundness could be discovered." Where are the powers of the Commissioners with reference to a matter of that sort?—I think it is their duty to look after it.

34400. But how can they look after it? The patients are sent into the asylum and they are discovered by the medical superintendent, or believed by the medical superintendent, not to be insane, and I suppose they are discharged. Where does the power of the Commissioners come in?—Unfortunately they have not been discharged; the Commissioners have not discharged them.

34401. The discharge rests entirely with the committee; where is the power of the Commissioners?—I think the Commissioners ought to make some investigation.

34402. Where is the power of the Commissioners. The Act of Parliament puts the power of discharge in the hands of the committee?—Illegal detention. The Commissioners have the documents declaring the man to be insane. Surely they can act there.

34403. If you will point out in the Act of Parliament any power which the Commissioners have for discharging from a county asylum you will oblige me very much?—They have no power over a pauper case.

34404. You are talking about pauper cases?—But these are people who are not insane.

34405. What powers have the Commissioners got; it is the duty of the committee to discharge?—The whole proceedings are wrong.

34406. You must attack the law as to that?—If there is the slightest defect in a certificate the Commissioners very quickly take action.

34407. Because they have power to take action?—There is the most grave defect.

34408. Do you not know that the Commissioners have no power to discharge from a county asylum?—In pauper cases.

34409. That is sufficient. I see you say the Asylums Committee applied for power for the Asylums

Committee to board out certain classes of patients. Are you aware that the Commissioners are extremely anxious that a clause of that kind should be introduced ?—I believe the Commissioners are favourable to it; I think that is all; they did nothing to help it.

34410. Have you had much experience of the attempts to pass Lunacy Bills ?—I think if the Commissioners had spoken to the Government they might have done a great deal more.

34411. Then you talk about mixing the recoverable cases, children and girls and women, and so on. Are you aware that the Commissioners are always remonstrating against that ?—It is a singular thing that some of the Commissioners object to it; that was some years ago; some of the Commissioners said it was a good thing.

34412. If you go to ancient history ?—I go to the whole time when I was a member, sixteen or seventeen years.

34413. I am not aware that the Commissioners have ever recommended that. Can you point me to anything which shows the Commissioners are in favour of the mixing of children and adults ?—Allow me to ask why did not the Commissioners interfere at Colony Hatch ? When they went round that aslyum they must have seen boys of five and six mixed up with old men.

34414. Have they not constantly interfered, and are they not constantly interfering ?—I am not aware of it.

34415. If you will look at the Blue-book you will find scores of references to that sort of thing ?—I have looked through the Blue-book; I have not seen anything referring to Colney Hatch. It is a most serious case.

34416. Yes, I quite agree with you. Then as regards the case books you say they are kept very badly. If that is so why have not the committees seen to this. Surely that is a matter which is within the province of the committee, to see the case-books are properly kept. The junior medical staff do not write unreliable and inaccurate reports as you state; I do not believe that. You state it, therefore I am bound to accept it as your belief ?—You may take it as a fact.

34417. Then why have not the committees interfered ?—They have interfered. I have seen a report stating the condition of a patient four days after he has been dead.

34418. I hope you took the requisite steps to prevent the recurrence of such a thing ?—I believe the committee did. It is a painful thing to see how stereotyped many of these reports are.

34419. As regards receiving-houses you are aware that the Commissioners approve very much of receiving houses ?—I believe they approve of them; I did not know it was very much. I am very glad to hear it.

34420. Then you talk about persons found wandering and taken to gaol and their mental condition enquired into there by the prison medical man, and so on. Are you aware that the Commissioners have remonstrated against that continually ? You say, "Such procedure naturally adds another delusion." That has been pointed out scores of times by the Commissioners; you are aware of that, I suppose ?—I am not aware of that; I have read the Blue-books, but I fail to discover where that comes in.

34421. I could point it out in many instances ?—It may come in in the country, but in London every lunatic practically is removed and the majority of them forcibly removed.

34422. Two years ago there was a correspondence between the Commissioners and the guardians of a London parish because the Commissioners had complained of this very proceeding. That was published in the Blue-book ?—As regards the few people who are taken direct from their houses it has always arisen from the last Lunacy Act. The relieving officer finds it very convenient to remove the suspected lunatic to the work house, and invariably it is so. A very large number of the people, as you will see by the reports here, were not found to be insane.

34423. Then you say: "In the opinion of the Commissioners no asylum should be erected for the accommodation of more than 1,000 patients." You are not aware that they have taken any steps to prevent this. Are you aware of one case where the Commissioners were going down to view a site, but they declined to go because they were told on the way that an asylum which was supposed to be about to be built for 1,000 patients was going to be built for 2,000 ?—I could not be aware of that fact.

34424. Will you take it from me that is a fact ?—It might be, as a solitary case.

34425. And that the matter came before the Secretary of State on the application of the County Council and the Secretary of State consented to it being built for 2,000, upon the application of the County Council, in spite of the strong remonstrance of the Commissioners ?—It may be so; I am not aware of it; I know the Commissioners have allowed two or three thousand.

34426. Then you say: "The fact that the Commissioners insisted upon the erection at Long Grove of a replica of the Bexley Asylum favours the opinion that they have altered their views." May I tell you that is not the case ?—Every asylum the County Council has built has been built for 2,000 with the approval of the Lunacy Commissioners.

34427. No, excuse me; with the approval of the Secretary of State; the Commissioners have nothing to do with it ?—I am not aware they ever remonstrated.

34428. I am aware of it ?—When they asked for a replica of Bexley, which is for 2,000, they must have been sanctioning and requiring an asylum for 2,000.

34429. Do you not know that there are certain things which are practicable and there are certain things which are not practicable. Is it practicable at this moment to build an asylum for 1,000 for London ?—I believe it is.

34430. You will approve of that, and you disapprove of the 2,000 ?—I always have disapproved of 2,000.

34431. I am very glad to hear you say that ?—I always wanted them smaller than even 1,000.

34432. Then you say: "The complaint is that unless the architectural adviser of the Commissioners is engaged by a county council, or an architect taken who is *persona grata* to the Commissioners and their adviser, the plans are unduly criticised, and greatly delayed, and that these architects either name, or endeavour to name, the contractor to erect the building." This is perfect news to me. May I ask what ground you have for making a statement of that kind, that the architect who is called in names the contractor ?—My authority for making that statement is Lord Belper. At the Annual Meeting of the County Councils' Association held at the Westminster Guildhall in May, 1905, Lord Belper said that undoubtedly pressure was brought upon authorities to employ the architect connected with the Lunacy Commissioners, and there was the greatest difficulty in getting plans passed at all except those of the architects suggested by the Commissioners. The whole pith of the question lay in this, that so long as the consulting architect of the Lunacy Commissioners was allowed to take jobs to build asylums, or to be employed as one of the architects recommended by the Lunacy Commissioners, so long would the difficulty remain. He could not, at a meeting like that, give particulars of his own experience, but he must say that some of the obligations put upon his county by the Lunacy Commissioners were quite unreasonable. The matter was one of the greatest importance if the system which prevailed when he went to the Commissioners still existed, for they certainly ought to ask the advising architect to the Lunacy Commissioners should not himself be allowed to take jobs and build asylums. Mr. Willis Bund at the same meeting made a statement; he represented Worcestershire, and I think he has recently been Chairman of the County Councils Association. Mr. J. Willis Bund brought forward the question of the unnecessary expense occasioned by the requirements of Government departments, especially in connection with lunatic asylums and isolation hospitals. He said there appeared to be a ring with regard to these asylums. There were certain architects who gave a great deal of attention to the matter, and they were well known to the Lunacy Commissioners. If the local authority did not go to one of these architects, their life was made a burden to them. If they went to one of these architects things went smoothly. Then they advertised for tenders and the architect said "I know

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So-and-so, and he is a very good man," and the committee immediately took Mr. So-and-so. The Lunacy Commissioners did not give any standard of what they wanted, or any idea what contractors could carry out, and unless they went to these people they could not get their plans approved, and thus the counties were deprived of the benefits of competition.

34433. That is a statement which is worth what it is worth ?—It has been my experience.

34434. Now with reference to the Long Grove asylum, may I read this to you and ask what you have to say about it? Here is the report of the asylums committee of the London County Council. "The chairman of the committee brought up a report which contained, as the chairman suggested it should, some details about the proposed erection of a new lunatic asylum at Horton," and so on. Then he goes on to say that the number of beds now provided in London asylums is 16,379, 1,400 being in temporary buildings: "There is, therefore, at the present moment considerable deficiency of accommodation after allowing for 198 patients who have been transferred to the Metropolitan Asylums Board's asylums. The annual increase is 527; 550 may be taken as a reasonably approximate figure. As the Council is aware, even with expedition a large asylum takes several years to erect, as, for instance, the Horton asylum sanctioned by the Council, November, 1896, which was only completed in March last year. With the object of saving time," (these are the words of the committee) "we propose to build on the Horton estate a replica of the Heath and Horton asylums with such modifications as have been found desirable in the working of these institutions. The Commissioners in Lunacy concur in this proposal and are prepared at once to recommend the Home Secretary to approve the plans. We are proposing to appoint Mr. Hine, who designed the Heath and Horton Asylums, as architect of the new asylum; he is prepared to make all the necessary drawings," and so on, for such and such a sum. I only read you that to ask if you now, after reading the statement at the actual committee, have any doubt that the asylum of Long Grove was decided upon by the Council themselves? You say it was insisted upon by the Commissioners ?—It was.

34435. The committee state that they decided upon it themselves and that the Commissioners concurred ?—Of course a recommendation does not bind any committee, that is a recommendation of the clerk. I base my statement as a member of the committee. I heard your letter; the Commissioners in Lunacy communicated on February 19th and pressed for the immediate commencement of better permanent accommodation such as would be provided by the erection of a replica of the asylums at Bexley and Horton, the plans of which could be approved and used without appreciable delay. Then they go on to threaten.

34436. Do you know why they suggested that ?—No, I am not acquainted, and could not be acquainted, with the ideas of the Commissioners why they made that statement. I can only go by the letter they sent. I think I have a copy of their letter. They threatened to report to the Home Secretary that we were in default, and that was the thing which forced us on.

34437. Certainly; is it not a fact that they were n default ?—That means they forced Long Grove on the Committee.

34438. Have I not shown you they were in default ?—They are always in default, every big public authority is in default. This is on page 4: "In the absence of an undertaking that immediate steps would be taken to make such provision it would probably become the duty of the Commissioners to report the London County Council to the Secretary of State under Section 247 of the Lunacy Act, 1890, as having failed to satisfy the requirements of the Act as regards Lunacy accommodation." Then you say all the plans are ready and that you agree to the plans. If that is not insisting upon a replica of Bexley and Horton it is difficult to understand the meaning of the words.

34439. Are you aware that when the committee appeared before the Commissioners with reference to increased accommodation they were asked in the first place as to the number of people who required asylum accommodation beyond the number for whom provision then existed, and they were told it was 1,600, that the numbers were increasing 570 a year, and that it would take five years to provide accommodation, because they were talking then of building what they call a cottage asylum, that is to say, a scattered asylum, and that it was pointed out to them that to build a scattered asylum would take five years, but that to build a replica of one of these places which had satisfied them, would probably take two years shorter ?—I was a member of the deputation and heard the whole of the argument.

34440. Then you know that ?—I know the argument of the Commissioners, but I strongly object to the statement about five years. I may be in a minority on my committee, but as the chairman of the committee who had these plans before us I know these plans were ready—not the architect's plans, but the whole design was ready—it might mean four years; it is a difference of one year.

34441. Are you aware it was said the preparation of the plans would take a year at least ?—That is one year; four years I stated.

34442. And that the plans were not ready ?—The whole design was ready.

34443. The general broad outline ?—No, it was all done to detail, you may take it from me. I was the chairman of the committee and as the chairman of the committee I went to the Lunacy Commissioners with the chairman of the asylums committee.

34444. Then you deal with some questions of delay with reference to the passing of plans, and so on ?—Very serious delay.

34445. The epileptic colony—that was to cost £89,000 I think ?—No; that is one of the difficulties we have had with the Commissioners. The County Council always wanted to build cheap structures, the Commissioners always wanted very expensive ones.

34446. The epileptic colony I am talking of now. The epileptic colony, I think, was always a child of the County Council, not of the Commissioners at all ?—I am its father, but I do not want to claim it.

34447. I think it was in the nature of an experiment which the Commissioners were willing to accede to ?—I did not know it was an experiment.

34448. It was to cost £89,000 ?—No, nothing of the sort. We submitted plans to you of a structure to cost £45,000; you disapproved of that and insisted upon it being built in brick at £89,000.

34449. What did you propose to build it in ?—Similar material to the Manor.

34450. You mean a temporary building ?—Yes.

34451. I can understand the Commissioners not consenting to that ?—That is where the committee of the Council and the Commissioners have always disagreed.

34452. You complain that it took twenty months to get those plans out ?—Yes.

34453. Are you aware that for fourteen of those months these plans were with your committee and your architect ?—I am not aware of it.

34454. You may take it from me that it is so ?—Probably they may have been there through objections of the Commissioners.

34455. They were there fourteen months ?—Probably we were trying to conform to the desires of the Commissioners.

34456. Will you take it from me that fourteen of the twenty months were spent by the plans being in the custody of the committee, whatever the cause may have been ?—The Commissioners raised a variety of objections, many of them of a childish nature, about the pantry and things of that sort that they have nothing really to do with. The plans had to go backwards and forwards.

34457. You complain that twenty months were occupied. I tell you that fourteen of those were occupied by the committee, and not by the Commissioners ?—In trying to conform to the desires of the Commissioners.

34458. I do not care what the reason was, there is the fact. "The Commissioners made no difficulty about Long Grove because the plans had been already sanctioned for another asylum." Why should they make any difficulty ?—They could not have sanctioned the plans for

another asylum because the levels were different, and because Long Grove has been different. In accepting Mr. Hine we insisted on making some alteration.

34459. Quite small alterations ?—I think eight blocks; two acute hospitals, one male and one female, and four blocks on each side, an absolutely different asylum. They went through without the slightest difficulty in a few days.

34460. Because, of course, they were a replica of the old plans ?—There were not old plans of the villas or the isolation hospital, that was absolutely new. That is our difficulty. Who supervises the architect's plans ? He supervises his own.

34461. Is that any business of yours ?—I can make a complaint of it here. I think it is a very unfair thing that an architect should supervise his own plans.

34462. I do not admit it is the fact. In fact, I am sure it is not the fact ?—We have no proof to the contrary.

34463. (*Mr. Greene.*) Is your objection that the Commissioners have not got proper and suitable statutory powers, or that they have not exercised them properly ? —I think it is both.

34464. I am not considering whether they have exercised them properly, so you can put that out; the case of the County Council against the Lunacy Commissioners has been thoroughly well fought out this morning. I want to consider whether ample powers for the protection of feeble-minded and lunatic people should be reposed in some independent body, so to speak. What do you think of that ?—No, I think the elected representative of the people is by far the best person.

34465. Would you have an elected body. I want to get at what your scheme would be. I will put an alternative; to create an entirely new body to look after the interests of these unhappy people, or to impose upon some existing authority the duty which you might take away from the Lunacy Commissioners ?—I would impose upon some existing authority, preferably the Local Government Board, the duties that are being exercised by the Lunacy Commissioners.

34466. With some powers superadded ?—Some powers superadded.

34467. What class of power superadded ?—I would give them the power of immediate discharge in the case of a pauper asylum; I would give them the same position as they have with a private patient.

34468. Who would discharge that duty on behalf of the Local Government Board ?—An inspector.

34469. I think you recommend a medical inspector with a university qualification ?—Yes.

34470. If you did that, would the Local Government Board have also its present duties to discharge on behalf of the ratepayers of regulating the expense ?—Yes, I think they ought to have that.

34471. In point of fact they would have the entire control both of the finance and of the custody ?—I think they ought to have.

34472. Is there any independent or non-official person who would be able to watch on behalf of the lunatic to see that he was properly treated, whose sympathy would be a sympathy towards the lunatic ?—Not non-official, I think the real protector is the elected representative.

34473. Who would he be—the Asylums Committee ?—The Asylums Committee.

34474. Would there be a control over the elected representative, over the Asylum Committee; would the Local Government Board have a control over them ?—I think it ought to have some control.

34475. What sort of control would you suggest ?—I think their medical inspector ought to be able to come into the visiting committee's room and sit, as they would in any board of guardians.

34476. But he would be in a minority, if he had a vote ? —My experience of boards of guardians is that an inspector of the Local Government Board can practically, by argument, do what he likes.

34477. Your experience has perhaps been neither in West Ham nor Poplar ?—My experience was with an equally cantankerous body, that is the Bermondsey Board of Guardians; there are sensible men on every board.

34478. Some people think they are in a minority; at all events they may be in a minority ?—The public would soon put that right.

34479. I am trying to follow out your scheme. That is what we are very anxious to do, to get a workable scheme. Your local authority would have to provide the money which would have to be sanctioned by the Local Government Board. They would run the asylums, and the Local Government Board would have a co-equal power of discharge ?—Equally, yes.

34480. Would the Local Government Board have the power to compel the local committee to do things which it thought desirable, but which the local committee did not think desirable ?—I would give them very large powers myself.

34481. The Local Government Board ?—Yes. On this question of lunacy I would give them very large powers.

34482. Enough to enable them to entirely discredit and discard a proposal, or scheme, of the local authority ? —Probably; I think so.

34483. Without any power of appeal on the part of the local authority ?—I think the local authority ought to have a good deal of power in that way, as to the character of the asylum. I think regulations ought to be made as to escape from fire, as to cubical space, as to various conditions of that sort; but I do think the local authority should be left a large amount of discretionary power as to the kind of asylum they should be allowed to build.

34484. Do you think that the appointment of Local Government Board inspectors would be satisfactory ? —I cannot see any reason why it should not be, from my experience. Even West Ham and Poplar, although they may have disagreed with the inspector, I think you will find they have always listened very carefully to any inspectors statements. I have always found that in my experience.

34485. Would you allot any function whatever to the Home Office, or would you leave them out ? Can you see that they perform any useful functions ?—I think it would be a great mistake to divide power between two public authorities. I would give the entire control to one department and one department only. I think mistakes are apt to arise when two departments have the administration of details, they overlap one another, as authorities; it is very much better to keep it in the hands of one. I have no preference for the Home Office or the Local Government Board, but I do think as we are dealing, to a very great extent, with pauper lunatics and the Local Government Board is associated with local government in England and with pauperism and with the Poor Law, they are the authority, above all, to look after the lunatics.

34486. And the knowledge they acquire with reference to paupers would be quite available for dealing with private patients ?—It would be so.

34487. Have you been brought into association at all with the Home Office ?—I have not.

34488. I mean on the different Boards that you have sat, have you found any difficulties in dealing with them ? —No. On the Housing Committee of the London County Council we have been brought in connection. Things had to be submitted to and approved of by the Home Secretary. We had no difficulties there. They were slow.

34489. If they were slow in such an important thing as that, perhaps you would think it better to relieve them of it—no doubt it was through overwork, and, therefore you would relieve them of it under this new scheme altogether ?—I would.

34490. I see you use the phrase that the Board should have some power of getting representation in Parliament ? —They should have a direct representative. I heard the Home Secretary disclaim any control or authority in the House.

34491. I think your view is that there should be a Parliamentary head to any tribunal that has to deal with

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this subject ?—Yes, I believe Parliament is the ultimate authority.

34492. To come to another point, supposing for a moment it was thought desirable to continue the Lunacy Commission something on its present lines as an independent advisory body, do you think there is any difficulty, or that there need be considered to be any difficulty, in getting competent men to act as unpaid Commissioners ? I daresay you are aware that at present there can be five unpaid Commissioners ?—I know there can be.

34493. There are two at the moment. Do you find any difficulty in getting qualified people to act in public life in that way ?—I believe they could be obtained without much difficulty.

34494. Somebody like, we will say, a gentleman of the Metropolitan Asylums Board who could bring his local experience on to the Lunacy Commission ?—Yes, there are members of the Asylums Committee of the London County Council who would make admirable Commissioners and would be perfectly willing to serve on that body.

34495. Up to the present you have been pointing out the over work of the present Lunacy Commission and what appears to you to be the unsatisfactory manner in which their duties have been discharged. Now supposing a few gentlemen like yourself and others actively engaged on local authorities had been put on the Lunacy Commission as unpaid members, there would have been sufficient staff and sufficient zeal to get a great deal more work done ?—I do not know about the visiting of asylums.

34496. That is optional I think ?—I think the difficulty would be the visitation of asylums.

34497. They do visit asylums ?—I know they can, and do.

34498. But only within their own area ?—Yes.

34499. You do not know whether you could get any who would be content to extend that area ?—I believe there are some.

34500. In every way qualified ?—In every way qualified; men who have had experience. I could name two or three members of the London County Council, men of great experience, who would probably be perfectly willing to accept that position. It is quite a novel suggestion to me.

34501. I take them as a type, because we might have men from Lancashire, there might be men all over England ?—I think there are.

34502. Plenty of people of considerable position and willing to give time ?—Yes, who are not political and who devote their time to social work.

34503. I am much struck with a statement of yours that you obtained a return in 1898 "of all persons detained in the London County Asylums who could be discharged if they had friends to go to, or friends in a position to look after them." You say, "There were more than 600" ?—Yes, that is so.

34504. Do you mean by that that they were people who were certified, and ought to be continued as under certificates, or do you mean that they were sane people ?—The local committee said they could not discharge them as sane; they were quite harmless and if they had friends to go to they could have been discharged to friends who would look after them, or if they had friends willing to take them.

34505. They would not have been discharged from their certificates ?—No.

34506. They would have been sent out on probation ?—Yes, if they could have been boarded out with friends.

34507. They would not have been released from custody ?—No, not at all.

34508. But from the position in which they were then, as if they were out on bail ?—Yes, very much like the Scotch law. I went to Scotland to see the Scotch method with the clerk, and I was very much struck with it. We did feel that, pressed as we were for room in London to take in acute cases, when we had 600 people who could have been sent out in that way it would have been very advisable to adopt that course.

34509. Senile dements ?—Harmless people.

34510. Were they people likely to continue their species ?—I think the superintendent would not have allowed them to go out in that case. They would not have been young people; they could have been boarded out.

34511. They could have been boarded out without doing any possible harm to society ?—Yes.

34512. Saved from all sources of injury ?—Yes. A good many of the attendants are married, and left, and they might have been boarded out with attendants, with the wives of those who were married; many of the attendants were perfectly willing to receive them; we made inquiries.

34513. This idea is rather a new one to me. Do you allow attendants, so to speak, to run boarding-houses ?—No.

34514. Do you see any objection to that ?—I do not think so.

34515. It would be economical ?—They would only have one or two lunatics, at the outside. They could all be visited by the medical superintendent and his staff at the asylum. That was the plan of the committee—what we suggested might be done.

34516. Now to revert to the earlier point I was upon. Suppose you got the Local Government Board to take charge of the feeble-minded people would you allot to them, or any public department, the care of the people in private houses and hospitals ?—I would; all people suffering from the same mental condition I would put under one authority.

34517. Rich or poor ?—Rich or poor.

34518. Supposing you take those who are rich and able to support themselves, would you have them visited like Chancery patients are, or would you abolish that ?—I would not interfere with Chancery. I can see very little good in it. I have had letters from people on this question, very lamentable some of them are, complaining about the condition of people in private asylums.

34519. We know that they are inspected under the Court of Chancery; very carefully inspected frequently ?—Would you allow me to say I think inspection is valueless, in this way, because they knew you are coming. The inspection by the visiting committee of the London County Council is valueless; they know the committee day; everything is in apple-pie order. The real man who finds out things is the man who, instead of sitting in the committee-room looking after the administration part of the work, walks in amongst the people, talks to them, and chats to them, very often acts as a friend to them; he finds out. I have never found out anything myself when the medical officer or any of the staff were with me, but you do get hold of things when they are absent, and it is a singular thing that somehow or other, certainly in the London asylums, they seem to know when the Lunacy Commissioners are coming, or about the time.

34520. The same thing would happen with regard to the Local Government Board inspector ?—I can walk in an asylum, walk round without saying a word. I think he could; I think it is possible. People in an asylum seem frightened to complain if there are any of the medical staff about. It takes a long time for them to get in the confidence of the committee. We have some members who have done splendid work amongst the people, chatted with them, patted them on the back, listened to all their troubles, and things of that sort; they are the people who are able to get information. We have had some capital information from those people which has led to actions about assaults and things of that sort.

34521. If you only substitute for two Lunacy Commissioners, who make the visit now, one Local Government Board inspector, I apprehend there would be the same amount of preparedness for the visit and the same apple-pie order as there is in the case of the Commissioners ?—I think an inspector can walk in without anybody knowing, just like a factory inspector can.

34522. That is rather a detail of management than a question of principle ?—It is.

34523. It is a very valuable suggestion to be borne in mind by those who are administering, but I was really on a deeper point, looking to see whom we should appoint to go. I am suggesting rather that if on behalf of the

lunatics there should be a continuance of the Lunacy Commission, filling their place up with qualified unpaid persons, there would then be a very adequate body to inspect, so to speak, on behalf of, or look after the interests from the side of, the lunatic ?—I think so.

34524. From the lunatics' side you want someone to look after them ?—Yes, they are entitled to have somebody who acts as an independent person, unbiassed; I believe the medical superintendent going round biases the minds of the Commissioners. I object to the medical superintendent going round, because in many cases he rarely goes round the wards, and I have heard complaints that the medical superintendent has not entered the wards for two years. We have found it true. Medical superintendents say it is not their duty—I do not claim it is—to visit the patients, but to act as an adviser and run the asylum. The duties imposed on them are so onerous. One medical superintendent, an extremely able man, who knew his patients by name (about the only man I came across who did) said, "I have five or six hours writing every day imposed on me, chiefly by the Lunacy Act and the orders of the Commissioners."

34525. More the duties of the boarding house keeper or hotel proprietor than the duties of a medical man ?—Yes; we select the medical superintendent because he is the most able man we can get hold of, and yet we put him down to doing the work of a clerk and take him away from the treatment of the patients. They fall into the hands of the junior staff. I think that is quite right as long as the medical superintendent is closely watching what is going on, and is willing to act as physician, and be called in and look after the cases; but I do think he ought to be acquainted with his patients, and I do not think he is at present. Some men are good as administrators; some men are good as physicians.

34526. You may have a very good administrator who is nothing in medicine, and you may have a good medical man who is nothing in administration ?—We had in the council a magnificent administrator, and he was wise enough to allow his assistant to do the treatment; I know no man who was so good an administrator as he was.

34527. You make a proposal about students being in the wards. Do you say that the London County Council have a scheme by which that can be done ?—We passed a regulation that they should be allowed, that they could always attend up to a certain number, fifteen or twenty, but we could not get the students to go; the distance from London precluded it. In a receiving house a clinic could be established, it would be in London, and there would be a continual stream of types of all classes passing through it.

34528. A very luxurious scheme and very advantageous, but it would be costly ?—It would be simply making three or four receiving houses in London where you might treat the majority of cases.

34529. Have you ever thought what it would cost to put your scheme into operation, your whole scheme of getting rid of the Lunacy Commissioners and attaching inspectors to the Local Government Board and having everything carried out by the Local Government Board, in co-operation with, partly in superiority to, the local authorities ?—Certainly no more expensive than the Lunacy Commission at present.

34530. You think it would be less than £14,000 a year ?—I cannot think it would be more.

34531. Have you calculated how many inspectors would be wanted ?—Six or eight. I would give them the power for one man to visit instead of two.

34532. Do you think the whole of England could be done, more especially if there were added to that the inspection and regard for the protection of feeble-minded people who are not certified—do not reach the present standard for certification ?—I think things have so changed since the advent of the county council, where you get elected men, that I think they have done the work in a very different way. All over England I find the same thing, far more attention is paid to lunacy.

34533. I was on the question of economy. I do not know whether your approval of the county council goes so far as to say they are economical ?—I think they are very economical; we have a chairman of the Finance Committee, Lord Welby; I am certain no more economical man ever existed.

34534. Perhaps other county councils are not so well managed as the London County Council ?—I think, as regards county council finance, wherever you go in England you will find it very closely looked after.

34535. I was on the question of whether yours is an economical proposal, because one of the suggestions for us is to report "having due regard to economy" ?—It is because there is an elected body which does the visiting and looks after the interests of these people that I think you could minimise the number of Commissioners. I used to find as a member of the council a large number of people calling, able to call upon me and willing to call upon me, in reference to their relatives in my division who were in asylums, asking all manner of questions.

34536. Your constituents ?—My constituents. I always thought it was a very valuable thing for these people. We would see about these people and report to them how they were getting on, and it satisfied the people. I believe that is one of the reasons why there is talk of a great increase in lunacy; I think you have not the difficulty with relatives to get them removed; what they object to is to get them into the workhouse.

34537. That would tell both ways, I understand, in some places, appeals for sympathy are frequently addressed to elected representatives ?—Quite possibly; I have heard that. A committee is composed of eight or nine men. One man may be very sympathetic for his own constituents, the other men present may be perfectly willing to listen to it, they are all members themselves, they know he is looking after his own constituents, they can take the cool point of view, they can look at things from the right view.

34538. Do you find a difficulty in being an elected representative that you may have to confront constituents by not being sympathetic ?—All he has to tell him is, "I did my best for you."

34539. How does he fare at the next election ?—I am not troubled with that; I do not think he ought to cut his public conduct according to whether he is going to get in next time.

34540. My experience, as an elected representative, is that you hear of the sickness of every cow and the death of every aunt, all over the constituency, and shed metallic tears frequently; do you find that ?—I know they want to milk the metallic cow; it depends whether the cow is willing to yield any milk or not.

34541. Is it not better to follow the policy of the present, and have a tribunal to look after these unhappy people which is free from all elections and from political partisanship of every sort and kind ?—It is the ratepayer who pays, and these people are constituents, and I think it is very much better that they should have the elected representative than simply the official; I think they get more sympathy.

34542. I agree there should be sympathy in officials, but I have been trying to suggest that it should be by way of getting unpaid people of position nominated by the Chancellor, as they are at present, to discharge the duties, instead of having, as you would, elected people ?—Discharging the duties of the whole of Lunacy ?

34543. No; as they now are ?—For the visitation I think it would be a very valuable suggestion; I think you could get men of experience perfectly willing, outside political life, to do that.

34544. Who can act independently and who have no electors to ingratiate themselves with ?—I think you could get them.

34545. (*Mr. Byrne.*) I should like to ask one or two questions to develop the interesting scheme you have laid before us. Something makes me think you would have to increase the number of inspectors to take the place of the Lunacy Commissioners, if your views were carried out. For instance, if you are to hand over the power of discharge of all pauper patients to inspectors of the Local Government Board, that would be giving them a very important duty which is now exercised by visiting committees ?—I would give them the power, as the central inspector, to discharge.

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34546. Would it be the ordinary daily occupation of the inspector to discharge these people when recovered; would you take it away from the visiting committee?—I would not take it away from the visiting committee.

34547. You would give it to both?—I would give it to both.

34548. Which do you contemplate should do it regularly?—The visiting committee.

34549. What would be the duty of the inspectors, going to see doubtful cases or something like that?—Doubtful cases.

34550. If that duty were thrown on them it would mean a very substantial increase of their duties, because questions of discharge could not be dealt with in a minute or so; if they had to advise the visiting committee it would have to be a protracted inquiry; they would have to look at medical reports and consult the medical superintendent?—To a certain extent it would.

34551. You are aware it is alleged generally that the Lunacy Commissioners are rather over-worked at present?—I believe they are over-worked.

34552. They are six in number?—I recognise that; I think they are over-worked.

34553. If these duties were thrown on people who take their place their numbers would have to be increased?—I think the Lunacy Commissioners ought to be increased, if they remain such.

34554. The people who take their place would have to be more than six in number?—No, I do not think they need be increased in number because you would give it to individual inspectors and not to the two. Two Lunacy Commissioners have to do it; instead of that I would allow one to visit.

34555. But the question of whether fifteen or twenty persons should be discharged would take far longer than the time occupied in the double visitation, would it not?—I do not think you would find there would be fifteen or twenty discharged; I do not believe you would find there would be more than one or two a year, but I would give the independent authority the same powers as the visiting committee.

34556. Although they would only use it once or twice a year?—I would give them the power.

34557. If you had the inspectors of the Local Government Board, who now sit with the guardians occasionally, and advise them, you would not have "medical men with recent experience in the work and methods of the general hospitals, and with a knowledge of recent scientific research"?—Yes, you would get them.

34558. You would not contemplate having the ordinary Poor Law inspector of the Local Government Board, but medical men?—I think they ought to have had general hospital experience.

34559. You would have men having more or less, as far as medical men are concerned, the same qualifications as the present Lunacy Commissioners. What difference would it make if they had the same qualification and experience, whether they were called Lunacy Commissioners or inspectors of the Local Government Board?—The difficulty I think with the Lunacy Commissioner is this: He is drawn from the lunacy expert, and expert only. I think that is where things have stood still in England. I think you want the general physician.

34560. That would mean that inspectors would have to be appointed for a short period. An official is an official. You cannot have a doctor with recent and constantly supplemented medical experience acting as a Government official. If he goes into the Government service he must leave hospital and general practice, must he not?—When we appointed our pathologist at the London County Council we allowed him to continue his position as physician to the Charing Cross Hospital.

34561. Your pathologist is in quite an exceptional position?—He is paid a salary and he is not allowed to take private practice, but for the benefit of the physician himself, to keep him in touch with modern knowledge, we have allowed him, and I think very wisely allowed him, to continue his position at the Charing Cross Hospital.

34562. I suggest that is not relevant to my question, your pathologist not being a physician, an inspector, or a superintendent. However, I will leave it at that. I gather from your statement that you are very keen on having, both as regards local authorities and as regards the central authority, all forms of lunacy under one?—Under one.

34563. The county council should deal with it?—Should be the authority in the county.

34564. It will have the inspection of the pauper lunatics as well as the others, the pauper lunatics who are now in the workhouses—that it should in some way or other control or have authority over them?—Every one.

34565. In London you would put the asylums of the Asylums Board under the County Council—the lunacy authority?—No, I should not, because they are not an elected body.

34566. The magic lies in the election?—I believe it does. I believe the people who pay are entitled to have a voice in who spends the money.

34567. I think you are under a misapprehension. I said you would take the authority away from the Asylums Board and give it to the County Council. The County Council is elected and the Asylums Board is only indirectly elected?—That has always been my opinion. It is very difficult to define the difference between imbecility, harmless imbecility, and lunacy.

34568. You find people in each institution who might well be in one of the others?—Especially when I find a large number of beds empty. The Council has been required to build asylums when there are empty beds in the Asylums Board's asylums.

34569. We have been informed, and we have found, a considerable number of lunatics, as well as imbeciles, in the ordinary workhouses in London and in the country?—A very large number.

34570. Would you give to the County Council authority to inspect and control these people, and to remove them to the asylum when necessary?—Yes.

34571. For much the same reasons you would like to have one central government authority for such functions as they ought to carry out?—Yes.

34572. I take it you do not care very much which authority that is; either the Home Office or the Local Government Board?—Yes.

34573. It is a matter for them to fight out between themselves. They know best the limitation of their functions?—Yes, quite so.

34574. You say in your statement: "The Commissioners, by insisting on bad model rules being followed, compel every county to govern its asylum as the Commissioners think good and not with economy or as the visiting committee wish." The chief points in which you think the suggested model rules bad are, I gather, first that they insist on giving the medical superintendent a paramount and universal authority which no human being is capable of exercising?—They object to that. That is the point of the objection.

34575. You would like to have that changed; you would like to relieve the medical superintendent of a great deal of the clerical, steward's and assistant administration work?—Yes.

34576. And keep him to his medical work and the care and inspection of the patients?—I would.

34577. Is that the general view of the successive asylums committees of the London County Council?—I believe it is.

34578. They have never made any very strong representations on that point to the Home Office, have they?—No. I think a very considerable struggle went on between the Council and the Lunacy Commissioners in the drafting of these rules, especially about the position of the medical superintendent. They desire that he should not have absolute control over the accountable officers, that is the steward and the clerk. We have had a very painful experience. I have no desire to revive it.

34579. I am aware of that correspondence. I take it from you it expresses the views, generally speaking, of the whole of the asylums committee of the London County Council?—It does.

34580. Both as regards the medical superintendent and as regards control, inspection, auditing stewards' and clerks' accounts ?—It does.

34581. As regards boarding out, supposing your wish to see the Scotch system adopted to some extent in England were carried out, would you say that it should be under the control of the local lunacy authority also ?—Yes, quite so.

34582. Would you like the boarded-out lunatics to be only those who were sent from the lunatic asylum, or would you say that if a person in a poor-house had to be treated as a lunatic, but was fit to be boarded out, arrangements might be made for him at once to be boarded out without going to an asylum ?—I think that would be quite feasible.

34583. That would normally be the work of the Poor Law ?—Yes.

34584. As it relates to lunatics you would like to put it under the lunacy authority ?—The Poor Law have the power to do that now, but they never exercise it.

34585. Would you like to put it under the lunacy authority ?—I would; I think it would be exercised. I think there are a large number of people who would like their relatives to be with them, if they were in a position to maintain them; they are poor and unable to look after them. If they had an allowance given them I think they could do that effectually. Every case would have to be carefully enquired into.

34586. I get the general expression from your statement that you consider that the detailed Government inspection of the treatment of lunatics that might have been necessary fifty years ago has to a great extent ceased to be necessary now, the local authorities having shown they are so devoted to the subject and have acquired such useful experience. That is your view ?—That is my view.

34587. Do you then hold that the function of the Government ought to be very little more than to have a very general supervision over those, to see that there is no relaxation of the high standard that is now reached, that no individual scandals occur, and so on, and that improvements are brought to the knowledge of the local authorities ?—You define my position exactly.

34588. (*Mr. Greene.*) Do you think that women could be beneficially engaged in the inspection of these unhappy people ?—I think they would be admirable. I think it is one of the deplorable things that women are not able to take part in the administration of a subject where the great majority of the people concerned are women. *George Cooper, Esq., M.P.* 1 Mar. 1907.

34589. Would you have them appointed as Local Government Board inspectors ?—I would.

34590. They would not fall within your other qualification of doctors who have taken university degrees ?—I think they might be. A good many women have taken high university degrees.

34591. In medicine ?—Yes.

34592. Would you consider them equally eligible with men ?—Yes.

34593. You would leave that to the Local Government Board ?—I would leave that to the Local Government Board.

34594. If that is your view, how is it it has not been adopted by the county councils ?—We did try in London. We used to have two or three lady members on the London County Council, and there was a legal decision and they had to retire.

34595. There was only one; Lady Sandhurst ?—Miss Cobden.

34596. Miss Cobden could not sit ?—They were on together, three of them.

34597. They were all disqualified ?—Yes.

34598. You can hardly point to the temporary sitting of three ladies who were found to be disqualified as being a very useful experience for the London County Council ?—The law is slow in its action. I believe it was a year or eighteen months before that decision was given, and during that time these ladies were members of the asylums committee, two of them were, and did very useful work. I was on the same committee as Lady Sandhurst, and she was very attentive.

34599. (*The Chairman.*) Is there anything you would like to add ?—I do not think so. I had a note on the question of colitis and the question of asylum dysentery, the frequency of that. It is a question of administration, but no questions have been asked on that.

SIXTY-EIGHTH DAY.

Wednesday, 27th March, 1907.

PRESENT.

The Right Hon. The Earl of Radnor (*in the Chair*).

W. P. Byrne, Esq., C.B.
C. E. H. Hobhouse, Esq., M.P.
H. D. Greene, Esq., K.C.
C. E. H. Chadwyck-Healey, Esq., C.B., K.C.
The Rev. H. N. Burden.
C. S. Loch, Esq., D.C.L.
Mrs. Pinsent.
H. B. Donkin, Esq., M.D.
J. C. Dunlop, Esq., M.D.

Hartley B. N. Mothersole, Esq., M.A., LL.M. (*Secretary*).
E. A. H. Jay, Esq., M.A., LL.B. (*Assistant Secretary*).

Sir Kenneth Muir-Mackenzie, K.C.B., K.C., called and examined.

34600. (*Chairman.*) I think you have been for nearly twenty-seven years the permanent secretary to the Lord Chancellor ?—Yes.

34601. During that time I suppose practically all the questions with regard to lunacy have passed through your hands ?—Yes.

34602. So that, of course, your experience is unrivalled in matters as regards lunacy. You have been so kind as to give us a statement of your evidence; may we put that on our notes ?—Certainly.

Statement of the Evidence Proposed to be given by Sir Kenneth Muir-Mackenzie, K.C.B., K.C., Permanent Secretary to the Lord Chancellor, and Clerk of the Crown. *Sir Kenneth Muir-Mackenzie, K.C.B., K.C.* 27 Mar. 1907.

Lunacy.

The jurisdiction of the Lord Chancellor represents the paternal idea of the King as having the care of those who cannot take care of themselves. On the legal side he also is head of the Supreme Court. All legislation with

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reference to Lunacy is brought in by him, and he has the power of making the rules for carrying the Lunacy Acts into effect.

There seems to have been, about eighty years ago, a short interval when these powers were exercised by the Secretary of State; this was for a very short period, and the powers reverted to the Lord Chancellor; and no one has ever since that time suggested any change in that respect.

The jurisdiction and administration in lunacy matters have been greatly modified in recent times by the progress of local government.

With regard to Patronage, the Lord Chancellor appoints both the medical and legal Commissioners, as well as the Masters in Lunacy. It seems obvious that the legal appointments should be in his hands; as to the other profession, I do not know that anyone better could be suggested to exercise the patronage. Speaking of patronage is a delicate matter. The greater the position of the person on whom the responsibility lies, the further he is above political influence, the better for the public interest. Everyone would agree that patronage should only be in the hands of a Minister subject to the House of Commons. It is no doubt an additional advantage where the Minister is removed from the pressure of personal contact with Members of that House. Cynical people have sometimes pointed out that there is an advantage in concentrating patronage in the hands of one person, and thereby limiting personal claims

As regards the Commissioners, the Lord Chancellor receives their annual report, which he considers, and on which he makes his observations. In recent years Bills have been brought in again and again by the Lord Chancellor dealing with points mentioned by the Commissioners in those reports. Another important thing is the free use made by lunatics of their right to send letters to the Lord Chancellor; many of these come daily, they are all looked at, and, where the Lord Chancellor thinks necessary, are sent to the Commissioners for their information or for their observations. The Lord Chancellor's authority is required for the Commissioners' regulations, for the appointment of their deputies, and other matters which enable him to exercise a valuable influence without impairing their independence or interfering with details.

In the case of the Chancery lunatics, the Lord Chancellor's influence is more direct. He receives special reports every month from the Visitors, giving details of cases, and in the course of each quarter, the whole of the Chancery lunatics are reported upon. These reports are carefully read, and directions are given when the Lord Chancellor thinks necessary, or is invited to do so. The Lord Chancellor also retains, though he rarely exercises, original jurisdiction as Judge in Lunacy.

If I may speak from personal experience respecting the Lunacy Departments, I may say that I have never heard a complaint of a personal character against any of the Commissioners in Lunacy, and I feel bound to express an absolute belief in the honesty and excellence of their work. With regard to the Masters, I am in a position to say the same, except as to one point, namely, that delay arose for a time in the business before one of the Masters, a man of the highest capacity, as everyone who knew him either at the Bar or the House of Commons can testify, who had to contend with the aggravation of a physical infirmity. It may here be mentioned that there is not the least ground for the depreciation which was somewhat unnecessarily pressed upon the Commission as to the taxing officer in the Lunacy Department. There is no more efficient man in the service than Mr. Corley, who learnt in the very best school, that is to say under the late Mr. Bloxam; the taxations have been retained in his hands for the good, practical reason that they are thoroughly well done, and that disadvantage, economical and otherwise, would arise from any change at the present moment.

A very serious question arose several months ago, whether the Commissioners in Lunacy were not overworked. Nothing is so difficult as to gauge the work done in an office, and it shows no disrespect to the staff that the most careful inquiry should be made before any additional officers are appointed. In the case of the Commission, it is at least doubtful whether additional Commissioners could be appointed without Act of Parliament. It was natural and proper to ask whether some economy of system might not meet the case; there might even be radical changes in contemplation. If the field of their supervision was to be extended over a very much larger class of persons, it might become a practical impossibility to carry on the work on the existing scale, however desirable. It was clear, after the appointment of this Royal Commission, that the appointment of new Commissioners might prejudice their recommendations by creating vested interests and otherwise. Thus it came about that the Lord Chancellor invited this Commission to be good enough to include the subject in their investigations.

In what follows I am venturing to express (understanding that it is desired that I should do so) my own opinions:—

As to the Lunacy Commissioners, I have always thought that their work was well done, having regard to the system prescribed for them by Act of Parliament. If this system is to remain unchanged, I think that they have proved their case, that some addition must be made to their numbers.

But I think there should be less rigid rules as to their visitations: it should be left to them to settle for themselves, according to the circumstances and requirements of their work, whether any and which of their visits shall be paid by two Commissioners or by one only; and they should report annually in such a form as would enable the Lord Chancellor and Parliament to understand exactly how they are acting.

So also as to the quorum for board meetings; greater freedom in the Commissioners to manage their own affairs is required: it is impossible, in these days, when the difficulty of getting Bills through Parliament is so great, to be unable to deal with matters of this kind, which may involve the gravest inconvenience, without having to get an Act of Parliament.

Granting relaxation in these points, I believe that they would still require the assistance of two additional Commissioners, in order to do their work thoroughly in the manner which is expected of them; and I believe that both these Commissioners would be most useful if they were medical men. On the other hand, I think it would be desirable that the Chairman of the Commission should be a salaried officer, and should be a layman; not meaning that there should be more than three lay Commissioners, but that the Chairman should be one of the three. I have said *lay* Commissioners, because, while I think strongly that the Commission should not be wholely of medical men, I do not think that the other members should necessarily be of the legal profession.

I should wish to add that, in my opinion, a limit of age such as prevails in the Civil Service should be applied throughout the Lunacy Departments.

It seems to me most important that the Lunacy Commission should remain in fact and in name an independent body, and that they should not be absorbed as a branch of one of the Government Departments. Lunacy is neither a matter of police to be assigned to the Home Office, nor a department of sanitation to be included under the Local Government Board. If it is to be classified with anything else, the care of lunatics is more akin to the care of infants and wards of court. On the other hand, though independent they should not be responsible nor authoritative in such a way as to interfere with local authorities. The advantage of freedom for local government outweighs the value of uniformity and central direction. Such control as there ought to be over those things which are within the province of County and borough councils should be in the Local Government Board and nowhere else. The Commissioners should stand in a position of knowledge and experience, to whom reference can be made and whose advice might be sought with a single eye to the good of the lunatics, and influencing the management of asylums and the decisions of the Local Government Board by the weight of their experience and character. Nothing could be more irritating or unpractical than what has been disclosed with reference to the kind of triple control which appears to prevail in architectural matters, and it makes no difference (I venture to say) whether one or other of the authorities concerned is the more economical.

It is asked not unnaturally why we have two systems side by side, I mean the Lunacy Commission and the Chancery Department. I think it answers roughly to the facts of our social system. If some of the propertied

class desire protection for their estates and special visitation, why should they not have it if they do not object to pay for it? It may be said that this can be secured if the departments were amalgamated; I do not doubt it, but I believe the difficulties would be greater than they are at present, and that there would be no saving of expense. Amalgamation is practicable, but I doubt whether it would be an improvement.

If an amalgamation is carried out it would be very desirable to retain the present system of special monthly reports to the Lord Chancellor, to be presented by the Commissioners, in place of the visitors.

Those who have recommended the absorption of the Masters' Office in Chancery Chambers have felt the difficulty of providing for holding of inquisitions. I venture to express the opinion that inquisitions should be abolished. They are usually either a farce or a scandal; the cases, where the issue of insanity is tried before a jury, are the most calamitous feature in the misfortunes of the insane. If 120,000 persons can properly be detained under the order of a magistrate, made upon the certificate of two medical men, it cannot be necessary to have a trial or to invoke the British palladium for the 600 or 700 persons who have a solicitor and more or less property. It follows from this, that, in my opinion, Section 116 is a most valuable and sufficient enactment to cover all cases.

Another change has been suggested, by very high authority, viz., that the administration of lunatics' estates should be transferred to the Chancery Division. I have no doubt that this could easily be done, and that the work would be well done in Chancery Chambers. There would also be a saving of expense (which would not, however, accrue to the Exchequer), but that saving is obviously not greater than might be made by curtailing the staff of the Chancery Division to the extent corresponding to their capacity for undertaking additional work at the present time.

I do not know whether others have pointed out that there would be a disadvantage in such a transfer. The attendance for lunacy at the offices of twelve masters, with certain unavoidable divergencies of practice, and being mixed up with the other multifarious business of Chancery certainly requires consideration; it would be a reversal of the policy which detached both Bankruptcy and Companies (Winding-up) from Chancery Chambers. With all its merits the Chancery system is open to one great objection, that every case has to go through three separate departments. The principle of division of labour may be a justification for the system as applied to the great mass of Chancery business, but it would be a misfortune, in my opinion, to impose it on Lunacy. The Chancery arrangements are carried on with the aid of a certain exceptional treatment for the cases of wards; this would be very largely increased by bringing in Lunacy and would, I believe, prove to be a very heavy burden on the judges themselves.

34603. (*Chairman.*) There are one or two questions I want to ask you, to explain some points in your statement. First of all, where you say it is doubtful whether additional Commissioners could be appointed without an Act of Parliament, I suppose you would be of opinion that more Commissioners are wanted at the present time?—I think I have stated, somewhere, what I thought about that: that my opinion was that more Commissioners are wanted if the existing state of things remains, that is to say, that a medical and a legal Commissioner are to go about together, and that you are not going to make recommendations of a drastic kind, practically altering the constitution of the office and the mode of visitation. Assuming that everything remains as it is, and that it were a plain question, are the existing Commissioners overworked? I have come to the conclusion that they are, and that some addition ought to be made.

34604. With regard to that question as to an alteration in the rules as regards lunacy, which I think are statutory, am I right or wrong in thinking that if Section 337 of the Act of 1890, which I think you are particularly interested in (which makes provision for amalgamation between various offices with regard to lunacy) were put into force it would be possible for the Lord Chancellor to increase the number of Commissioners, or to alter the system of visiting, or in fact to completely change the system of the office?—I think it is quite clear that he can.

34605. It appeared to me so. If the amalgamation were carried out under the first sub-section he might give such directions as he might think fit for the reconstitution of the Commissioners?—It is quite clear. *Sir Kenneth Muir-Mackenzie, K.C.B., K.C.* 27 Mar. 1907.

34606. Also by the second sub-section he may "increase or diminish the number of such members and staff"?—Yes.

34607. That leads me to another point, which is this: In your evidence you seem, at the present time, a little bit averse to the amalgamation of the Chancery Visitors and the Lunacy Commissioners. We have had a copy given us of the report of the committee of which you were a member, appointed by the Lord Chancellor in 1882 to report on the Lunacy Department.* In that report, Paragraph 8 suggested that the office of Lord Chancellor's Visitor should remain unchanged for the present, subject to a reconsideration of the question in the event of an increase being hereafter required in the number of either the Visitors of the Commissioners; so that, although they reported then against amalgamation by a majority of three to two, they clearly had it in their minds that it might be possible in future?—Yes.

34608. Of course it is a very long time ago?—It is. My recollection is that that was a paragraph that was put in by the Master of the Rolls, who was chairman, rather out of deference to the view that Lord Lingen and I held, and he did not wish to be too strong against it. We made a minority report.

34609. I was going to refer to the minority report, because I quite feel twenty-five years' further experience of the office might make a change in your views. You remember you reported in favour of amalgamation?—Yes.

34610. I want to ask you if you would give us more fully the reasons which have led to your change of views since that period?—I do not think, in theory, that my view has changed at all; the natural feeling that I have would be in favour of amalgamation—in favour of one lunacy authority. I mean, if we were starting things over again, and I were asked to suggest how we should start, I should think there should be only one lunacy authority, divided according to what the different requirements of the different classes of patients might be; but I think all the circumstances have changed to a considerable extent, chiefly in this way, that the amount of the business to be done by the Commissioners is very much greater than it was then, and that consequently the one thing which I think is a difficulty in the matter is very much increased now, namely, that I think it would be difficult for the Commissioners to give the special attention to that class of lunatics whom, I think, I have described as the propertied lunatics, those who think it worth while to pay for special treatment, and although the Commissioners are just as competent as our Visitors to visit, and to take proper care of those who are under their charge, I think that as a matter of administration it would be found a very difficult thing both to carry out the kind of inspection and visitation which they do now of vast quantities of people to whom it is practically impossible to give very close individual attention, and at the same time when they come across a special case to give that case a great deal of attention, time, and personal care. I think that that is a practical difficulty in working the visitation of the propertied lunatics at the same time as the great mass. Of course, in theory, one patient ought to be looked after as much as another, but I do not think that that is quite a practical view, really, of things. It does not, as I have tried to point out in a few words in my statement, seem to me to answer to what are the conditions of society in this country, and I think it is not really practicable. You could not have 120,000 lunatics (certainly you could not if the class were very largely increased) all specially looked to; yet I do not think that that is a good reason for depriving a certain class of them, if they still wish to pay for it, of the special care which they get under the lunacy system. I think that that difficulty has now increased by reason of the great increase in the number of lunatics and the great increase in the business of the Commissioners' office; and I think that which is to my mind the main difficulty of amalgamation is very much greater now than it was twenty-five years ago. That, I think, is really all I have to say on that subject.

* The Report is printed in the Appendix Papers, p.446 *post.*

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34611. Your view has not practically changed, but you think in practice it would be more difficult now to carry out the principle which you really approve of?—That is it.

34612. If occurs to me, and no doubt it has occurred to you, that it would be possible for the Judge in Lunacy to give special instructions to an amalgamated Board of Commissioners as regards Chancery patients?—No doubt; but I think it would be found very difficult not to upset their work. I think that they have to regulate their work very carefully, make their plans for visiting this vast number of people, and it can only be carried out on some very regular system which would be thrown out of gear by the Judge in Lunacy coming down and saying: "Will you please go and pay a protracted visit to the unfortunate Mr. So-and-so."

34613. Before leaving that branch of the question there is only one point I want to ask, and that is this, to go back for a minute of that Section 337. Supposing that we were to recommend, with regard to mental defectives in general, a far greater amount of supervision than they have now, especially with regard to the uncertified cases, do you not think that an amalgamation would enormously help the carrying out of any measures in that direction?—I am not sure that I quite follow you. Do you mean it would make ready to hand the power that is given under the Act to do the thing?

34614. Yes, so far as inspection and supervision are concerned?—I do think, now that you have called my attention to it, that it does seem a ready way of getting a thing done without having to go to Parliament for it.

34615. At any rate making a start?—Yes, there is no doubt about it. I had quite forgotten that the powers were so unlimited.

34616. It would enormously simplify our recommendations if we had means to suggest to the Lord Chancellor, ready to hand, without asking for powers from Parliament?—I think that is so, but as a matter of fact I do not think that those powers were obtained in that section with a view to any very large alteration of things; I should doubt whether it would be really right to use that section for too large a purpose.

34617. Now to go to another point. With regard to inquisitions, you suggest in your statement that inquisitions might be abolished. I am not quite sure whether I am right, but I imagine inquisitions were intended as a special protection for propertied lunatics, that they should not be certified without special inquiry?—No, I do not think so. I think the two systems grew up independently, and I think that that was the way the propertied lunatic was started on his career, so to speak. The question was how were you going to take care of his person and his property, and it was thought that the way to do it was to have a petition from a proper person, and then upon that to hold a species of trial. I do not think there was any notion of any special protection; I think it was only the way that this process was begun.

34618. It is a new suggestion to us, the abolishing of inquisitions. We have heard of cases where a lunatic, certified in the ordinary way, has sometimes been wrongly certified. I do not say there are many cases; but surely the danger of that would be even greater with an alleged lunatic who had large property, would it not?—I should have thought that, although undoubtedly there have been mistakes made, and (as you say) one cannot suppose that mistakes will never be made in the cases of the order and certificate, there have also been mistakes made where inquisitions have been held. I do not say that I have looked into many inquisitions, but I have expressed a strong opinion on the subject in my statement and I hold it certainly. With regard to those inquisitions that we all know about, that we see reported in the papers, I think they have almost approached the very trite word "scandal" that is used always so freely about everything.

34619. With regard to a portion of your statement in which you speak of the advantage to the Lunacy Commissioners of freedom in advising and administering their affairs, would you tell us rather more fully what you suggest should be the connection between the Lunacy Commissioners and the Department of State, such as the Home Office or the Local Government Board, because I am not quite clear that I understand what you do suggest in this statement?—My intention is to support the view that the Lunacy Commissioners should remain as they are in that respect, as being an entirely independent body; that in fact they should have no relation to any Department of State, except in the way of communication, with a Department which had to do with them, for instance the Local Government Board with regard to all local administration; I mean, with reference to questions as to the provision of asylums, and the character of the buildings and so forth, in the different counties, that the Lunacy Commissioners should be in a position that they could be referred to, the question to them being practically whether they thought that the proposed asylum was a good one for the lunatics, not entering into such details as whether one form of staircase was better than another, or (what I believe is a very important question with reference to lunatics) whether there should be corners in rooms or not. On questions of that sort they would give a general opinion, but they should not be expected to go into details, especially not as having the power to order the details, whether a particular room in a particular asylum in a particular county was to be built in such and such a way, of such and such a size, and so forth.

34620. Only one other point, and that is with regard to the suggested transfer of the Masters' duties to the Chancery Division which was suggested by Lord Justice Cozens Hardy. Would that, in your opinion, need legislation, or could that be done by rules?—That entirely depends upon Section 337. I would rather not give a very positive opinion on that question at this moment.

34621. Would you be willing to think it over and let us know?—Certainly.*

34622. (*Mr. Chadwyck-Healey.*) I should like to ask for a little information on the question of patronage, to begin with. We know the patronage, as far as the Lunacy Commission is concerned, lies with the Lord Chancellor?—Yes.

34623. We know also that the patronage as far as the Chancery Visitors and Masters are concerned, is also with the Lord Chancellor?—Yes.

34624. Am I right in assuming that the patronage so far as the Masters of the Supreme Court are concerned is also in the hands of the Lord Chancellor?—It is distributed. The general provisions of the Judicature Act are that the appointments lie with the President of each division. The officers who are called Masters of the Supreme Court are the principal officers of what is called the central office. The central office does not belong to any division; therefore the general proposition that the president of the division appoints does not apply to the central office, and the central office consequently is divided between certain of the presidents, and they appoint in turns.

34625. Take the taxing masters, they are appointed by the Lord Chancellor?—They are appointed by the Lord Chancellor.

34626. Who appoints the Masters, as we should call them, of the King's Bench Division?—Those are appointed in turn; they belong to the central office.

34627. By the Lord Chief Justice?—The Lord Chief Justice, the Master of the Rolls and the Lord Chancellor in turn.

34628. The Masters attached to the Judges of the Chancery Division?—The Lord Chancellor—all of them.

34629. I do not want to probe too deeply into official secrets, but may I ask, in making the appointments to the Chancery Division, are the Judges to whom the Masters will ultimately be attached consulted at all as to the personality?—Almost invariably.

34630. Because we have been told again and again that the Judge is responsible for all the acts of his Master in Chancery?—Yes; you know exactly.

34631. It is not so on the common law side, but on the Chancery side the order made in fact by the Master is the Judge's order?—Yes.

* The Witness subsequently wrote as follows:—"On consideration I think that power is to be found in the existing statutes sufficient to carry out the transfer; but those powers were never intended for such a purpose, and it may be a question whether they should be so used."

34632. Therefore he is responsible for his Master?—Yes.

34633. Does it seem altogether expedient that the Judge should not have any voice in the selection of the man for whom he is to be responsible?—I think that the real answer to that is what I have put somewhere in my statement. It is admitted pretty well nowadays that appointments to offices that are paid out of public moneys, that are paid out of the exchequer, ought only to be made by persons who are responsible to Parliament, that is by Ministers.

34634. You will stop me if I am asking any question which is the least inconvenient on public grounds. How are the junior officials attached to the different Judges in the Chancery Division appointed, and from whence are the candidates drawn?—They are appointed by the Lord Chancellor, and almost invariably they are appointed from clerks who have served in solicitors' offices.

34635. They are not drawn from other departments of the public service?—Hardly ever.

34636. For instance, it would not be possible to take, shall we say, an official from the Home Office and transfer him to one of the Masters' offices in Chancery?—It is practically impossible. I do not say that it is absolutely impossible, because the matter is left entirely in the Lord Chancellor's hands; he is not fettered in regard to those people in any way at all.

34637. What I was leading up to was to see how far the official was trained in the particular business which he would probably have to administer, what sort of initial training the man would have?—It is really left entirely to the discretion of the Lord Chancellor to appoint the man that he thinks best.

34638. You speak in your statement about the business of the Chancery Visitors and the reports that they make to the Lord Chancellor; you say these reports are carefully read and directions are given when the Lord Chancellor thinks necessary. To whom are those directions given?—They are given in answer to the reports of the Visitors which are reports in which the Masters take part and consequently the directions go to the Masters as well as to the Visitors, and they may be taken as going farther than that because they practically come in many instances to be directions to the committees of the person or the estate. It is this kind of thing: the Visitor will report that he has recommended such and such things to be done by the committee of the person and that he finds that his recommendation is not carried out. He will report that, and if the Lord Chancellor thinks that the committee of the person is wrong in the matter he will express his opinion to that effect, and the expression of his opinion is conveyed to the committee of the person and if the direction is not carried out the result is that an application will be made to remove the committee. That is the sort of way that it works. The practical effect is that an expression of his opinion is, I think, invariably followed. I have only known one or two instances where there has been any difficulty.

34639. Do I understand in a case such as you put there would be a duplicate system of reports, that is to say, one report would go from the Lord Chancellor to the Visitors and another report would go from the Master in Lunacy to the Visitor?—No, the Masters and the Visitors form together the board who report. The practice is, that each Visitor after his round of visits, at their monthly boards reads the report that he proposes to make to the Lord Chancellor on any particular case and the Masters are present, and so the answers of the Lord Chancellor or the observations of the Lord Chancellor on the report are communicated to the secretary of the board and by him are laid before the Masters as well as the Visitors.

34640. Does the Master in that case wait until he receives directions from the Lord Chancellor, or does he act on his own motion for the benefit of the lunatic?—He will very often act on his own motion, but the expression of the Lord Chancellor's opinion assists him. That is very often what it comes to.

34641. Then in effect there is the duplicate system of reports, only in the one case the report is communicated to the board and in the other it goes direct to the Lord Chancellor. In effect both these officials, if I may use the term with regard to the Lord Chancellor, are made aware of a particular state of things which calls for correction?—Yes.

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34642. Then the Master may if he pleases there and then act, or he may bring it to the notice of the Judge in Lunacy whoever he may be, in rotation?—Yes.

34643. Or he may wait until some person interested in the lunatic brings the matter officially before him on summons; all those things are possible?—Yes.

34644. Then under some system, such as has been suggested, of amalgamation, how would that work? The Chancery Visitors would still report, I presume?—If there were an amalgamation there would be no Chancery Visitors.

34645. I am assuming a system of visitation is maintained, say for example the Chancery Visitors are amalgamated with the Lunacy Commission and that they visited all the Chancery patients; they would still report, I take it?—I think whatever the system might be, whatever the organisation might be, on amalgamation, it would be a very great pity if there were not special reports made in a certain class of cases, which I suppose would continue to be the propertied lunatics, to the Lord Chancellor; I believe it to be a very valuable thing.

34646. I want to get your view about that, because in the supposed case that I put, of course reports of any gravity would go to the Judge having charge of the interests of the particular lunatic just as they would go to the Judge who has charge of a ward, and it would be his duty also to take action?—Yes, there would be something of that sort, I think.

34647. On that question of visitation I understood you to express an opinion in answer to Lord Radnor that any direction to a Visitor to visit a particular patient, one of the paying patients, propertied patients, would disturb arrangements?—Yes.

34648. Is that quite so? We have been told by the Chancery Visitors, I think they have all told us if I remember rightly, that they are constantly receiving directions from the Masters to make this kind of visit?—Yes, certainly.

34649. Is there any reason why that system should not be continued, assuming that some change were made of the kind suggested?—I think there is all the difference in the world. Under our present system we have an abundance of visiting powers and the nature of the visits and the number of the visits is such as to leave the Visitors free to arrange, without anything like particular organisation, how they will make their visits. The number of patients is very limited, and the Visitors are perfectly free to deal with circumstances as they may arise by a lengthened visit to a man one day and just go on by whatever train may suit them to the next place they want to go to. They do not have to do as the Commissioners do with their immense mass of business, to arrange it with the greatest possible particularity, so that they would find themselves very much thrown out if they were told that they had to give up a day to make some special visit somewhere.

34650. To follow that up a little, may I ask you to draw certain wide assumptions. Supposing the Chancery Visitors *en bloc* were added to the Lunacy Commission, and supposing the Lunacy Commission were strengthened by the addition of two medical members, you would still have the same number of lunatics of both classes to deal with. Is there any reason then, assuming the Lunacy Commissioners had a freer hand as to making their own arrangements about visiting, why the Chancery Visitors or some of the Lunacy Commissioners should not make the special visits to the propertied lunatics?—I think probably not. What you describe seems to me to be amalgamation only in name; you propose that the two systems should remain, only they would be in one house.

34651. Please do not understand me as proposing anything, I was only putting a state of facts which would be conceivable?—On the assumption that you make, I think, that it would be only an amalgamation in name; I suppose you would have in one building the Chancery Visitors and the Lunacy Commissioners.

34652. Assuming it is desirable, as you certainly put forward, and as I think most people agree, that certain

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classes of lunatics should be specially visited, if necessary, there would still be the machinery under those circumstances by means of which it could be done?—If the amalgamation were of that character that you speak of.

34653. In the first part of your statement you are referring to the taxing of the lunacy costs, and you say that disadvantages economical and otherwise would arise from any change at the present moment. I am not dealing with the personality of anybody?—I ventured to put in what I did put in, because I thought there was a personal observation by another witness.

34654. We have been very anxious to keep personal questions outside the scope of the inquiry; I think I am speaking on behalf of the Commission in saying that. I should be much obliged if you could explain what are the economical disadvantages of a change of that kind. You know what the change I have in mind is, constituting a change of taxing masters, and sending the taxation of the lunacy costs to the Masters?—I quite understand. I have not the least doubt but that will be done. Supposing no other changes are made, and things are just going on as they are now, I have not the least doubt that when the present taxing officer in lunacy retires, the taxation will go over under the scheme which was settled a few years ago, and was referred to in evidence before you, to the Chancery Division.

34655. Then the disadvantage, economical and otherwise, would disappear?—No, it will cost more.

34656. Can you tell us how?—The particular officer who does this business gets £700 or £800 a year, whereas the new taxing master would get £1,500; and the taxing master would have for clerks, for the business, clerks who would cost £800 a year. whereas the present taxing officer does it with clerks at £400 a year.

34657. Are you sanguine that on the retirement of the particular officer who does his work so well, he would be succeeded by another officer on the same scale, equally competent?—No; on his retirement, although it does not offer economical advantages, I think the transfer will take place.

34658. And that it will still be desirable?—I think on the whole it would be desirable, but there are many reasons to be stated against it. Though on the whole, I think it is desirable, I think that the mixing up of the lunacy taxations and the other taxations is an undesirable thing. The Masters in Lunacy make a great deal about this, they go, I think, rather too far about it, but there is something in it, that all these proceedings, even such proceedings as taxation, are by statute, and also in the nature of things, matters that ought to be kept secret, and not to be mixed up with ordinary affairs. The other disadvantage is that any person having to deal with lunacy taxations now goes into an office where that is done, and nothing else, whereas if it is mixed up with the Chancery taxations, it will have to take its turn with all sorts of other business.

34659. I do not suppose you suggest that in the taxation of Chancery costs, where secrecy is desirable, as in the case of a lady ward of court, we will say, secrecy is not to be obtained. You do not suggest that, do you?—No. I do not pretend for a moment that the business of the taxation office is anything very public; I am not putting it too high; I think there are people who have put it too high.

34660. You would agree, would you not, that it is equally important to preserve the secrets of a young lady on taxation as it is to preserve the secrets of a person of unsound mind?—I think the circumstances connected with lunacy are more of a private nature, and more of a painful class than the ordinary business of a ward.

34661. We have all probably had some painful experiences in connection with wards?—No doubt. I do not wish to put it too high.

34662. What are the other disadvantages which you think would follow amalgamation?—Really only this, that I think it is an advantage, where you can get it, to get the different classes of business done by particular persons and not mix up all the business together

34663. Does not that rather militate against the rule that has always been kept in view to endeavour to obtain harmony in taxation throughout the whole department?—I think that that is the advantage of bringing the lunacy taxations into the general office.

34664. Then you might have, conceivably, under the present system, different principles of taxation applied to the two different departments?—I do not think you do as a matter of fact.

34665. It is conceivable it might be so?—It is conceivable it might be so. For instance, the present taxing officer was brought up under one of the very best of the Chancery Taxing Masters, and his principles are certainly not less to be commended than those of any other person.

34666. In some cases you have a double taxation of costs, have you not, in lunacy matters; for instance, they are taxed in Chancery and taxed in Lunacy?—There are some Chancery proceedings.

34667. For example, proceedings relating to vesting orders, which have to be made in both divisions?—Yes.

34668. That would be obviated by a change such as I suggest?—Yes.

34669. You say in your statement that "A limit of age such as prevails in the Civil Service should be applied throughout the Lunacy Department." I understand from that, that you mean a lunacy officer, of whatever position, should be retired at Civil Service age?—I used words that did not I think pin me to the exact age. I personally think that the Civil Service age is a little low.

34670. Sixty?—It is compulsory retirement at sixty-five, I think, for the superior officers, for persons like the heads of departments, or persons in the position of Masters in the Courts, sixty-five is young; that is my own private opinion. If I had a free hand to say at what age they were to retire I do not think I should say sixty-five for our principal officers, but that is the rule of the Civil Service.

34671. You recognise, I have no doubt, that in the case of, say, Chancery Visitors and Lunacy Commissioners, there are some special qualifications which are needed of candidates for office?—Yes.

34672. You would probably agree, I think, that those qualifications are not usually attained by anybody until he reaches mature age?—Certainly.

34673. Take the case of a Commissioner or Visitor who has been drawn from the superintendents of lunatic asylums, where his experience is of the highest possible value in his official capacity, you would not get him very young?—No.

34674. You would agree that it would be very undesirable that he should have hanging over him the certainty of being retired, in his case, after a comparatively short period of service, bearing in mind that his prospects in life are destroyed on retirement; he will never go back to his old profession?—I think that is a very good observation to make if you were making the age for retirement too early. I have already said that sixty-five for a man of that class seems to me to be early, but I do not think the age of seventy can be considered at all too early, and certainly not for the class of work that has to be done by the commissioners. There is a good deal of strain about it if it is properly done, and there is a good deal of travelling, and I think very rarely you would find a man, who is really fit to do the business of a Commissioner well, over the age of seventy.

34675. In a case of that kind you would apply the rule of imputing age for the purpose of pension?—Of course.

34676. I suppose you cannot very well suggest what you propose to impute?—I think the calculation that they make is roughly this; that a man appointed at the average age should be able, by the time he retires, to get two-thirds of his salary.

34677. Assuming him to be appointed at sixty which is conceivable in the particular class of men I am thinking of?—Then when you appoint him you say to him "You will have say ten added years, you will have to go at seventy, and if I give you this appointment you will remember that when you retire you will get a pension of one-third of the salary."

34678. That is a Treasury rule?—Yes, as to age.

34679. It may be altered by the Treasury?—By Order in Council.

34680. Yes; that may vary from time to time. That does not seem to me to give very much security to a man when he is asked to burn his ships, to take a new post?—I do not think you can put it as being quite a thing that can be just done by the Treasury. No Order in Council of that kind could possibly be passed except by general consent of the whole of the Ministers at the head of public departments; it would be a Cabinet question in the largest sense. That was the case of the Order in Council of 1900; it was, and necessarily was, communicated to the head of every department for his observations.

34681. Would you help me to clear up a little difficulty, no doubt entirely my own fault, in your statement; where you speak of a possible amalgamation of departments, you think there will be no saving of expense, and then lower down you say that the work would be well done in the Chancery Chambers and there will also be a saving of expense. It seems to me they are contradictory, in terms?—Not to my mind. In the one case I am dealing with the amalgamation of the Lunacy Commissioners and the Chancery Visitors, and I am assuming that that is done in the manner which you described a short time ago, that is to say, practically that it would be very little more than a change of locality. The other is the proposal that the business of the administration of estates should not be done by a separate department of the Masters in Lunacy, but should be done in the Chancery Chambers. It is the case, I believe, at this moment that the Chancery Chambers could take over the business from the Lunacy Office without any increase, or with a very small increase, in their number of clerks. Improvements in the last twenty years in Chancery proceedings have greatly diminished the amount of actual business in the Chambers, and although the staff has been considerably diminished there is no doubt, at least in my opinion, that just now they could take over the Lunacy business with a small addition to their staff; therefore there would be a saving in the office of the Chancery Masters. But that is on the assumption that they are having a good time just now in the Chancery Chambers, and if you are really going in strongly for the most economical saving, you could cut down, of course, the Chancery Chambers at this moment, and I do not think that the difference in saving would be very great. It is a little difficult to express perhaps.

34682. Now, may I ask for a little explanation of the last paragraph of the statement in which you say that in the Chancery system every case has to go through three separate departments?—I am speaking to one who knows the whole thing. You see all the proceedings in an action before trial in the Chancery Division go into Chambers and are dealt with by the Masters. Then the case goes in for trial, the Judge makes his Order. It then does not go to the officers who have been dealing with the case hitherto, and who know all about it, but it goes to some other people who have never heard of the thing before, the Chancery Registrars, and they have to draw the Order. They very often have to make enquiries, sometimes almost of a judicial character, before they can really thoroughly understand what the Order is they have got to draw. When that is over then comes the taxation, and it goes into the taxing office. There again it is before a gentleman who has never heard of the case before, and he has to tax the thing, having to decide such questions as whether the evidence was properly given in the case, and was material to the case, or really was wasted expense. It is a very difficult question, as you know, to judge—nothing could be more difficult. So I say it would be a great advantage if it went back to the men who had dealt with the case in the first instance, who knew all about it from the beginning, and who would know very well what evidence had been given.

34683. You mean for the purpose of taxation and drawing the Order?—Yes.

34684. In point of fact the Master does draw the Minutes of the Order, or rather he endorses the Minutes of the Order to go to the Registrar, the Registrar elaborates them and puts them in proper form?—In really difficult cases the Minutes are drawn by counsel and submitted to the Judge.

34685. Or the Master, and he adopts them and they go to the Registrar, but, in the ordinary cases, the Master who hears the case notes the Order which the Judge chooses to make, or he chooses to make, and it goes before the Registrar?—The practice in different Chambers varies about that. There are some masters who draw many of the Orders in Chambers, there are other Masters who draw very few of them and let them go over to the Registrar's office. In the Chancery Procedure Committee of 1885, which made very important improvements in the practice in Chambers, a very strong opinion was expressed that a much larger number of Orders might be drawn in Chambers or might be simply left in the form of the endorsement on the papers.

34686. There is a committee now considering the question of Registrars, is there not?—Yes.

34687. So possibly by and by there may be some reform in that respect?—Yes.

34688. In the case of the lunacy business the procedure is something like this, is it not; summons is taken out and goes before the Master?—Yes.

34689. A summons taken out in one department comes into the Master's room, and is dealt with by him?—Yes.

34690. When it has been through all those hands it will ultimately go to the officer who has charge of the taxation?—In the Lunacy Department, yes.

34691. So that really there is not a great deal of difference in the two systems as regards the number of departments through which the proceedings pass?—There is a good deal of difference. The taxing officer in the Lunacy Department is an officer of the Master in Lunacy, and the Master in Lunacy is actually himself responsible for every certificate.

34692. There is only one other matter I want to refer to, that is on the subject of inquisitions, which Lord Radnor referred to in his questions to you. It is a fact, is it not, that the history of the proceeding, if I may go back to the earliest times, was always upon office found, that is to say after inquisition; the Crown never took charge of a lunatic's estate or person until after an inquisition?—I believe you are right.

34693. That always was so?—Yes.

34694. And for this reason, that in the first place it was necessary for the Crown to know what property the man had in order that it might exercise its rights of wardship, and might also know something about the person and family in order that the family might be maintained?—Yes.

34695. Those are the sort of general rules which influenced the Crown in early days?—Yes.

34696. It is still necessary to know something about a man's property, but we have other ways of ascertaining it, and the family in the same way, but is not there a feeling that if you had not the power of going to the British jury, there is a risk of danger to the liberty of the subject; is not that the bottom of it all?—That may be the case, but it is not found necessary to have that safeguard for something like 120,000 people.

34697. I quite agree it is not, because they or their families are satisfied and do not require it?—No, I do not think it is that, I do not think it has anything to do with that, it is the power given by Act of Parliament upon the certificate of two medical men and an order of a Justice to lock anybody up; there is no question of a jury or safeguard.

34698. I am not quite sure how it is. Supposing a man is certified by two Justices, may he not still have an inquisition?—I do not think so.

34699. May not the writ issue for an inquisition?—I do not think so.

34700. (*Mr. Byrne.*) Even if there was a writ issued for an inquisition it would not in any way affect the procedure before the justices; the man's detention, if lawful beforehand, would still be lawful after?

34701. (*Mr. Chadwyck-Healey.*) Even if the jury found he was *compos mentis?*

34702. (*Mr. Byrne.*) Yes?

34703. (*Mr. Chadwyck-Healey.*) There have been cases in recent years which have been most difficult for the judge to decide, and holding an inquisition has been of great value; we have had judicial opinion to that effect. They are isolated cases I agree?—I agree with

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what you say, except about four words; you said: "of very great value;" I am not sure of that.

34704. Is it the "great" or the "very great"?—The "value."

34705. (*Dr. Dunlop.*) *Apropos* of the abolition of inquisitions; after all, the inquisition is undergoing a natural death just now, is it not?—Yes.

34706. They are fewer and fewer, every decade?—Yes.

34707. It is dying a natural death, and your suggestion is anticipating nature?—Section 116 seems to have almost killed what inquisitions there were.

34708. The expectation is that that will be more and so?—I think so.

34709. You remark in your statement that if some of the propertied classes desire this special protection, practically that of the Chancery Visitors, they should have it. Have you ever known a case desiring it?—You mean the patient himself?

34710. Or the relations?—I think so.

34711. Have you ever, in your personal experience, heard of a case really desiring it?—Yes, I have personal knowledge.

34712. Can they not get quite sufficient protection without Chancery Visitors?—I think that there are, I will not say a great number of people, but a certain number of people, who think it is an advantage to have the official inspection, and there is no reason why anybody should petition for it unless they do desire it.

34713. Some inquisitions are forced on them, and the initiative does not come from the relations in most cases, does it?—I should have thought it did.

34714. My knowledge of English law is extremely crude, but the impression one gets from the newspapers is that they are forced occasionally, such as in the Townshend case; the relations did not want it there, did they, it was forced on them?—That case, I think, was worked out under Section 116. I think that an application was made with a view of protecting his property, and that when the matter came before the judge he ordered an inquisition; that was a very exceptional case; that is not the ordinary case at all.

34715. Do you think it is the guardian of the patient, the relation, that makes the application in most of the cases?—I think so.

34716. I understand most propertied lunatics are already dealt with by reception order, and come under Section 116 afterwards?—I am afraid I am not in a a position to say whether it is the case with most of them now, or whether they are most of them under inquisition.

34717. Do you not think, as a matter of fact, the propertied lunatic would get ample protection by being inspected by the Lunacy Commision in the ordinary course of events, and as much private inspection by their own medical men, or their own expert visitor, as they want?—It is a little difficult for me to answer that. I think that an amalgamation of the departments would not be desirable unless that were provided for.

34718. A private special inspection of the moneyed classes?—Yes, I think there ought to be an opportunity for those who can afford to have it to be able to have it; I think it would be a pity to take that away; I do not see any object in taking it away.

34719. The right of the lunatic or the lunatic's guardians of insisting on, let us say, a London specialist going four times a year to see that things are going on all right, or even every week if it is wanted?—Yes.

34720. There is no occasion to keep up a public department to meet that, is there?—Yes, that is just exactly what I think there is.

34721. One further question regarding inquisition cases. What is your present opinion regarding this exceptionally heavy percentage charge which may amount to £400 a year? It certainly strikes one they do not get very much benefit for all that money?—I do not think it is ever justifiable to charge higher fees than cover the expenses. I do not think it can be looked upon in this particular case as a very great outrage; I mean the percentage is not very large, and I think myself they get a good deal for their money, but nobody for a moment can say that it is right that the fees of an officer should be higher than what covers the expenses.

34722. That is so in this case?—It is the case; there has been for many years a surplus; I do not think it can be defended; I have never thought it could.

34723. If inquisitions were abolished, what cases would be left for Chancery Visitors?—They would come in in some other way under one or other of the sub-sections of Section 116.

34724. Nobody under Section 116, barring the inquisition lunatics which are under Sub-section (*a*), if I remember rightly, are visited by Chancery Visitors at present?—Nobody except under Sub-section (*a*), no.

34725. Sub-section (*d*) is the active one, and lunatics under that, and under the sub-section which applies to those under reception orders are not visited by Chancery Visitors?—I think Visitors are sent by request for some of the Sub-section (*d*) cases.

34726. The evidence we have got before us is that it is not done?—Perhaps I am wrong.

34727. You would not propose to extend that?—No, I do not think so.

34728. It is not part of your recommendation?—No.

34729. I gather from the tone of your statement, and the general principles of it, that you would bring the control of the person of a lunatic practically entirely under the Lunacy Commission?—Yes.

34730. And the control of the property under the Court, and the control of the administration, the economy of the institutions, under the Local Government Board?—Yes, I think so; that seems to me the sort of system that ought to exist.

34731. It is, one might say, a new scheme; I think it is new to the Commission to have it put that way, and it is a most interesting statement. Is there any fear of clashing between these three departments? For instance, the Lunacy Commissioners make rules, and say they require certain things done. Assuming the Local Government Board say it cannot be afforded, what is to happen?—I would not give the Lunacy Commissioners power to make such rules. I would not give the Lunacy Commissioners power to make any rules that would bind any local authority.

34732. The Lunacy Commissioners, for instance, should insist that a dormitory should contain so much air space?—I would not give them that power.

34733. Not even in a hospital ward of an asylum?—No. I think the control of that matter ought to be with the Local Government Board, and that they should have the opportunity of consulting the Lunacy Commissioners to any extent they thought proper as to what they thought was a good thing for the lunatics, and the Commissioners' advice upon that subject would, no doubt, be of great importance and authority, but I would not give the Lunacy Commissioners the power to order those things.

34734. Take another case. There are lunatics in workhouses. If the Lunacy Commissioners insist, which they would probably very rightly do, that the lunatics should be kept separate from other inmates, and require a certain class of accommodation, and the Local Government Board says they are not to get that accommodation, what is to happen?—In my opinion the Local Government Board is the proper authority.

34735. Are the Lunacy Commissioners to go round and see the lunatics improperly treated?—They report that to the Local Government Board.

34736. If the Local Government Board do nothing, what then?—Then nothing would be done.

34737. It is greatly diminishing the power of the Commissioners, is it not?—Diminishing their power in one sense, but I think not in another. I think that their authority would remain the same for all real purposes, that is to say, the Local Government Board would have the advantage of their opinion, and their opinion would be known through their reports which they make to the Lord Chancellor, and which are laid before Parliament. It is really a report to Parliament though it is called a report to the Lord Chancellor. They report in the freest way now as to what they think is required in any asylum,

and if the Local Government Board acted in a manner contrary to the publicly expressed opinion of the Commissioners, I suppose that Parliament would take notice of it.

34738. Your notion is to trust Parliament to see that the Lunacy Commissioners' legitimate recommendations are carried out?—I do not put it so high as that. I say Parliament would know about it, and they would express their opinion which was right, the Lunacy Commissioners or the Local Government Board, but I think the authority to order something or prevent something ought to be with the Local Government Board, not with the Commissioners.

34739. (*Mr. Hobhouse.*) Are you aware whether there is any vote in the Estimates for the Lunacy Commission?—Yes, there is.

34740. Therefore there is an opportunity of discussing these matters on the Estimates?—Yes.

34741. Have you ever known those Estimates discussed—that particular Estimate for the Lunacy Commission. I speak to you as a member of Parliament; I want to know whether you have ever known any case when these Lunacy Estimates have been discussed.

34742. (*Dr. Dunlop.*) There was Sir John Batty Tuke's discussion.

34743. (*Mr. Hobhouse.*) With one single exception, initiated by Sir John Batty Tuke, have you ever known the salaries of the Lunacy Commissioners discussed in the House of Commons?—There was the case that you speak of when Sir John Batty Tuke made an important speech on the subject. My impression was that that was not on the Estimates, I thought that he brought it forward in some other way.

34744. I am quite in agreement with your recollection.—My recollection with regard to that subject is that for a good many years past, at any rate, the vote for the Lunacy Commission has not come on before the number of allotted days for the discussion of the Estimates had passed away. The same has happened, I do not say I am at all glad of it though it has saved me a great deal of trouble, with the Judicature Estimates, I think, ever since 1888.

34745. Then if as a matter of practice the proceedings of the Lunacy Commission are not in fact discussed in the House of Commons, the safeguard which I think is suggested by you to Dr. Dunlop is no real safeguard?—I think it is quite open to anybody to make that remark.

34746. (*Mr. Greene.*) I find at Question 28783 this question was put to Sir John Batty Tuke: "That speech was made upon the estimates, moving a reduction of the Vote for the salaries and expenses of the officers in lunacy in England? (*A*) Yes." ?—Then I am wrong if that is so; it was on the Estimates, I thought it was not.

34747. (*Dr. Dunlop.*) At all events you see possible difficulties in making a division between the Commission and the Local Government Board—contradiction possibly coming in?—I think there is bound to be a difficulty if you give the Lunacy Commission authority; that is a difficulty that I believe arises just now with reference to plans for buildings, because at present there are three authorities who all say different things with the greatest freedom.

34748. I would rather you leave that alone and think of it merely from the point of view of the requisites for the treatment of the lunatic. If the Commission says one thing they are the authoritative body as to what is the proper treatment and what is not. That is your scheme, is it not?—No, I would not give the Lunacy Commissioners anything that could be described as executive authority.

34749. Make them a purely inspectorial body?—Yes.

34750. To report to the Local Government Board, which would become the administrative body?—Yes.

34751. (*Chairman.*) And an advisory body, of course?—Yes, the authority on the treatment of lunatics. It is unfortunate I should have used the word "authority"; I do not mean the authority in the sense of giving orders, but the authority in the sense of the persons whose opinion is respected and looked for.

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34752. (*Dr. Dunlop.*) The advisory authority?—The advisory authority.

34753. Under your scheme would the drawing up of rules for asylum management be done by the Lunacy Commissioners or by the Local Government Board?—I think you are carrying me a little further into details than I should be wise to go just now. I have not sufficiently thought about it.

34754. I would rather keep clear of detail. The principal duty of inspection is to see that the rules which have been carefully considered beforehand are being carried out?—Yes.

34755. For such a scheme and for such an inspection who is to draw up the rules, the expert Commission or the administrative Local Government Board?—I think I should be inclined to still say the Local Government Board, taking the best advice that they can from the Lunacy Commissioners on the subject.

34756. Now come to another possble complication in this division. The Local Government Board are not concerned with all lunatics, with the housing and treatment of all lunatics; there is the propertied class in the private asylums and insane hospitals?—Yes.

34757. Is the Lunacy Commission to be the administrative authority, the regulating authority over private asylums and hospitals?—No, I should have said not.

34758. Under whose control should they be?—Whoever the authority are that provide them now.

34759. The authority is a private medical man in many cases?—Yes, it is; that is going out, of course. I think there are no new ones. Under the Lunacy Act of 1890 I think that no new places since then can be opened by any private medical man.

34760. Some old ones are exceedingly valuable properties, and they are sold and trafficked in; there is a corner in the private asylum work, and they will go on because there is a large vested interest in them, and it is increasing. Who is to draw up rules for the conduct of those places under your scheme?—I am not prepared to say.

34761. That would be another difficulty in this division, would it not?—Yes, it would be a difficulty, and there are plenty of difficulties in every direction.

34762. On general principles do you think it would be a right duty to put on the Lunacy Commissioners to inspect every lunatic who is being treated and dealt with in the country?—That surely would be the general principle, yes.

34763. You are aware that it is not being done at present?—Is it not?

34764. There is a list of quarterly lunatics, 5,000 or 6,000 in England, who are certified under a particular form not inspected by any particular authority?—They ought to be.

34765. Regarding the constitution of the Lunacy Commission, if you take away all controlling power from them, make them into an inspectorial and advisory body, why do you limit the power of the medical men on it; why do you say there should be a lay chairman?—Because I think there are many points on which a layman's opinion, from the mere fact that he is a layman, is of great advantage.

34766. I am in sympathy with your views, but I want to question you on them. If it is only inspectorial, and expressing expert opinion with regard to the treatment of lunacy, surely medical men are capable of doing that?—I think they are, in a most valuable way.

34767. Why do you want to introduce the lay element?—Because I think any point relating to the treatment of a lunatic is one upon which lay opinion is of value for practical purposes.

34768. Would you not say the same about the treatment of scarlet fever?—It would perhaps sound ridiculous to you, but I would indeed; I would say that about the treatment of scarlet fever. I think there is very often a great deal of practical advice given on subjects of that sort, generally by ladies, which is of very great importance.

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34769. Would you approve of putting ladies on the Commission, then?—It had not occurred to me before, but it sounds to me as if it would be a very good thing.

34770. In the place of medical men or lawyers?—No, I do not say that; I never said anything of the sort.

34771. You advise that a legal qualification is not essential for the non-medical Commissioners?—No, I think not; I think a legal element is generally of some advantage in any body.

34772. We have had a strong opinion expressed that there is a necessity for legal advice?—I do not think anyone can doubt it is of importance. I cannot imagine anyone thinking it is not; but then I am a lawyer.

34773. We have had strong evidence that it is of great importance, especially at the head office?—I think so.

34774. As regards inspecting work have you any opinion?—Not when you say "inspecting," at least I do not feel it so strongly.

34775. Are you aware of the fact that there are at least four controlling authorities in lunacy at the present moment, controlling different parts?—I have not summed up the number, but I should not be at all surprised to hear that there are at least four.

34776. The Visitors Department, the Local Government Board, the Lunacy Commissioners, and the Education Department?—Yes.

34777. And do you consider that a satisfactory state of affairs?—It certainly is not, theoretically, satisfactory, and probably not practically.

34778. Your opinion is that the whole thing should be brought as closely into line as possible?—That certainly would be my feeling.

34779. (*Dr. Loch.*) With regard to the suggestions you make, do you not make them entirely on the understanding that the work of the Lunacy Commissioners should be limited much as it is at present, and that no class of case such as we might call feeble-minded should come within their purview?—I have not been on this Commission, although I have looked at some of the evidence, and I am not at all in a position to express anything approaching an opinion upon that subject. Such suggestions as I have made are on the assumption that no alteration is being made.

34780. That is what I wanted?—But of course those suggestions lose all their value entirely if some very great change is going to be made. That is the great difficulty that the Lord Chancellor was in when the Commissioners said: "We want some additional strength." He said, "If I appoint a legal member and a medical member and then the Commission that is sitting at this moment proposes something on so large a scale that it would really not be practical to have two such expensive persons inspecting everybody who came within the purview of the new Commission, I should simply have created new vested interests; appointed two people who were not wanted." That was the difficulty that we were in.

34781. Therefore we must take that hypothesis right through?—Yes.

34782. Do I understand rightly your suggestion that the Local Government Board would practically, in all matters of administration, be the ultimate authority, the authority of all contracts as to the keeping of lunatics and so on?—I should have thought so.

34783. With regard to the county councils and others, that there too they should intervene to guide the contracts as to the housing and maintenance and care of lunatics?—I should have thought so, but that is a question of what the principles of local government are. I do not think that the fact that the subject is lunacy makes a difference in that respect, but you would have the Commissioners in Lunacy there to inform both the Local Government Board, and also the different local authorities, as to what their opinion was, as to what was desirable for the lunatics.

34784. The Lunacy Commissioners would really become a group of inspectors?—Inspectors, and eventually advisers.

34785. Their status would really be greatly altered?—Altered, I think, in this respect, that they would be deprived of certain authority—not deprived of some of their authority such as they have just now—within a certain number of days they have to visit every lunatic after he has been put in under order and certificates, and they have power to discharge. That kind of authority, which has nothing to do with legal administration, I should not touch. It is only where you come in contact with local government that I do not think you should put the Lunacy Commissioners in a position of authority. I would not interfere with local government.

34786. (*Dr. Donkin.*) I should like to ask you with regard to the paragraph of your evidence where you express your opinion against amalgamation and say that there would be no saving of expense. I should like to know whether you think that the actually necessary part of the visiting of the Lord Chancellor's lunatics is enough to occupy the time of three such highly paid officials as they are?—At present I think that they have a good time; nobody can say that they are hardly worked. Whether you could reduce their number from three to two I do not feel quite sure, that of course is a very large reduction, 33⅓ per cent.; but that they have an easy office now, I do not think there can be any doubt.

34787. There would be in your opinion out of the 600 and odd Chancery patients a good many who would not particularly desire personally the visits of the Lord Chancellor's Visitors, and also a good many the detail of whose estates probably did not require frequent attention?—That is so.

34788. So that it would be possible, even supposing there were no addition to the aggregate number of Commissioners and Visitors to do with, say, one less?—I do not like to express a very strong opinion about that. I have some doubt whether we could get on with two; I think perhaps it might be too much for two, but I have not gone into that.

34789. (*Chairman.*) I think Sir James Crichton Browne said he thought probably two would be sufficient to do the work, but the others disagreed.

34790. (*Mr. Greene.*) You point out that the Lord Chancellor represents the paternal idea of the King. I do not think you intend in any suggestion of yours to affect or diminish in any way the jurisdiction of the Lord Chancellor in that respect?—No, I meant rather the opposite.

34791. The Lord Chancellor has had the control, I think, ever since the reign of Edward II.?—I think so.

34792. When I say the Lord Chancellor, I mean the person entrusted by His Majesty with—I think the special words are—"the care and commitment of persons who are of unsound mind."?—Yes.

34793. That is a special warrant given to either the Lord Chancellor or somebody else, and it has been so for centuries?—Yes.

34794. You would not in any way relieve him of the duty of looking after such persons as are of unsound mind?—Well, it strikes me as a valuable thing that a person in the very highest possible position is concerned with this matter, and that resort can be had to him, as in fact there is a very great quantity of that business.

34795. You point out that the Lord Chancellor is communicated with every day by persons in their own interest?—Yes.

34796. Whether they are under the control of the Commissioners or not?—Yes.

34797. You say:—"There seems to have been, about eighty years ago, an interval when these powers were exercised by the Secretary of State." I do not think you mean all the powers of the Lord Chancellor?—No.

34798. I presume you were referring to 9 Geo. IV., c. 41, in which power was given to the Home Secretary to appoint Metropolitan Commissioners?—That is what I was referring to.

34799. It was only the power which Parliament took back again, or restored, in 1832?—Yes.

34800. It was only the power of appointing Commissioners?—It might have been that. I know something of that sort did happen.

34801. As regards the Masters in Lunacy they are appointed by the Lord Chancellor during good behaviour, I think ?—It is so, I am sorry to say.

34802. There is no power to appoint a deputy, is there?—No.

34803. So that if one Master falls ill, or both of them the office comes to a stop ?—It is so; we are suffering that way at this moment; we are at a deadlock; we do not know what to do.

34804. Unless you get immediate statutory provision there might be a complete stoppage of all lunacy matters ?—It is so; it is almost so at this moment.

34805. With reference to the Lunacy Commissioners, the Lord Chancellor has power to sanction the appointment of, though not to appoint, a deputy Commissioner ?—Yes, certainly.

34806. So that if the Masters were amalgamated or transferred to the Commission, the power to appoint a deputy, or temporarily to fill a vacancy if necessary, could be exercised ?—Probably. There can be no doubt that in a new constitution created under Section 337 such a provision as that would not be lost sight of.

34807. Section 337 was the result of many recommendations of Committees and Commissions I think ?—Well, I think it was the result of the recommendation of the minority in 1882.

34808. But it had previously been recommended, I think, by a Royal Commission ?—I did not know that, or I have forgotten it was so.

34809. I think now you have referred to the minority Report in 1882 we might as well have that on the notes. I think I am right in saying that it was expressed in these words:—"If in 1845 the Chancery Visitors had not already been in existence, it can hardly be supposed that they would have been created side by side with the new Commission. That the Chancery Visitors were continued at that time is probably due to the fact that the establishments of the Court of Chancery were paid out of the Fee Fund, and did not appear in the Votes before 1870–71, The existence of duplicate establishments for duties which a single establishment might perform is an evil *per se*, and the employment of the Lunacy Commission for Chancery visitation would be a simplification of the present system which it would be desirable to introduce on the first convenient occasion" ?—Yes.

34810. Then came the Act of 1890, in which this clause appeared, and that I think gives power, not only to amalgamate the Chancery Visitors and the Lunacy Commissioners, but either the Chancery Visitors and Masters and the Commissioners or all ?—Yes, everything, I think.

34811. Has any attempt been made to carry out that provision of Section 337 ?—No, none. The Committee of 1882, if I may say so, was a good Committee, and the majority were in favour of that, but the minority had sufficient influence to get that clause put into the Act but the majority of the Committee remained of authority; you could not calmly overrule them, at any rate, and I think in that way the matter got postponed. Then I have no doubt for a great many years nobody has thought of doing it.

34812. Would there be any practical difficulty in working out the details of an amalgamation between either one or two or all of those three authorities ?—No doubt there would be a certain amount of difficulty. When I say, as I do there, that I think it is practicable, I think reasonable people taking a reasonable amount of pains could bring about a perfectly workable system.

34813. It would not take long to do, and there would be but few vested interests to be dealt with ?—That is the great difficulty, about interests.

34814. In the early future an amalgamation could be easily accomplished ?—As far as that is concerned. You could rely upon it if the Lord Chancellor had to make appointments to keep things going he would do it on terms which would make amalgamation easy.

34815. So that in the event of places having to be filled up for carrying on the lunacy work they would only be of a temporary nature ?—I think so, so far as you could. You have already pointed out that a great difficulty would arise at this moment if there was a vacancy in the office of Master in Lunacy. You could do nothing except appoint another Master.

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34816. During good behaviour also ?—I think so.

34817. That is a great difficulty ?—It is a great difficulty because it is not certain, in making appointments of that sort where the conditions are prescribed by statute, that it is right to make a private bargain, to write a letter and say: "Mind you, we can abolish you if we like."

34818. In point of fact unless a person chose to stand by such an arrangement he could defy you ?—And you could be cornered before you made the appointment.

34819. In addition to that I have already pointed out that he is to be continued during good behaviour and there is no power to appoint a deputy. Is there any power to control the exercise of his functions by rules or regulations, any immediate control that the Lord Chancellor may have over the Master in Lunacy?—To a very limited extent. Powers were taken in the Lunacy Act of 1891 to assign by rules in lunacy to the Master the jurisdiction of the Judge, but it is to a Master in Lunacy. You cannot give it to, say, some other man, however good, in the office.

34820. Does the Lord Chancellor come in communication at all with the Masters, direct communication ?—Continually, yes.

34821. Having regard to the present position and difficulties of the office, have you any suggestion to make for its continuance. Do you suggest that the office should be continued on its present footing ?—I do feel that so very much depends on what this Commission is going to report.

34822. I accept the suggestion you make that all your evidence must be looked at without regarding any additional duties which might be imposed in connection with the feeble-minded. Looking at the present, dealing only with persons of unsound mind, do you suggest it is desirable to continue the office of Master ?—I think on the whole I am in favour of an amalgamation with the Chancery Division for the purposes of administration.

34823. Hardly amalgamation, would it be; it would be taking away from the Lunacy Masters the property administration business, and that would leave the Masters in Lunacy with their lunacy work proper ?—Well, it would leave them with practically nothing except the holding of a few inquisitions.

34824. And the inquiring into the state of mind of persons who were certified under Section 116 ?—Section 116 does not do much except bring the property under it.

34825. But they have to enquire whether it is a fit case for the property to come under it ?—Yes.

34826. So it would be limiting them to what I may call the mental state of patients, whether you pursue it by inquisition, or whether you discard inquisition and put them under Section 116. It would be simply the lunacy business that would be reserved to the Masters ?—Yes.

34827. In that case you would be disposed, as Lord Justice Cozens-Hardy, Mr. Justice Kekewich and the Masters have suggested, that being a property matter, to let that be dealt with by the Court of Chancery ?—Yes. I do not look upon it as a very important or very desirable thing, but I should be in favour of it, and it is undoubtedly practicable.

34828. Will you allow me to remind you of some of the advantages. You would not be in the difficulty of a deadlock, because one Master can discharge another's duties in Chancery ?—I assure you the difficulties are very considerable in that way also in Chancery.

34829. But they must be less, I think ?—They are less.

34830. Then again there is continuity throughout the year. We have been told the Lunacy office is closed during the vacations; in Chancery it is not so ?—You know what vacation business is; there is a very narrow definition of vacation business.

34831. But even that does not apply in lunacy ?—No.

34832. So that the administration of the estates of lunatics is suspended during a portion of the year. But I should cure that in quite a different way.

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34833. Kindly tell us how ?—I should tell the Lunacy Masters that they must carry on their business throughout the year.

34834. Would that be within the powers of the Lord Chancellor ?—Not as matters now stand; I do not think so; I will not say that.

34835. Chancery could do it; that will be sufficient for my purposes. Of course it does not matter whether the owner of property is a lunatic or whether he is not a lunatic so far as the absolute administration of it goes ?—No.

34836. If that were done there would be so little for the Masters to do as regards lunacy matters that they would have time to visit, which they have power to do under the Act of 1890, or they would have power to visit if they were attached to the work as Commissioners ?—Yes, I think so.

34837. Then it would come to this, that the Commissioners would be extended by the absorption of the lunacy work of the Masters, giving the latter the opportunity of being treated as legal Visitors, and giving their general assistance to the other Commissioners ?—Well, it seems to me that if you are making an amalgamation at all, you had better "go the whole hog," so to speak. I should just have Commissioners in Lunacy, as many as are required to do the work.

34838. You have gone so far as to say the administration work can go over to Chancery; you would not amalgamate the offices as they stand now ?—No.

34839. You would first sever the administration of property work and then amalgamate ?—Yes.

34840. You have mentioned that the taking of inquisitions should be abolished ?—I have.

34841. Do you mean in every case ?—Yes, I think so. There may be reserved some legal power, I think there probably is some in some manner, of getting to a jury on the subject, but I am not sure it is not in the form of bringing an action for wrongful detention.

34842. That would only result in damages, would it not ?—Yes, certainly.

34843. I wanted to see whether there was any plan in your mind for dealing with cases where lunacy is in dispute, where, for instance, the lunatic is not content to submit his case to a couple of doctors. Should he be detained and lose control of his property and person without the sanction of a jury ?—That goes to the root, does it not, of the whole of the Lunacy Acts ? It has been thought fit to say that upon proper certificates and upon a proper order of a Justice you may lock a man up.

34844. Until he presents a petition to have his sanity inquired into. That comes to the Lord Chancellor or to the Lunacy Judge, so he could then have an inquisition ordered by the Judge in Lunacy, and he can have it tried by a jury ?—He might.

34845. I was going to suggest whether what was really passing through your mind might be this. The inquisition might be dealt with in the case of a jury, being a very rare event, as a matter in the High Court of Justice ?—Yes.

34846. And that a Judge of the High Court alone should deal with a jury case ?—Yes.

34847. The enormous preponderance are non-jury cases, where the Master in Lunacy—as you say, it is almost a farce—merely hears the evidence in private and the lunatic shows no response whatever. He then makes his order ?—Yes.

34848. Scandals, I think, have arisen mainly from want of control of a High Court Judge in some cases ?—Yes, I think on the whole you may say that.

34849. Taking it as a general rule jury cases might be left so that the subject should not be denied the right of access to a jury, but in the bulk of the cases it is not necessary ?—Yes, that is so.

34850. I was taking your view of it. I was wanting to simplify the process very much, and I put it to Lord Justice Cozens-Hardy; he is very much in favour of continuing the distinction between "found" and "not so found" ?—Yes, I think I remember that he said something of that sort, but I did not feel that I agreed with him.

34851. He put it on a very exceptional ground. He was asked: "Do you see any possibility or desirability in abolishing, or any objection to abolishing, the distinction between lunatics 'so found' and lunatics 'not so found.'" He said: "I think there are some objections. The finding on inquisition alters a man's *status*; it is a thing which is recognised in other countries, and has much wider effects than a mere order under Section 116. For instance, when a man is found lunatic by inquisition, no deed he executes during a lucid interval is valid." He might also have pointed out that a person after inquisition could not marry and could not exercise patronage and other functions ?—There are distinctions; I do not see any difficulty in keeping them up in spite of the authority of the Lord Justice. *See* Q. 34856.

34852. You would make the order for detention which is now given, the reception order, sufficient ?—I think so.

34853. Would that divest the person certified of trusts and so on; would that be sufficient to get him out of any trusts he was holding ?—I think not.

34854. What would be the step for that. Assuming people hold trusts and immediately they become of unsound mind they have to vacate the trust, what would you do in such a case, if certification by a doctor and a reception order was all that was required ?—You would make an application to the Court for the appointment of a trustee in a case of that sort, and the Court would make the order.

34855. And on his recovery (it might only be temporary) he would find himself displaced, and perhaps considerable expense incurred ?—Yes, that might be.

34856. (*Mr. Greene.*) I was going to turn to another point, which is about the Chancery Visitors. The minority report of the Committee of 1882 said this: "Chancery lunatics should not, however, obtain without paying, any benefits beyond such as are assured to other lunatics. But, admitting this much, it does not follow that a separate visiting department ought to be maintained for them, nor that the object could not perfectly well be answered by special instructions from the Court of Chancery to the Lunacy Commissioners, for the execution of which special fees might be charged." So that if the amalgamation under Section 337 took place the special visitation could still be continued by one or other of the Commissioners, who also would have got his authority from the Lord Chancellor by being appointed by him ?—Quite so, but it appears to me that the difficulty would be greater at the Lunacy Commission unless you simply attached one of the Visitors in their present position. I mean that anything like special visitation, special time given to particular patients, would throw a great office like that of the Commissioners in Lunacy out of gear.

34857. But that could be arranged by an arrangement *inter se*, could it not ?—They would have to make such an arrangement; I think that instead of being easy, as the arrangements now are, it would be difficult.

34858. But still that might be left to gentlemen of position, as they are, to adjust among themselves ?—It would have to be.

34859. Aided, if necessary, by the control of the Chancellor ?—Yes.

34860. Now I want to turn to another point, that is with regard to the appointment of the Lunacy Commissioners. Since 1898, as far as I can make out, the unpaid Commissioners, numbering five, have not been fully filled up ?—No, they have not.

34861. Is there any reason, if I am not asking State secrets, why they have not been filled up ?—No, I do not think there can be said to be any reason.

34862. We have had two statements with reference to it by two witnesses; possibly you would let me call attention to them. At Question 25156 it was pointed out to Mr. Trevor that they had not been filled up and he said: "I think the opinions of the Commissioners rather vary on the matter. I am informed that application has been made to the permanent Secretary of the Lord Chancellor with a view to filling them up. Whether there was difficulty experienced or not I do not know, but they have not been filled up," and Mr. Urmson at Question 26701 says he has frequently spoken to you upon the subject of it ?—We have discussed the subject more than once.

34863. He says: "I have been asked by the Board to see the Lord Chancellor's Secretary to see whether the Lord Chancellor could suggest anybody. Names have been put forward, but the gentlemen have declined; it is very difficult. The last three or four years I have been to the Lord Chancellor's office several times to see the Secretary about it." Is there any practical difficulty?—I agree exactly with what Mr. Urmson says; what he says is exactly the state of affairs. You can imagine what they were reduced to because I had the offer to come myself.

34864. If it were made known that people's services could be accepted there would be very little difficulty in getting anybody; we have been told there are plenty of people such as now go on county councils, and others who would be willing to serve?—It may be so, but we have never found that it was easy to suggest anybody. It may have only been that the right man did not occur.

34865. I may take it that there is no objection, in principle, to filling it up?—None that I know of.

34866. Would you rather advocate it or not?—I do not fancy, as a matter of fact, they have ever been found of much use.

34867. Lord Shaftesbury?—Yes, but Lord Shaftesburys do not grow on every bush.

34868. I want to get at your view as to what should be the component elements of a Commission?—It never occurred to me to have unpaid Commissioners.

34869. You would draw the distinction between medical and those who are, or who have been, practising lawyers, and those who are of no occupation, or business occution?—I should divide them into medical and lay, myself.

34870. Lay would include lawyer?—Yes. I do not think a man is any the worse, if he is a layman, for being a lawyer, for that sort of thing.

34871. But would you have any unpaid ones?—It would never occur to me to have any unpaid ones. I have no objection to unpaid ones, but I do not think they are of much practical use.

34872. Would you increase the total number. The total number is now eleven, there are in fact only eight. —I do not count the unpaid at all.

34873. Have you formed any opinion as to what number you would suggest a Commission should consist of?—Supposing no alterations are made, except the slight ones that I have suggested for relaxing the rigidity of the rule laid down by the Statute as to visiting in couples and as to their quorum, subject to that, as I have said, I think they make out a sufficient case to justify the appointment of two extra Commissioners.

34874. Two extra medical Commissioners?—On the whole I think they might both be medical.

34875. What should be the total number?—That would make eight.

34876. What about the Masters and the Visitors?—That is supposing they were amalgamated.

34877. If the Lunacy Commission were to be recast, how many would you make on the Commission?—I have not thought that out sufficiently. It looks to me as if it ought to be from ten to twelve. I should think not less than ten, and it might be twelve. I think ten ought to do it, myself, but I am a little disposed to take a minimum view in these cases, I know.

34878. Is there any reason why the absolute number should be fixed by statute; would it not be possible, or advisable, to give much greater power to the Lord Chancellor to vary the number from time to time?—With the concurrence of the Treasury.

34879. Should not a great deal more be left to the Lord Chancellor, instead of fixing it by statute?—I think undoubtedly. That is going to a thing I have expressed here (I am quite aware it is very badly expressed) upon the subject with reference to the quorum and those things. There is a great change about Parliament on these things. The details of administration used in old days to be comprised in the Acts of Parliament; you said in an Act of Parliament there were to be six Commissioners of Lunacy, and a quorum of three; but in those days, if it were found convenient to have a quorum of two, you ran a Bill through both Houses of Parliament in three weeks, and you had your quorum, but now you take ten years and you are very lucky if you have got anything through then.

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34880. Nowadays, we have to meet that by a system of orders in Privy Council or rules by the Lord Chancellor?—Yes, you remove things from Parliament, which I do not think desirable, but it is absolutely necessary for business.

34881. Such details as I am suggesting to you might be left to the Lord Chancellor, whether there should be nine, ten, or eleven Commissioners, the exact proportion between medical and legal, if there are to be legal, and matters about their visitation and so on; many details in the Lunacy Act might be left to rules made by the Lord Chancellor?—I think it was pointed out by the Chairman that Section 337 does give power after amalgamation; it does not give power now, but if there were amalgamation, it gives power to say what the numbers are to be; I think I am right in saying the effect of it would be to give power to do it from time to time.

34882. Could you form any opinion as to how long it would take to amalgamate the Masters, the Visitors and the existing Commissioners, so as to make an immediate step which could be taken by the Lord Chancellor in anticipation of any recommendation of this Commission; could matters be done in a month or six weeks at any time?—No, certainly not.

34883. It would not require a statute?—No, I think Section 337 would do all that.

34884. Supposing you got into a dead lock in respect of the Masters, could something like amalgamation be made so as to get over that difficulty?—I do not think so.

34885. So as to provide that the duties which are allotted to the Masters should be performed by some legal Member of the Lunacy Commission?—I do not think you could do it, it would take a very substantial time.

34886. It would be by rules made by the Lord Chancellor?—I think so.

34887. Have you known any instances where there has been a collision of authority between the Masters in Chancery and the Commissioners in Lunacy?—There have been one or two cases; I am afraid I cannot give you the names at this moment, it did not amount to anything in the least serious.

34888. No, I am not suggesting that. I am suggesting, sometimes, for instance, the Lunacy Commissioners might give an authority to an individual to inspect a person who was a Chancery patient, and that might be resented by the Chancery Master as an interference?—I think there have been cases where the Commissioners have thought that a patient was fit for discharge; he has been under inquisition, "so found" by inquisition; there you get absolute collision. There have been cases where our Visitors have recommended that a man should apply for a supersedeas, that is to say, they have thought he was fit to be released from the Chancery supervision, but the Commissioners have taken a different view, and it has happened that he has also been under order and certificates and that if he got rid of his inquisition he is still there under the order and certificates.

34889. Amalgamation would get over that?—I should like to quote as an instance of dealing with these practical matters nowadays by Act of Parliament, that we drafted a clause, I am sure it must be ten years ago, in one of the Lunacy Bills that has been introduced year after year and passed by the House of Lords, simply getting rid of that little difficulty. An absurd case arose where that took place, so a clause was drawn, and of course ought to have passed through at once. It takes ten years to do, and there is the whole thing standing. You will no doubt recommend that that shall be continued; how many years would it be before that is done?

34890. (*Dr. Loch.*) There is no power of making orders on lines like the Local Government Board, who do so much by orders, that does not pass into legislation strictly. —The Local Government Board is acting under the Act of 1888, since these horrors grew up. They have put in great powers for doing these things, removing them from Parliament.

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34891. I was only thinking what Mr. Greene was suggesting that a power of alteration and modification might be lodged in some authority similar to the power which the Local Government Board have under the Poor Law?—Yes.

34892. It is a broader method of doing the same thing?—Yes.

34893. (*Mr. Greene.*) I was suggesting enormous powers should be given to the Chancellor to direct the *modus operandi* of the Commissioners?—Yes, or whoever is the authority.

34894. Instead of being by statute it should be reposed in him as being the highest, and, to my mind, the most suitable official?—That is the only way of working things nowadays. I do not think myself it is the best way, but it is the only way.

34895. With reference to the Home Office, do you see any use in allotting any functions with reference to non-criminal lunatics to the Home Office?—Personally I do not. We have at least two authorities; I do not see the advantage of having a third.

34896. But the Home Office must always be permitted to have authorised access to persons who are lunatics for the purpose of public justice to see that accused persons are not concealed in asylums under pretence of lunacy and to see that officials do their duty?—They know what they require in that way; they ought to have everything they require.

34897. Without being responsible for the control of the lunatics or the administration of the system under which the lunatic is detained?—That is my view.

34898. To give them an obligation to look after the estimates is rather outside their function?—That is my opinion now we have got the Local Government Board. That was all right when the Lunacy Act was passed in 1853, and the different dates of the Lunacy Acts, and when the Commission was constituted; I think the Home Office was the proper place then, but now that we have got the Local Government Board it does not seem to me to be the proper place, and that we have really got three wheels.

34899. Supposing the Chancery Division took charge of the property administration of lunatics, is there any reason why the county court should not, in small cases, deal with the property of lunatics within their jurisdiction?—No; I should rather like to see that. I think if the administration of the estates goes into Chancery that in the Counties Palatine of Lancaster and Durham it ought to be done in those courts, and probably some use could be made of some of the principal district registries.

34900. You have pointed out that there is a percentage charge which is borne by the estates of the Chancery patients; you said this should not amount to more than the expense of doing the necessary work for them. At present we are told there is £9,000 a year profit?—There certainly has been a considerable surplus for some time.

34901. Is there any reason why patients who have got only small estates should have the advantage of this visitation without paying for it at all, because the percentage does not touch a large number of estates?—That is rather a large question I think. It crops up pretty often with regard to things where larger estates pay for the smaller; where the richer people pay for the poorer.

34902. A pauper only becomes a Chancery patient if he is very poor for some special reason affecting the property. He would naturally, with that small property, if it had not been that he was accidentally the subject of an inquisition, have been an ordinary patient under the control entirely of the Lunacy Commissioners, and he would have had no special visits during the remainder of his life, and he would not have required to share the benefits of this separate establishment?—No.

34903. Is there any reason for continuing that; if your view were carried out that an inquisition is not necessary it would cut it away at once?—It would, it is quite true. I am not quite sure, but I think most of those cases have arisen in this way: the Commissioners come across some person of quite small means who turns out to have got, or they hear somehow that he has got, some small amount of property, and that is it not being properly looked after. It is very often a very small amount. They report this to the Lord Chancellor; then the Lord Chancellor sends it on to the Masters in Lunacy and they hold an inquisition on this person, although the amount of the property is very small indeed, simply for the sake of preserving it. Somebody is supposed to be trying to get hold of it, generally. Then that small amount of property, in spite of its being protected, is expended. It is very likely something too small to produce an income, therefore the capital of it is used, and the patient becomes a pauper, but is nevertheless among the propertied class.

34904. We have had a return (*vide Appendix Papers, p. 430 post*) from the Masters' Office of the number of cases in which the income does not exceed £20 a year. There seems to be 630 of them. They are all provided for for nothing?—Those figures surely are not right, are they?

34905. Estates of which the income does not exceed £20 a year; lunatics so found, eleven; under Section 116, (1) (*b*) eighteen; under Sub-section (*c*) 142; persons under Sub-section (*d*) twenty; and lunatics 433; lunatics under Sub-section (*f*) six; estates of which the income is £20 a year and upwards, but less than £100 a year, 1,379?—But not all under inquisition.

34906. No, administered by the Masters in Chancery?—I think that under Section 116 somebody or other might come under Section 116 although the unfortunate person had only 2½d., as far as the principle is concerned; that is how it arises; some of these cases, I dare say, are abused.

34907. They are dealing with cases of which the income is £20 a year and upwards and less than £100 a year, and I do not think they pay anything?—I forget; I am ashamed to forget, but I do.

34908. If anything is done I presume this percentage charge might be reconsidered beneficially?—Yes, I think so. I do not know what the Treasury would say. It is a very difficult question, reconsidering fee orders. On the one hand you will find a fee order producing more than it ought, and perhaps you would say if the authority was thoroughly vigilant that it would look into this and cut the fee order down, for a time at any rate. On the other hand there are fee orders which do not cover the expenses. The same authority is not particularly astute to look it out and to raise the fee order. I think the thing is dealt with fairly on the whole, but it is true, as you have pointed out, that for some years the percentage has produced substantially more money than the expenditure. I think there are some branches of expenditure that have not been taken into account. For instance, the lunacy offices are in the Royal Courts of Justice. I think they are getting them for lunacy purposes for nothing. I can imagine if you were examining the Treasury about fee orders they would find some means of putting some items that do not appear; that is one.

34909. Under Section 337, which gives power to amalgamate, do you read it that the Lord Chancellor could, or could not, appoint additional Commissioners?—I think he could.

34910. That no limitation except so far as the concurrence of the Treasury for payment would be necessary?—I think so. I had forgotten that the powers were so large, but when the Chairman called attention to it to-day it seemed to me that it was so, that the powers were very, very large.

34911. That could be exercised upon the Lord Chancellor's own responsibility?—It could be, yes.

34912. You said something about the chairman. At present the chairman has to be elected by the Commissioners?—Yes.

34913. Would you alter that? If you are going to appoint a paid person I take it he would have to be selected as worth the money by the Lord Chancellor?—I do not feel very strongly about that; I think I should be rather in favour of letting the Commissioners elect one of their laymen as chairman.

34914. Attaching to it a salary?—My view was that you need not have more than three lay Commissioners out of eight and that one of the lay Commissioness should be the chairman.

34915. He would be appointed by the other Commissioners and not by the Lord Chancellor?—He would be appointed originally as a lay Commissioner by the Lord Chancellor, and it would be left to the Commissioners to say which of those three they would appoint as their chairman.

34916. I need not pursue it much further. With reference to the age, you have told us your reason for fixing on the sixty-five limit?—No, on *a* limit. My own view as to Commissioners would be seventy.

34917. I dare say you have it in mind that it involves a great deal of travelling?—Yes.

34918. And immediate calls to duty; no regular repose, so to speak, and very depressing and exacting work in inspecting these big places?—I think it is exacting, but as a matter of fact I think they generally take a very great interest in it. My personal friends amongst Commissioners over these many years have often told me that though they do not expect it as first they become very much interested in many individual cases as well as in the thing as a whole.

34919. But of course with increasing years physical exercise becomes more difficult, and failure of the senses and so on, although the brain may be very effective?—Yes. I cannot imagine a man wishing to be a Commissioner over seventy.

34920. A question you were asked by Mr. Chadwyck-Healey rather suggested that people do not attain sufficient eminence or proficiency to be appointed until they are fairly well on in life. Do you feel that that is so?—It was not put very precisely by Mr. Chadwyck-Healey, but I have no sympathy at all with his sentiments. I have a great opinion of youth for all offices. I think if a man is not fit to be a Commissioner in lunacy at thirty-five I should despair of him.

34921. As regards taxing in Chancery, that has been strongly recommended by the Committee. We have had their report before us. Can you tell us why it was not put in force?—Well, to put it in the plainest way, because we had a very good man and a very cheap man. That is the real truth.

34922. But that was known to the Committee; they had all the evidence before them as to who was acting and so on?—Yes, the Committee were acting on principle. The question was whether it was not desirable to have one taxing office for all branches including Chancery lunatics, and that was their opinion, and there is a great deal to be said for it; in fact I concurred in it. Then the question came about working this out, and it was not thought desirable—I was surprised to see it was suggested it might require the addition of two Masters—at any rate you require the appointment of a new Master in the general taxing office, and it would have had the practical effect of losing us a very good man.

34923. He would have remained on the staff but he had not got the statutory qualification of being a solicitor or barrister; that is all. Nobody suggested that he is not competent to do the work?—He could not have been transferred as a Master into that office.

34924. For that reason, that he had not the statutory qualification?—Yes.

34925. Although in fact his qualifications and attainments might be ever so good?—Yes.

34926. You suspended the operation of the recommended order to meet that one case?—Yes, to that extent.

34927. (*Mr. Byrne.*) I would like to ask one or two questions about the future Commission in Lunacy that you have in your mind's eye. The general effect of your written statement, and of the evidence that you have given, is that you would like the Lunacy Commission to be a highly qualified advisory body, not directing the operations of lunacy authorities, but acquiring knowledge themselves and imparting it both to the public by an annual report and in advice to the department concerned?—Yes.

34928. It would follow, would it not, if those functions were limited in that way, that it would be more and more important that they should be technically a competent body, familiar with the nature of lunacy and the necessary treatment, and such facts connected with lunacy as require supervision and so forth by a lawyer?—Yes, I see no objection to your statement.

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34929. Does the present system of appointment adequately provide for that detail?—Of course, what is done is when there is a medical Commissioner to be appointed, the best evidence that can be got as to the qualifications of the different people is collected, and with regard to the lawyer we get hold of the best lawyer who is available at the time.

34930. You have no difficulty in finding candidates for the Lunacy Commissionership, although the work is hard?—No, I think not.

34931. Speaking with regard more especially to the lawyer Commissioners, they are as a rule gentlemen who have been secretary to the Commission, are they not; of recent years they have almost universally been?—I think that three secretaries have been appointed one after another.

34932. Had any of those gentlemen administrative experience before they were appointed secretary?—Not before they were appointed secretary.

34933. Or did their qualification as Commissioners come from the fact that they were secretary, and in that position acquired the knowledge?—I think substantially that is how they came to be Commissioners.

34934. If the Board is to have the respect and confidence of the public that would not be an ideal way of appointing those members, would it, taking persons who had no knowledge especially bearing on their future duties, allowing them to practise them, or to watch them being practised, in a subordinate position, and then making them Commissioners. That would not be the constant addition to the Board of highly qualified persons with recent experience in the medical and other treatment of lunacy?—I do not think I agree with you. I think if you take a man of ability, a layman or a lawyer, and put him into the office of secretary to the Commissioners, with the insight of the work that he has there, and he is there for some substantial number of years, and he shows himself to the Commissioners to be a good man, he seems to me to be a man who is very well trained for the office of Commissioner.

34935. I am sure that is the opinion that the Lord Chancellor holds, or else the system would not have existed; but do you think it is a system which impresses itself as the best possible in the eyes of the public?—I do not know about the public. It happens in the way the office is worked there that the secretary of the Commission is very nearly a Commissioner; he really knows everything.

34936. That is known to those who know him, but it is not convincing to the public, is it?—I do not know.

34937. How would that system compare in the mind of a reasonable outsider with a system under which a Lunacy Board, which you wish should have these highly technical qualifications, should be recruited from men known to have these qualifications, and not known as mere able and trustworthy persons who by learning their work will gradually acquire some sort of qualification; is not there an essential difference?—I do not see it myself. I think the sort of man that you describe as a man who is well known to the public because of his considerable qualifications is not the man whom you would get to take the office of Commissioner in Lunacy.

34938. Not in the flower of his life; when he is a little elderly you can get him?—The public do not know much about these people, at any rate not until they get their office. Take the lawyers; the lawyers that are known to the public are not the men who would take a Commissionership in Lunacy, except possibly when they are old men.

34939. Would you not yourself think, at any rate, that it might be more easily defended, of, appoint a person, as secretary to the Lunacy Commission, who had gained experience, and had a high reputation, and was well known, from among the inspectors of some similar institution under the Local Government Board; that is to say, a man who brought his knowledge with him, not a man who came in to acquire knowledge incidentally?—I think there is a great deal to be said for that. I can quite imagine if there were a vacancy in the office of Secretary to the Commission that such qualifications as

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you speak of would weigh very greatly with the Commissioners in selecting their Secretary. As you know, the Lord Chancellor does not appoint the Secretary, but the Commissioners have recently no doubt, because they feel how important their Secretary has been in recent years, when the work has been so heavy, and he has been left in London alone a good deal, have in fact selected for secretary a man who is in fact fit to be appointed Commissioner, not drawn from the quarters you describe, but they have selected a man who was qualified as a lawyer.

34940. Qualified to be of great assistance to them in the office immediately ?—Yes.

34941. But not qualified to impress the public as a member of an expert Board of Lunacy such as you recommend ?—Possibly.

34942. The gentlemen we have mentioned are all so distinguished, and we have seen them and been impressed so favourably with them, that we may mention their names. Neither Mr. Shadwell, Mr Giffard, nor Mr. Urmson were people whose appointment would, or could conceivably impress the public as the appointment of men who were experts in lunacy or in asylum management ?—I am not prepared to admit that.

34943. Then let us pass on. You agree that it would be an advantage to have a paid Chairman to the Commission constantly sitting ?—I think it would be better to have a paid Chairman.

34944. Could you tell us briefly what objects you think would be gained by that ? Is it in order to make it more like an ordinary administrative department ?—I am afraid I put it in this way, that I think on the whole, with great respect to the unpaid gentlemen who are sitting here, that paid work is better done than unpaid.

34945. Do you think as an administrative unit that the Board of Lunacy would be improved if it had a Chairman and did not consist of six co-equal gentlemen ?—Yes.

34946. Is that one of the reasons why you suggest a paid Chairman ?—Yes.

34947. So as to make it more like the prison Commissioners, or like a Government office where there is a secretary and officers in graduated subordination ?—I think somebody who has a certain amount of authority—it is an authority amongst equals, but still like the Chairman of a Commission. It is not much more than that.

34948. You would not give him any power of assigning duties ?—No.

34949. You would not make him like the permanent head of the Home Office with Assistant Under-Secretaries and so forth?—No, I think they would elect, probably, the man who had most influence among themselves. If my suggestion were carried out, that they should continue to elect their Chairman, he would exercise a certain influence, but not have the same authority that a permanent head of a public department would.

34950. In your mind the change would be comparatively trifling ?—It would be trifling.

34951. You would not like to see the Commission under the direction and control of a strong Chairman with power to assign their work to each Commissioner and direct them how and when to do it ?—That had not occurred to me.

34952. We have been advised to that effect by some of the witnesses ?—I see great value in that, but that is not what had occurred to me.

34953. You are thinkng of a Chairman of much less authority ?—Yes, I think they should have a Chairman, and I thought it better that it should be one of the paid Commissioners and not one of the unpaid

34954. What is your opinion of the other proposal which has been made to us that there should be a Chairman with the plenary authority that the head of an ordinary Department has, which would practically amount to assigning the duties of the other Commissioners and directing the whole work of the department. Do you think that would be an advantage in enabling the Lunacy Commission to acquire the reputation as an advisory authority which you think desirable ?—I think on the whole I should not be in favour of that unless you are making a much greater change such as I can quite conceive being made, starting the whole thing *de novo*, having a great Lunacy Department, calling it the Lunacy Commission still if you like, and reorganising it on some entirely different system with local inspectors—something of that kind, quite a different system.

34955. I was going to ask you your opinion of that scheme and I was going to preface it by saying if, as th result of the work of this Commission, it should be thought desirable that the central lunacy authority should take under its inspection, and to some extent under its control, or at any rate, within its duty, the control of all mental defectives of any sort in the country, whom we are told are very numerous indeed, if those duties were given to the central Board would you think that its remodelling on the lines of most modern departments would be an advantage ?—Under those circumstances I think I should be rather disposed to get hold of a very strong man and put him at the head.

34956. What would you say in similar circumstances as to the desirability of employing assistant Commissioners or inspectors acting under the Commissioners and generally younger and more subordinate men, learning their work, while carrying out the simpler duties of the Commission? —If you were to greatly enlarge the field of operations of the Commission by making the definition (I do not know whether you would call them lunatics or what you would call them) wider than it is now, I think you would be obliged to do that. I do not feel prepared to say that it would be a better system, but it seems to me it would be the only practical one.

34957. It would follow almost necessarily from the extension of the scope of the jurisdiction of the Board ?—I think so.

34958. May I put it more definitely. The extended scope of such a Board would include children leaving the special schools for defective children in very large numbers every year, it would include the lunatics and uncertified lunatics and imbeciles whom no one ever thinks of certifying now in workhouses, the same classes who are receiving outdoor relief, and under present circumstances are not, excepting in rare instances, sent into institutions. If all those people came under the central Board it would necessarily involve inspection in the simpler cases by a man of less official rank than the present Lunacy Commissioners ?—It is perfectly obvious you could not afford to send an eminent lawyer and an eminent physician to visit each of these people.

34959. With regard to the question of the position of this Board, and its authority, you are disposed to think that it should not have any power of coercing local authorities ?—That is, the Commission on its present footing.

34960. You are aware that one of the important functions of the Commission, which is important although it does not often appear in the Annual Reports, is their power of calling upon local authorities, or rather recommending the Secretary of State to call upon local authorities, to provide adequate accommodation for their lunatics. If the scope of the work of the Board were extended to imbeciles and so on, or at any rate let us assume for a moment that a somewhat similar power should be given in regard to these other classes of mental defectives whether called lunatics or not, would you think it necessary that some power should be retained, or should it be left absolutely to local authorities to say whether they should provide for their lunatics or not ?—I have very strong views about that; I should leave it to the local authority subject to whatever amount of control under the Act of Parliament was given to the Local Government Board.

34961. The Local Government Board has no authority at present; the Home Office has very strong authority; you would keep that authority, would you ?—To my mind it should be with the Local Government Board. I would keep the authority somewhere, but I would not give it to the Commissioners. It is not really with the Commissioners now.

34962. But still it is the Commissioners who act as the eyes, ears and arms of the Home Secretary, they investigate the facts, report them to him, and advise him whether the situation is such as to call for the exercise of his power ? —I am sure you do not suppose I suggest the work is not

well done at the Home Office; I make no kind of suggestion of that sort.

34963. But that is one of the chief functions of the central authority. Another is making regulations as regards the discipline, comfort and conditions under which lunatics shall live in asylums of the local authorities. That has been done by the Home Secretary on the advice of the Commissioners. That you think should go with the other functions to the Local Government Board?—I think on the whole I would have it in one department. I do not attach very great importance to it, but that is what strikes me.

34964. Another function is calling for reports in individual cases of alleged ill treatment or improper treatment. That would go with the others, would it? The Home Secretary and the Lord Chancellor have a sort of co-equal power, or rather each has the same power of doing that. Should that go from the Home Office to the Local Government Board too?—I am rather inclined to think not.

34965. That might be kept?—Yes. It may sound inconsistent, but that is how it strikes me. It comes under a different class.

34966. It is not necessarily inconsistent?—No, I do not think it is.

34967. Presumably you would think lunatics in institutions should still have their right to have their correspondence sent to the Home Secretary?—I have the strongest opinion on that point, it certainly ought to be; they go to the Lord Chancellor now; I think they also go to the Home Secretary. That does not seem to me a case where any conflict arises or where it is going to any improper persons.

34968. As regard the other general functions of the Secretary of State relating to police, and their general authority, the conveyance of lunatics and so on, all these things you would retain notwithstanding you removed the other functions to the Local Government Board?—I think so. You may be gradually reducing me to a position inconsistent with my original one, but I am quite prepared even to appear slightly inconsistent. My view is quite clear.

34969. At the present moment the functions of the Local Government Board in regard to lunatics, or rather to the accommodation provided for lunatics, depend entirely on the provisions of the Local Government Act giving them power and authority to approve of loans, do they not?—I think so.

34970. Otherwise they have no power?—No, I do not think they have.

34971. Their auditors audit the accounts; otherwise they have no power?—No.

34972. That power dates from 1888 only?—Yes.

34973. It was in no way intended to be a transfer of lunacy authority or jurisdiction to the Local Government Board, was it?—No.

34974. In fact that is proved by the Act of 1890, following immediately after, confirming all the other authorities given to the Lord Chancellor and to the Home Secretary?—Yes.

34975. So that power of approving loans was not intended to give them any lunacy jurisdiction, was it?—I do not think so.

34976. It is also proved by the fact that as they do not approve the loans of the London County Council they have no jurisdiction whatever with regard to the asylum accommodation of the largest asylum authority in England?—I dare say that is so.

34977. They do not approve of loans of the London County Council, consequently they have not to approve of plans. Now what are your reasons for suggesting that those functions should be given to the Local Government Board instead of to the Home Office? I do not disagree, I only want to have the reasons?—Simply this; since, I suppose, 1888 is the most important date with reference to the Local Government Board, it seems to me that the modern idea is that you are to have great extensions of local power, local authorities constituted in the different counties, and that the office of State that is concerned with them is to have such central control as may be considered necessary, and that is the Local Government Board. Surely that is a perfectly clear principle; it seems to me obvious.

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34978. I should put it rather that there are very extensive functions which necessarily go to the Local Government Board and which go to it in increasing number, but there are certain other functions, as has been put by Mr. Cunynghame, who represented the Home Office here, which had been considered in their nature to belong more properly to the Home Secretary with regard to lunatics, defectives, inebriates, prisoners, youthful criminals, youths in danger of falling into crime and all people like that whose disabilities or frailties were a danger or terror to the community which belong almost as of right, at any rate as of expediency, to the Home Office?—Perhaps I am looking at it from rather a different point of view; that it is a question of provision for the accommodation of these persons which is left nowadays entirely to the county and borough authorities, and that the department of State concerned with them is the Local Government Board.

34979. As far as I know there are only three functions which a local authority is bound to carry out in England by law. In all other ways it may to a greater or lesser degree provide what the law enables it to provide, but as regards police, lunatics and education it is under an obligation to provide them, which can be enforced legally. In none of those cases does the Local Government Board have any jurisdiction; one is an Education Department matter, the other two are Home Office matters. Does that seem to you to make any real difference in the matter, or to be irrelevant?—I do not call it irrelevant, but I should have thought those things ought to go to the Local Government Board.

34980. Police, lunatics and education?—Not the police.

34981. Only lunatics and all the people who will march, perhaps, in future in the train of lunatics, weak minded, inebriates, feeble-minded children over school age and so on?—Yes, I think so, I should say that if there is a legal obligation on them to provide proper accommodation for lunatics they should do so subject to the control of the Local Government Board.

34982. And that the Local Government Board should have the authority to enforce that obligation?—I think so.

34983. You would not think, as some witnesses have suggested here, that this function is one which might be settled by the departments themselves; you think that for expediency and consistency it should go to the Local Government Board?—I really do not care. I know some very excellent, sensible people in both departments, and if they sat down together I am sure they would arrive at a wise result as to what ought to be done; I should have perfect confidence in them.

34984. Now another point; the powers of the Lord Chancellor with regard to certain lunatics are ancient, as you have described, but they have until recent legislation been really applicable to only a very small proportion of the number of lunatics in the country?—You mean the Chancery lunatics, lunatics so found.

34985. Yes. The Lord Chancellor during the centuries which have elapsed since the beginning of his jurisdiction has not anything to do with one lunatic out of twenty, has he?—I should think probably not.

34986. Therefore his jurisdiction, though most honourable, dignified and important was entirely inapplicable to a large number of people with whom we are concerned on this Commission; even historically he had nothing to do with them, his jurisdiction and powers extended merely to the property of lunatics and those who came under inquisition?—I rather doubt if that is so; you are talking of ancient times.

34987. You say there seems to have been, about eighty years ago, a short interval during which these powers were exercised by the Secretary of State. That, I take it, is referring to the powers of appointing Commissioners?—Yes.

34988. Have you thought that for many scores of years it had not been exercised either by the Secretary

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of State or the Lord Chancellor, it was exercised by the College of Physicians ?—I believe it was. Of course you are going back to a time when there was very little authority.

34989. As a matter of fact as regards the great bulk of lunatics there was neither authority nor was there decent care or sympathy in any way ?—None.

34990. It was not until proper inspection was started that the modern system was gradually formed ?—No, I think if any lunatic was looked after at all it was by the Lord Chancellor whose interest in him was awakened no doubt by his having property. I think that was the case.

34991. Taking the Lunacy Commission as you would like to have it in the future, would you like to see any change in, so to speak, its Parliamentary representation ? As you know there is some difficulty in the House of Commons about the Lunacy Commission estimates and so on ; the Home Secretary volunteered to do it ; every year he is furnished with a memorandum and goes down to the House, he has some of his staff and some of the Lunacy Commission to advise on questions which may arise suddenly, but he is compelled to confess that it is not a department with the internal working of which he is very familiar. You would not like to see your chairman a Parliamentary officer and a Member of Parliament ?—No, I think it would be most objectionable.

34992. You think that the Local Government Board, or whatever the central body was representing the Commissioners, should represent them in Parliament ?—Yes ; there ought to be somebody, of course, who definitely knew, if a question was put down on rather short notice, that he would be the person who would answer it. We are in the same great difficulty with regard to the Supreme Court, with regard to the whole of the departments with which the Lord Chancellor is concerned ; we have nobody to speak for us in Parliament at all, we are at a great disadvantage, we have nobody to take charge of the legal Bills. The Attorney-General may do so if he is good-natured enough, but he is not an officer of the department, we cannot give him any orders ; it is the same, no doubt, with lunacy.

34993. Is it your view, that if there were transferred to the Local Government Board such of the powers of the Secretary of State and other authorities as you have suggested, namely, the general dealing with local authorities in the way of provision of accommodation and making regulations, and so forth, that that should constitute the Lunacy Commissioners, as a body so to speak, affiliated and connected with the Local Government Board, and not in any way connected with the Home Office, but that merely these police powers, so to speak, should be reserved to the Home Office, leaving no official connection with the Commissioners ?—I would not treat them as being connected with any department, I would simply consider them, as the name Commission rather imports, that it is a separate thing.

34994. There is the Prison Commission which is in very close connection with the Home Office, not entirely in a position of subordination to it, but in close connection with it, and the Home Secretary represents them in Parliament and is responsible for the whole of their work. Would you like to see that sort of connection, or greater freedom ?—I would give them at least as great freedom as they have now ; I think it is better.

34995. (*Chairman.*) I think, in reply to a question by Mr. Greene as to what would happen in the case of the administration of lunatics' property being handed over to the Court of Chancery, as regards the Palatine Court, your reply was that they could take over the administration there, and I think at certain district Registries also ?—I think they might. I put it rather tentatively.

34996. It has been given to us in evidence by several people that it is most important that there should be constant and easy communication between the judicial authorities and the Visitors. The question I want to ask is whether that might constitute a difficulty if the judicial authority were either the County Palatine Court or a district registry ?—I think there might be a difficulty, but I do not think it would be a great difficulty ; communication nowadays is so very easy, you can talk from the County Palatine to London on the telephone.

34997. (*Mr. Greene.*) Do you suggest that the Lunacy work should be discharged by the Palatine Courts or only the administration of estates ?—Only the administration of estates.

34998. The Palatine Court officer comes up from Liverpool once a fortnight and sits with the Chancery Judge ?—The District Registrar not the County Palatine officer.

34999. Therefore he is in touch with it ?—Yes.

35000. But how would you deal with the County Palatine Court ?—I have not thought it out very much.

35001. It would only be property matters ?—I only meant property matters ; I only referred to the administration.

35002. (*Chairman.*) But even with regard to administration, I take it the Visitors are constantly in communication now with the Masters as regards the property of patients ?—The Visitors' business is to see that the lunatics, property is in fact administered for his advantage ; the Visitor goes down, knowing that the Committee has got £1,000 a year to expend on the lunatic and finds the lunatic living evidently on only £200 a year ; he then reports that.

35003. Still you do not see any great difficulty in the case of the County Palatine Court and the district registries ?—No, it would be a convenient thing to do.

35004. Is there anything you would like to add ?—I think not, except to apologise for having said so much.

APPENDICES.

APPENDICES.

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1.—SUGGESTIONS AND INSTRUCTIONS ISSUED BY THE LUNACY COMMISSIONERS WITH REFERENCE TO SITES: GENERAL ARRANGEMENT OF BUILDINGS: CONSTRUCTION OF BUILDINGS: PLANS AND PARTICULARS: ESTIMATES: OF LUNATIC ASYLUMS.

(*Handed in by F. Needham, Esq., M.D. See Question* 27000.)

Sites.

1. The land to be acquired for the site of an asylum should be of a perfectly healthy character, and offer facilities for the construction, where necessary, of a complete system of under drainage. A chalky, gravelly, or rocky subsoil is the most desirable.

The site should not be near to any nuisances, such as steam engines, shafts of mines, noisy trades, or offensive manufactures; neither should it be intersected by public roads or footpaths. It should be elevated, as respects the surrounding country, undulating in its surface, cheerful in its position, and having a general fall to the south or south-east with, if possible, some sloping land towards the north, to which the sewage can be applied by gravitation.

2. The quantity of land to be acquired should be liberal, and in view of enlargements, should allow the proportion of not less than one acre to every ten of the number of patients which the asylum will ultimately contain, and be adequate for the supply of farm produce and for agricultural employment, as well as for exercise and recreation for the ultimate number. The site should offer facilities for any extension of the asylum which may become necessary at a future period. It is undesirable that an asylum should in any case be built on an estate of less than fifty acres, whatever the number of patients for which it is intended.

3. The site should be as central as possible to the mass of population in the country or district for which the asylum is to be erected, and should be easily accessible by railway, in order to facilitate the visits of patients' friends, and the supply of stores. It should be within a moderate distance of a town so as to afford facilities, if necessary, for the introduction of gas, electricity, and water, from the public works, and opportunities for amusement and relaxation to the officers, attendants, and patients.

4. The main asylum buildings should be placed on the northern portion of the land; but aspect, views, convenience of approach and the disposal of sewage must all be considered. It is important that the site should afford a plateau of sufficient extent for the main structure, which, when it can be conveniently arranged, should be approached from the north; the southern portion of the land being generally reserved for the use of patients. None of the new buildings should be erected on or near the site of any old farm buildings or yards where the subsoil may have become fouled by stock.

5. It is of the utmost importance that there should be a constant and ample supply of wholesome water, of which a careful chemical and bacteriological analysis should be made, as well to ascertain its fitness for the purposes of drinking and washing, as to determine the proper materials for pipes and cisterns. The quantity obtainable, exclusive of rain water, should, at the driest season, be not less than 40 gallons per head per diem, and the amount available should be accurately gauged. The actual position of the well (if the supply is to be derived from one) should not be fixed until the position and general plan of the building on the site have been determined.

General Arrangement of Buildings.

6. The general form of an asylum should be such as to afford an uninterrupted view of the surrounding country and free access of sun and air; and to give, as far as possible, the principal rooms a southern or south-eastern aspect.

7. It is an advantage to have the principal entrance on the north side of the asylum, near to which should be grouped the rooms for the committee and offices for the principal officers, together with reception and waiting rooms, all having proper lavatory and w.c. accommodation. Principal entrance.

8. The accommodation for the male and female patients must be kept distinct; and the building should be so constructed as to admit of the separation of the male and female patients respectively into at least four classes. As female patients usually preponderate, the plan should generally provide more accommodation for that sex than for males. No ward should be designed for a less number of patients than would ordinarily require the services of at least three attendants, allowing one attendant to ten patients. Separation of sexes and classification.

9. As an approximate rule, the provision in a new asylum for different classes of patients should be in the following proportions: Classification.

Sick and infirm	25
Epileptic	15
Recent and acute cases	20
Working, and quiet chronic cases	40
	100

This rule may require modification in the cases of very large asylums, and of those for not more than 300 patients; also in those in certain localities or for special purposes.

When it is proposed to build an asylum for a less number of patients than the maximum number to be ultimately accommodated, the asylum should be designed in the first instance for that maximum number, both as regards the administrative departments and the wards, in the relative proportions as above, and the buildings which are intended to be ultimately erected to complete the plan, should be indicated in outline on the plans.

10. Whatever principle of arrangement is adopted it is desirable that for recent and acute cases, the sick and infirm, and epileptics, the accommodation should be in buildings of two floors only, and that each ward should contain, on the same floor, all the day and sleeping space required for the patients lodged in it. For quiet, chronic patients, buildings of three floors may be designed, the top floor being appropriated to sleeping accommodation only. For a certain proportion of working patients buildings of a simple description may be provided, which should be in convenient proximity to the laundry on the female side and to the workshops on the male side. Buildings of a similar description may be also erected at the farm or in the gardens for workers in those places. Number of stories and description of wards.

11. In all large asylums it is desirable that there should be in each division a small ward in which newly admitted patients may be placed under special observation, with a view to classification; and in all asylums, one or more dormitories, with a few single rooms communicating should be set apart and arranged for the care and supervision, during the night, by special night attendants, of suicidal and epileptic patients. The wards for recent and acute cases, and the dormitories last referred to, should be of moderate size. No dormitory should, even in the largest asylum, be designed for more than fifty patients. Reception ward.

12. Unless the scheme contemplates the provision of separate hospital accommodation, as in the next paragraph, at least one suitable infirmary or hospital ward Infirmaries.

should be provided on each side of the building, containing an associated day dormitory, single rooms, day rooms, and a good scullery with a cooking range. One at least of these wards should be on the ground floor, as should also be all the epileptic wards if possible. A verandah is a useful addition to a hospital ward.

Position of wards.

13. A modern principle of arrangement, for which many advantages have been claimed, consists in the provision of:—

(*a.*) A main building comprising an administrative department, with wards for chronic, troublesome, or dangerous patients.

(*b.*) A hospital for the separate treatment of acute cases of insanity.

(*c.*) A hospital for cases of acute sickness in which hospital treatment can be fully carried out.

(*d.*) Cottage blocks, of simple and inexpensive construction and arrangement, for working, quiet, and convalescent patients.

Special provision is also desirable for the separate treatment of cases of phthisis and dysentery, for which buildings might be erected of inexpensive, but fire resisting construction.

Day-rooms.

14. The day-room space in a ward may be provided either in the form of one or more rooms, or, of a room or rooms combined with a gallery not being less than 10 feet wide. In each case the floor space, per patient, must be 40 feet superficial. If provided by a room or rooms and gallery the space afforded by the gallery must not exceed 20 feet superficial per patient. A convenient arrangement is a gallery of adequate width with a room at one or both ends. The windows of the gallery should, if possible, have a southerly aspect. Mere corridors of communication are not to be reckoned as galleries.

Floor space in dormitories and single rooms.

15. The associated dormitories for clean and healthy patients should allow a floor space of 50 feet superficial to each bed or patient, and the single rooms 63 superficial feet. The space in the dormitories and single rooms of infirmary wards should be not less than 67 and 84 feet respectively.

Height.

The general height of each story should not be less than 12 feet in the clear from floor to ceiling.

Number of beds in dormitories.

16. No associated bedroom should be designed to contain less than three beds.

Proportion of single rooms.

17. The proportion of single rooms throughout the asylum should not exceed one-fourth. They should be chiefly in the wards appropriated to the excited and the sick, but a few should be available for special cases in the other wards, and, in particular, in the dormitories for epileptic cases. It is also convenient to have a few single rooms for noisy patients in a special corridor leading out of the epileptic dormitory. Padded and half padded rooms should be provided in suitable places.

Ward sculleries, lavatories, baths and water-closets.

18. In each ward there should be a ward scullery, with some appliance for plate warming; an ample lavatory with basins in the proportion of one to every six patients, their wastes discharging into an open channel; a slop room containing a sink; storerooms for clothing, bedding, crockery, brushes, and other articles in use in the wards; one or more baths; and waterclosets in the proportion of one for ten patients, no ward having fewer than three, with an extra closet in each block for the separate use of attendants; also a boot and cloak room near the door leading to the grounds, where boots can be changed before entering the wards.

Baths and fittings.

19. It is very desirable that all waterclosets, lavatories, etc., should be placed in artifically heated projections, with a lobby not less than five feet wide with cross ventilation separating the ward from the waterclosets. In addition to the baths in wards, general bath rooms conveniently placed, and containing not more than 8 baths with good-sized dressing rooms attached, will be found greatly to facilitate the bathing of the patients. The baths should be of Stourbridge ware, or vitreous enamelled iron, specially thick, and should not be enclosed in wood-work, but may have a hard wood capping. They should be fixed wih the head towards the centre of the room, and so that an attendant can stand on each side. The top of the bath itself should not at the most exceed twenty-six inches from the floor. It is of great importance that the taps, as well as the supply and waste pipes, should be of large size, so as to admit of the ready change of water for each patient, and further that the supply and waste should be distinct. Taps for hot and cold water should be carefully distinguished, and protected by locking arrangements or enclosed in locked cupboards. Hot water should not be laid on to lavatory basins, but may be supplied in the lavatory by a carefully protected tap.

Attendant rooms.

20. Separate bedrooms should be provided for two or more attendants in each ward, each room not having a less area than 100 feet superficial; and, whenever practicable, such rooms should adjoin dormitories. Larger rooms may be provided in some of the male wards for the use of married men and their wives. The total accommodation for attendants should be sufficient to provide for one attendant to every eight and a half patients, inclusive of night attendants.

Staircases.

21. The staircases should be of such number, and be so placed, as to afford ready egress to patients in case of fire, and to enable medical officers, attendants, and others, to pass from one part to another without unnecessarily retracing their steps. Every dormitory not on the ground floor should have two exits leading to separate staircases.

General dining hall.

22. A general recreation and dining hall for patients of both sexes, of ample size, conveniently situated with reference to the kitchen, should be provided, with a stage at one end, and dressing rooms with lavatory accommodation. A scullery and other requisite offices should be attached to the hall.

Mess room.

Mess rooms for the male and female attendants, capable of being used as sitting rooms in the evening, should be provided for the smaller asylums, and separate mess and sitting rooms in asylums of larger size.

Visiting rooms.

23. Visiting rooms of sufficient size, with lavatory and w.c. accommodation attached, or conveniently near, should be provided, within convenient distance of the general entrance and of the patients' wards, and placed so as to minimise the opportunities of the sexes coming into contact.

Officers' quarters.

24. Suitable apartments should be provided for the assistant medical officers; and also for the steward, matron, and chief attendants; but for these officers, except perhaps the assistant medical officers in large asylums, separate kitchens are not required.

Quarters f assistant medical officers an others.

25. The apartments for assistant medical officers, which should consist of a sitting and bed-room for each officer, a common dining room and spare bedrooms for visitors should be conveniently placed with regard to the wards occupied by the sick and recent cases, and adjacent to these apartments, a room for pathological research and the storage of specimens should be provided. The rooms for the matron and chief attendants should be in or close to the wards, and those for the steward near the north entrance. If the employment of a married head male attendant is contemplated, a cottage in convenient proximity to the male division should be provided. Cottages will also be probably needed for married male attendants and artizans.

Quarters f attendants and servan

26. There should also be suitable sleeping accommodation for the laundry and domestic servants of the institution. In large asylums it may be convenient to provide in detached buildings, day, night, and sick accommodation for some of the attendants.

Covered w and corrido

27. The various wards and apartments may be connected by covered ways or passages of communication, which ought to be no wider than is necessary to give convenient access to the several parts of the building. Steps should be avoided in these corridors as far as possible but no incline should exceed one in thirty.

Steward's stores, &c.

28. The general stores, workshops, laundry, and similar offices should be on the north side, with entrances to them on that side, and be so arranged that there need not be more than one outer entrance to the steward's and workshops' courts, conveniently placed for control by the steward from his office.

Workshops

29. The workshops should comprise shops of ample size for carpenters, painters, plumbers, and engineers, with a smithy adjoining, and a shed for bricklayers and masons, all opening on to a courtyard, conveniently arranged for the delivery of materials.

There should also be shops for upholsterers, tailors, and

cobblers, in direct communication with the asylum and near to the working patients' wards.

Part of the upholsterers' shop should be partitioned off by a glass screen as a room for hair-picking in winter, an adjacent open shed serving this purpose in summer.

It is convenient to associate with the cobblers' shop a central boot room with heated racks, where boots can be changed on returning from work on the land, and be dried and inspected for repairs.

30. Well arranged laundry buildings with a sufficient drying ground must be provided on the female side of the asylum. A separate washhouse for officers' and attendants' linen is desirable, and also a separate washhouse for very foul linen. Applicances of the most efficient description for drying clothes should be provided. A room with appliances for washing and drying horsehair and beds would be found useful.

31. A good but not unduly large residence suitably and conveniently placed, away from the sights and sounds of the asylum, not necessarily but by preference having covered communication with it, should be provided for the medical superintendent, with kitchen and other necessary domestic offices.

32. A chapel must be provided which should be easy of access, and capable of comfortably accommodating at least three-fifths of the patients. It should have the usual character and arrangements of a church, and contain no special or peculiar provision for the separation of the sexes, except distinct entrances. Small closed porches or lobbies should be conveniently placed, to which epileptic patients seized by fits during service may be removed.

33. There should also be a small detached hospital for not more than three patients of each sex for the isolation of infectious cases. It should include a kitchen, a simple small laundry, disinfecting room with disinfector; also accommodation for a caretaker and his wife, and for day and night attendants. The cubic space in the patients' part of this building must not be less than 2,000 feet for each patient in dormitories and single rooms. The building may, if desired, be constructed of inexpensive but fire resisting materials, the walls and ceilings being plastered, and the floors solid.

34. A mortuary, consisting of two rooms, together with a post-mortem room supplied with a washing-up sink, should be provided in a position easily accessible from, but as much as possible out of sight of, the wards. For large asylums, it should have also a waiting room for patients' friends, and proper lavatory accommodation.

35. Farm buildings should be also provided with adequate accommodation for stock and stabling for horses, including those of the visiting committee.

Construction of Buildings.

36. As the building is intended principally for the accommodation of pauper patients, all superfluous decoration must be avoided, both in the exterior and interior of the building, which, however, should be rendered as cheerful and attractive as due considerations of economy will permit. All unnecessary and undue expenditure upon official and administrative buildings must be carefully avoided both in their construction and fittings.

37. The walls must be so constructed as effectually to exclude wet.

38. The stairs should be built of stone, oak, or of some fire resisting material, without winders or long straight flights, and with as shallow risers as possible. The well should be built up, and hand-rails should be provided on each side of the stairs, but no space should be left between the rail and the walls. Fixed gas brackets or other dangerous projections should not be attached to walls of staircases or corridors.

39. Wherever practicable horizontal and vertical fire resisting construction should be adopted. The ceilings next below the roof, in all parts of the asylum occupied by patients should be constructed throughout of incombustible materials.

40. Hydrants, connected with a tank in a water tower of considerable height or with the public main, should be placed in convenient positions on all the floors, and external mains with hydrants provided, by which water can be thrown over the building.

It is convenient to have the internal hydrants enclosed in cupboards, large enough to contain the hose when attached to the hydrant, and the nozzle. The cupboard should open with the ordinary ward key.

Smoke flues.

41. In all cases, descending or horizontal smoke flues should, where practicable, be avoided; but when used, they should be constructed with iron pipes inclosed in covered brick channels; and flues from any close fire or furnace, which are carried up in any of the walls, should be constructed with a hollow space round them, to prevent the inconvenient transmission of heat into the building during the warmer periods of the year.

Materials for floors.

42. All corridors, not being only passages of communication, also day and sleeping rooms, should have wooden floors; and it is desirable that where boards are used they should be grooved and tongued. Where oak is not used it is indispensable that the wood should be the best yellow deal, American maple, or pitch pine in boards of narrow width, or in blocks, and thoroughly well seasoned. All wooden floors should be prepared for dry rubbing. The floors of sculleries, lavatories, urinals, and waterclosets, should be of papyrolith, terrazo, cement, tiles, or other non-absorbent material. A layer of cement concrete, not less than 4 inches thick, should be laid under all boarded floors at the ground level. No timber inserted in any wall should be placed within 9 inches of a smoke flue, and no plug should be driven within 6 inches of the inside of any flue.

Glazed bricks.

43. The walls of all kitchens, sculleries, larders and washhouses, also of bath-rooms, lavatories, waterclosets, slop-rooms, etc., should be faced internally with glazed brickwork or tiles either the whole height or to dado height, with parian cement or adamantine plaster above. It is also desirable that staircases and internal corridors should be similarly treated on account of the durability, cleanliness and economy in maintenance.

The remaining walls generally should be plastered or cemented internally. Walls of workshops and other similar buildings may be of fair faced brickwork colour-washed.

Windows.

44. The windows of the day rooms and corridors should be of sufficient size and number and bear due relation to the room. The lowest clear glass should be not more than 2 feet 6 inches from the floor. They should have wood sashes, double hung, and be made to open easily so as to allow a free circulation of air.

The wall below the sills of windows in dormitories, day rooms and corridors may be splayed or recessed, to admit of a seat if desired.

In the single rooms the windows should, as a general rule, not be placed with the sill more than 4 feet from the floor; in dormitories they may be less.

If not otherwise protected, the windows in all parts occupied by patients must be stopped so as to allow of being opened not more than 5 inches at the top and bottom. The panes should be of moderate size, say, 11 by 8, and the sashes be hung with concealed cords.

Shutters

45. Strong, solid hinged shutters should be provided for a majority of the single sleeping rooms, and be so constructed as not to admit of being forced open, or afford opportunities of committing suicide by hanging. They should be made to lock with an ordinary ward key, and to lock flat against the wall when not in use. Light and air may be admitted through the shutters by apertures in them 9 inches square, filled in with strong, but fine, galvanised iron netting.

Doors.

46. The doors of the single rooms should open outwards, and be so hung that when open they will fold back close to the wall. Those for rooms occupied by excited patients should be especially strong, and those for rooms for epileptic patients should have an open panel 3½ inches wide in the centre of the door, so high above the middle rail that the occupant of the room cannot reach the handle of the door. The locks for all single room doors should be dead locks, and contrived so as to open, when not doubly shot, by a handle on the outside.

Water closets.

47. The w.c.'s should be of the wash-down pedestal type, with hinged hardwood seats, to lift up as urinals on the men's side, and to occupy all the space between the divisions. Urinals should, therefore, not be provided. Each closet should be flushed by a separate flushing cistern of not less than 2½ gallons capacity. The pulls should be enclosed in tubes attached to the wall, or have concealed wires with flush slots. All cisterns and pipes

should be carefully cased in or protected, and all gas brackets, or pendants, and partitions between the closets should be so constructed or fixed as to avoid facilities for suicide.

Warming. 48. All day rooms, corridors, and dormitories, should have open fireplaces in sufficient number. Additional means of warming upon an approved system should also be provided for all large spaces for which open fires would be insufficient, and also for the majority of the single rooms, and for lavatory and w.c. blocks.

Ventilation. 49. Every part of the building must be thoroughly ventilated. The ventilation may be provided for by means of extraction flues, taken from the various rooms and corridors into horizontal channels communicating with a perpendicular shaft, in which means of rarefaction should be placed for the purpose of extracting the foul air, or by some other approved system. Provision must also be made for the admission of fresh air Particular attention should be paid to the night ventilation of the dormitories and single rooms.

Lighting. 50. A safe and efficient mode of lighting the asylum must be provided. If gas or electricity be used care must be taken that all pipes, cables, wires, brackets, lamp fittings, taps and switches are so placed, and of such a description, as to be safe from interference by patients.

Lightning conductors. 51. Lightning conductors should be placed on the most elevated parts of the building and constructed upon approved principles.

Drainage. 52. The best and most approved system of pipe drainage should be adopted, as is more particularly described in "Practical Instructions on Water Supply, Drainage, and Sewage Disposal," issued by the Commissioners. The pipes used should not be excessive in size, but of such dimensions as are employed in the best modern systems, and should generally be laid on concrete beds, and where necessary to pass under buildings, the pipes should be of cast-iron with lead-caulked joints.

Means of flushing should be provided and the drains and sewers be properly ventilated, and especially all waste water pipes must be disconnected from the drains. Soil pipes should be placed outside the walls and be thoroughly ventilated by equally large pipes carried above the roof, and they should deliver below into properly ventilated chambers or manholes.

Rain water. 53. Rain water from the building should be collected in a tank or tanks, suitably placed, for the purposes of the washouse and steam boilers.

The material used for pipes and cisterns should depend upon the quality of the water as ascertained by analysis.

Airing Courts. 54. The enclosed airing courts should all be planted with trees and shrubs of a non-poisonous character, and any trees already within them should be preserved for shade. Seats and properly constructed sunshades should be provided. Where walls are required they should if possible be sunk in a ha-ha. Simple urinals and w.c.'s may be provided in the airing courts to a limited extent. If unclimbable fences are used the rails should not end in spikes.

Plans and Particulars.

Preliminary plans. 55. In the first instance, designs must be submitted for the consideration of the Commissioners, comprising a plan of the site to any convenient scale, showing the proposed position of the asylum, and a plan of each floor of the various buildings drawn to a scale of 16 feet to an inch in small asylums, which may be reduced to 24 feet to an inch in large asylums. These may be on ordinary drawing or tracing paper. The building Schedule issued by the Commissioners must also be filled in and returned.

Completed plans. 56. When the preliminary plans have been provisionally approved by the Commissioners, the following drawings will be required for submission to the Home Secretary, and these must be properly completed in ink, and coloured and drawn on either mounted paper or tracing linen, and a copy of these on the same material must be subsequently supplied free of charge to the Commissioners to be retained by them for reference.

(*a.*) One or more sheets of the Ordnance map of the district in which the asylum is to be erected, or some other large map in which the extent and situation of the estate for the proposed asylum, and all the public roads and footpaths in the vicinity thereof, are clearly and fully defined.

(*b.*) A general plan of the land (with the block of the buildings and offices), and of the exercise grounds, garden, and roads of approach, with the levels of the surface of the ground at the quoins of the buildings, figured thereon. — Scale of 100 feet to an inch.

(*c.*) Plans of the basement, ground, and each other floor of the building and offices, and of the roofs. — Scale of 16 feet to an inch.

(*d.*) A plan of the drains, showing the levels of their inverts, and the levels of the surface of the ground with the gradients of the drains, manholes, intercepti n traps, ventilating shafts, and other details. — Scale of from 16 to 48 feet to an inch.

(*e.*) Elevations of portions of the principal front, and also of any other parts in which any variation therefrom takes place. — Scale of 8 or 16 feet to an inch.

(*f.*) Transverse and longitudinal sections, or sufficient portions thereof to show the construction of every part of the building. — Scale of 4 or 8 feet to an inch.

(*g.*) Plan and section of one separate sleeping room, dormitory, and day room respectively, or of part of the same, showing the method of warming, lighting, and ventilating each; also of the baths and washing rooms, and waterclosets, with their apparatus; and drawings and description of the windows and shutters. — Scale of 4 feet to an inch.

Each plan must show the several classes and numbers of patients to be accommodated in the wards, day rooms, dormitories, single rooms, galleries, and airing courts, respectively, to which such plan relates. In the case of dormitories, the number and positions of the beds must be indicated on the plans.

The sizes of rooms, the thicknesses of the walls, the scantlings of the timbers of the floors and roofs, and the dimensions of iron girders when used, must be figured on the drawings.

57. The following documents must also be submitted.

(1.) A detailed description of the systems of heating, lighting, and ventilation, proposed to be adopted throughout the asylum buildings.

(2.) A detailed estimate of the cost, exclusive of site, of:

(*a.*) The main building.
(*b.*) The acute hospital (if any.)
(*c.*) The sick hospital (if any.)
(*d.*) Cottage blocks, for patients.
(*e.*) Chapel.
(*f.*) Dining and recreation hall.
(*g.*) Laundry.
(*h.*) Attendants' and nurses' blocks (if any).
(*i.*) Farm buildings.
(*j.*) Medical superintendent's house.
(*k.*) Isolation hospital.
(*l.*) Cottages for staff.
(*m.*) Heating and ventilation.
(*n.*) Lighting.
(*o.*) Water supply.
(*p.*) Drainage.

The estimates for all buildings must show their cubical contents in feet, and the price per cubic foot upon which the estimate has been made.

58. By agreement with the Local Government Board, lunatic asylums of which plans are approved by the Secretary of State, are exempted from bye-laws made by the urban sanitary authority under Section 157 of *the Public Health Act*, 1875. In the case of most, if not all of the rural sanitary authorities, their bye-laws exempt lunatic asylum buildings. Therefore a report will be required as to the conformity, or otherwise, of the plans to the local bye-laws, showing whether they in any respect fail to comply with such bye-laws, and if so, what is the justification for such non-compliance, and a copy of the bye-laws of the district, must be furnished with the report.

By Order,

L. L. Shadwell,
Secretary.

2.—BUILDING SCHEDULE SENT OUT BY THE LUNACY COMMISSIONERS WHEN PLANS ARE SUBMITTED TO THEM.

(*Handed in by F. E. Needham, Esq., M.D. See Question* 27000.)

Lunacy Commission,
66, Victoria Street, S.W.,
————————19 .

————————————Asylum.

The Commissioners in Lunacy will thank you to furnish them with particulars upon the following points with reference to the proposed new buildings for the above asylum :—

(In making this return reference should be had to the "Suggestions. and instructions" and "Practical suggestions as to water supply, drainage, and sewage disposal, for lunatic asylums," issued by the Commissioners.)

Land.

Total area of asylum estate.

Accommodation.

Total number of patients for whom accommodation is to be provided :—

(*a*) Sick and infirm	males	Males	
	females		
(*b*) Epileptics	males		
	females	Females	
(*c*) Recent and Acute	males		Total
	females		
(*d*) Working and Quiet Chronic	males		
	females		

Water Supply.

How to be obtained ?
Position of wells (if any).

Sewage.

Mode of disposal of.
Materials and sizes of drains.
Mode of disconnection and ventilation of drains. If drains run under buildings, how protected ?
Are all drains to be laid on concrete ?
Are rain water drains to be distinct, and into what will they deliver ?

Airing Courts.

Number, and area of each, and how to be fenced in ? Are w.c.'s or urinals to be provided in them, and, if so, in which and to what extent ?

Blocks.

Which blocks are to consist of two, and which (if any) of three floors ?
Is special reception block or ward to be provided ?
Is hospital or infirmary block distinct from ordinary infirmary wards to be provided ?
Are cottage blocks for patients to be provided ? If so, how many and with what accommodation ?

Concrete.

If to be laid under all buildings and the thickness of layer ?

Walls and Construction.

Thickness and construction of walls.
Are any, and which, buildings to be of fire-resisting construction, and on what principle ?
Are all ceilings next below roof to be so constructed ?

Lightning Conductors.

Where to be provided, and of what kind ?

Heights of Rooms.

Clause 15

Floor-Space Provided in—

(*a*) Dayrooms (with or without corridors).	Clause 14.
(*b*) Ordinary dormitories.	Clause 15.
(*c*) Single rooms.	Clauses 15 and 16.
(*d*) Infirmaries.	Clause 15.

Proportion of Single Rooms.

In the several classes of wards. Clause 17.
Number and description of padded and half padded rooms, and short details of their heating and ventilation.

Dining and Recreation Room.

How many to accommodate seated ? Clause 22.

Kitchen.

Describe generally fixed cooking and plate warming appliances.

What Accommodation is Provided for :—

Clauses 24 and 25.

(*a*) Assistant medical officers ?	Clauses 24 and 25.
(*b*) Steward ?	Clauses 24 and 25.
(*c*) Matron ?	Clauses 24 and 25.
(*d*) Chief attendants ?	Clauses 24 and 25.
(*e*) Any other officers ?	

Visiting Rooms.

Where provided ? Clause 23.

Workshops.

What provided ? Clauses 28 and 29.

Pathological Room and Museum.

If, and where, provided ? Clause 25.

Laundry.

Nature of floors ?	Clause 31.
Drains, how arranged ?	Clause 31.
Machinery and appliances ?	Clause 31.
Drying closets or rooms, how arranged and heated ? Are fans provided and where ?	Clause 31.
Are any appliances for washing and drying horsehair provided, and of what nature ?	Clause 31.

Provision for Attendants and Servants.

Are there to be attendants' blocks, and their capacity ?	Clauses 22 and 26.
Are mess and recreation rooms for attendants to be provided ?	Clauses 22 and 26
If detached cottages, how many ?	Clause 26.

Bath Rooms and Baths.

Are there to be general bath rooms, and how many baths in each ?	Clause 19.
Are divisions provided for, and of what nature ?	
Total number of baths provided for patients in asylum.	Clauses 18 and 19.
Description of bath as regards material, and if enclosed.	
Size of water-way in waste and supply pipes and taps. State if waste and supply pipes are distinct ?	Clause 19.
Height of bath from floor when fixed ?	Clause 19.

W.C.'s.

In what proportion to patients ?	Clauses 18 and 19.
Description of apparatus and general arrangement of woodwork, etc.	
Size of soil pipes, and if carried outside and ventilated ?	Clause 47.
Are urinals provided ?	Clause 47
Are the w.c. and lavatory blocks to be artificially heated ?	Clause 48.

Lavatories.

How many basins provided. Description of basins and taps. Are both hot and cold water to be supplied to them ?	Clauses 18 and 19.
Waste pipes, how arranged, and where will they deliver ?	Clause 18.

See "Suggestions and instructions." Clauses 18 and 22.

Sculleries and Slop Rooms.

Describe sinks, taps, wastepipes, etc.

Boot Rooms.

How fitted and if provided with drying appliances ?

Clause 18. Clause 29. Is there to be a central boot room for working patients, and where ?

Staircases.

Clause 21. If two to each ward ?

Clause 38. Description and materials of stairs and how arranged ?

Clause 38. Is there an open well in any instance, and if so, where ?

Clause 38. If provided with, and description of, hand rail ?

Heating.

Clauses 41 and 48. Describe method. State height above ground of fresh air inlets.

Lighting.

Clause 50. Electricity, gas, or otherwise ?

Clause 50. Description of brackets and pendants in dayrooms.

Clause 50. Description of brackets and pendants in dormitories and single rooms.

Clause 50. Description of brackets and pendants in corridors.

Clause 50. Description of brackets and pendants in lobbies and w.c.'s.

Clause 50. Description of brackets and pendants in sculleries and stairs.

Ventilation.

Clause 49. What system and how arranged for day and night ?

Fire Arrangements.

Clause 40. Hydrants, where placed and connected with what water supply ?

Also if calls from each ward, and if any means to increase water pressure ?

Plastering of Walls.

Clause 43. What, if any, walls are to be left unplastered ?

How are single rooms to be treated ?

Describe character of any wall mouldings.

Windows.

Clause 44. Proportion of windows to wall space in dayrooms.

Proportion of windows to wall space in dormitories.

Size of squares.

Clause 44. Height of lowest clear glass from floor in dayrooms.

Clause 44. Height of lowest clear glass from floor in corridors.

Height of lowest clear glass from floor in dormitories and single rooms. Clause 44.

Give short details of sashes. How stopped and to open how far ? Clause 44.

Shutters. Short details of. Clause 45.

Doors.

Short details of construction and arrangement. Clause 46.

Locks and keys. Give short details of arrangements as to night and day locks and keys. State where dead, and where spring, locks to be used. Also how differentiation of keys to be effected. If single rooms provided with handles to open from outside only, and if locks, dead or spring ? Clause 46.

Short details of doors for single rooms for epileptics. Clause 46.

Floors.

Materials, details, and construction of, in corridors and dayrooms. Clause 42.

Materials, details, and construction of, in dormitories and single rooms. Clause 42.

Materials, details, and construction of, w.c.'s, lavatories, bath rooms and sculleries. Clause 42.

Isolation Hospital.

Where provided and number of beds. Nature of construction. What disinfector provided ? Clause 33.

Chapel.

If detached ? Clause 33.

Amount of seat accommodation for patients and others. Clause 33.

Distance between seats ?

Space in seats allotted to each person ?

Medical Superintendent's House.

Where provided ? Clause 32.

If and how connected with Asylum ?

Farm Buildings.

Description and capacity ? Clause 30.

Mortuaries.

Where provided and how arranged ? Clause 35.

Local Bye-Laws.

Do plans conform to local bye-laws of district ? If not, in what respects ? Clause 58.

Furnish copy of bye-laws.

Estimate.

Clause 57. Give estimate of cost, exclusive of site, of

	Contents in cubic feet.	Price per cubic foot.	Amount.
1. Main building.			
2. Acute Hospital (if any).			
3. Sick Hospital (if any).			
4. Cottage blocks for patients.			
5. Chapel.			
6. Dining and Recreation Hall.			
7. Laundry.			
8. Attendants' and Nurse's blocks (if any).			
9. Cottages for staff.			
10. Medical Superintendent's house.			
11. Isolation Hospital.			
12. Farm buildings.			
Total			
13. Heating and Ventilation.			
14. Lighting.			
15. Water supply.			
16. Drainage.			
Grand Total			

Signed _____

Place and Date _____

3.—ANALYSIS OF NON-INQUISITION CASES UNDER SECTION 116 OF THE LUNACY ACT 1890.

(*Sent in by David Nicolson, Esq., C.B., M.D. See Question* 27397.)

A.

There are at the present time (31st December, 1906) on the *permanent list* of the Lord Chancellor's visitors the following non-inquisition cases :—

10 *cases under sub-section C.*

Lawfully detained, though not so found by inquisition.

11 *cases under sub-section D.*

Not so detained and not so found lunatics by inquisition, but through mental infirmity arising from disease or age are incapable of managing their affairs.

1 *case under sub-section E.*

Where such person is of unsound mind and incapable of managing his affairs, and that his property does not exceed two thousand pounds in value, or that the income thereof does not exceed one hundred pounds per annum.

B.

The following non-inquisition cases were visited by special request during the year 1906 :—

Cases under Section 116, sub-section	C	- -	29
" " "	D	- -	6
" " "	E	- -	6
			41

C.

Visits to non-inquisition cases during October, 1903, to October, 1906 :—

263 visits.

Full number of visits to inquisition cases during :—

1889 to 1890 = 2,660 visits.
1904 to 1905 = 1,510 visits.

New inquisition cases from October, 1905, to September, 1906 :—

17 cases.

3a.—INQUISITION CASES LIVING OUT OF THE JURISDICTION.

(*Referred to in Question* 29786.)

In Scotland	13
In Ireland	2
In Portugal	1
In Italy	1
In Germany	1
In America	1

4.—NUMBER OF VISITS PAID BY THE LORD CHANCELLOR'S VISITORS FROM 1890 TO 1906.

(*Sent in by David Nicolson, Esq., C.B., M.D. See Question* 27469.)

Year.	Number of Visits.
1890	2,576
1891	2,604
1892	2,340
1893	2,350
1894	2,067
1895	2,056
1896	2,037
1897	1,988
1898	1,834
1899	1,790
1900	1,757
1901	1,716
1902	1,588
1903	1,561
1904	1,533
1905	1,510
1906	1,583

5.—RETURN OF INQUISITIONS FROM THE 26TH NOVEMBER, 1901, TO THE 26TH NOVEMBER, 1906.

(*Sent in by T. Southwell Keely, Esq. See Question* 27907.)

1.—BY MASTER FISCHER (43 IN NUMBER.)

Date.	Place of Inquiry.	With or without Jury.	Contested or Uncontested.	Time taken.	Observations.
1902.					
January 31 -	Royal Courts of Justice	Without Jury	Uncontested	Half-a-day	The time given both in town and country cases includes the time occupied in travelling from the Courts to the place of inquiry and back.
February 7 -	East Finchley, Middlesex	„	„	„	
„ 27 -	The Priory, Roehampton, Surrey.	„	„	„	There is no record of the time during which the Master sat in each case.
March 6 -	The Town Hall, Reading, Berks.	„	„	One day	
May 17 - -	Llandudno - - -	„	„	Three days	Master directed that a summons under Sec. 116 (*d*) be taken out.
June 21 -	Edgbaston, Birmingham	„	„	One day	
November 21 -	London, W. - - -	„	„	Half-a-day	
1903.					
January 29 -	St. Luke's Hospital, Old Street, E.C.	„	„	„	
February 21 -	Wye House, Buxton -	„	„	Two days	
March 21 -	County Hotel, Carlisle -	„	„	Three days	
„ 28 -	Dereham, Norfolk -	„	„	Three and a half days	
April 28 -	Inns of Court Hotel, London.	„	„	Half-a-day	
May 29 -	Tunbridge Wells, Kent	„	„	One day	
June 29 -	West Hampstead, N.W.	„	„	Half-a-day	
November 20 -	South Yorkshire Asylum, Wadsley, near Sheffield	„	„	Two days	
1904.					
March 7 -	The Royal Courts of Justice.	„	„	Half-a-day	
May 3 - -	Bridge Hall, Barnstaple, Devon.	With Jury	Contested	Two days	Found of sound mind.
„ 5 - -	Town Hall, Teignmouth, South Devon.	„	„	Three days	

Date.	Place of Inquiry.	With or without Jury.	Contested or Uncontested.	Time taken.	Observations.
1904.					
May 13 - -	Coton Hill Institution, Stafford.	Without Jury	Uncontested	Two days	Held by Master Fischer for Master Ambrose, who was unwell.
June 3 - -	City of London Asylum, Stone, near Dartford, Kent.	,,	,,	One day	
,, 16 - -	Camberwell House, London.	,,	,,	Half-a-day	
November 4 -	Sidcup, Kent - -	,,	,,	One day	
December 21 -	Waterloo, Lancashire -	,,	,,	Three days	
1905.					
February 1 -	Warneford House, Oxford.	,,	,,	One day	
,, 4 -	Brighton - - -	,,	,,	,,	
,, 18 -	,, - - - - -	,,	,,	,,	Held by Master Fischer for Master Ambrose, who was unwell.
March 17 -	The Royal Courts of Justice.	,,	,,	Half-a-day	
April 12, 13, and 14.	At the Crown Court, Lancaster.	With Jury	Contested	Five days	Finding : Incapable of managing her affairs, but capable of managing herself, and not dangerous to herself or to others.
May 20 - -	Royal Naval Hospital, Yarmouth.	Without Jury	Uncontested	Three and a half days	
,, 27 - -	"Northwoods," Winterbourne, near Bristol.	,,	,,	,,	
June 3 - -	York Station Hotel, York.	,,	,,	Four days	
July 15 - -	Albany Street, W.	,,	,,	Half-a-day	
,, 21 - -	Brooke House, Upper Clapton, N.	,,	,,	,,	
,, 22 - -	Bournemouth - -	,,	,,	One day	
	Holloway Sanatorium -	,,	,,	,,	
1906.					
January 27 -	County Asylum, Exminster, Devon.	,,	,,	Two days	
February 9 -	Streatham, Surrey -	,,	,,	Half-a-day	
March 20, 21, and 22.	Shire Hall, Shrewsbury	With Jury	Contested	Five days	
May 19 -	Blackpool - - -	Without Jury	Uncontested	Four days	
June 23 - -	King's Norton, Worcester	,,	,,	Three and a half days	
July 7 - -	Wonford House, Exeter	,,	,,	,,	
,, 14 - -	Clifton, Bristol - -	,,	,,	,,	
,, 21 - -	Chesterfield - - -	,,	,,	,,	

2.—BY MASTER AMBROSE (36 IN NUMBER).

Date of Inquiry.	Place of Inquiry.	With or without a Jury.	Contested or Uncontested.	Time taken.	Observations.
1901.					
December 13	The Police Court, Berwick-upon-Tweed.	With Jury	Uncontested	Three days	
1902.					
March 5	Moorcroft, Hillingdon, Middlesex.	Without Jury	„	One day	
„ 21	Manchester Royal Hospital, Cheadle.	„	„	Three days	
June 4	New Cross, S.E.	„	„	Half-a-day	
July 3	Holmwood, Surrey	„	„	One day	
„ 17	Plympton House, Plympton, Devon.	„	„	Two days	
November 18, 19, 20, 21.	County Court, Chichester.	With Jury	Contested	Six days	
December 4	Kensington, W.	Without Jury	Uncontested	One day	
„ 10	Inns of Court Hotel	„	„	Half-a-day	
1903.					
March 27	„ „	„	„	„	
April 30	Earlswood Asylum, Redhill, Surrey.	„	„	One day	
June 11	Winchmore Hill, Middlesex.	„	„	„	
November 11	North Riding Asylum, Clifton, Yorkshire.	„	„	Three days	
December 12	Hove, Brighton	„	„	One day	
1904.					
January 29	Barnstaple, N. Devon	„	„	Three days	
„ 29	„ „	„	„	„	
March 25	Chelford, near Crewe, Chester.	„	„	„	
April 27	The Priory, Roehampton	„	„	Half-a-day	
November 17	Wyke House, Isleworth	„	„	One day	
December 2	St. George's Retreat, Burgess Hill, Sussex.	„	„	Two days	
1905.					
March 30	Buxton	„	„	Three days	
April 12	Herrison Asylum, Dorchester.	„	„	„	
May 26	Weymouth.	„	„	„	
July 14	Hatton Asylum, near Warwick.	„	„	„	
August 9	Notting Hill	„	„	Half-a-day	
November 14	Colney Hatch	„	„	„	
„ 17	Holy Island, Northumberland.	„	„	Three days	The Master was detained by ill-health for several further days at Berwick-on-Tweed.

Date of Inquiry.	Place of Inquiry.	With or without a Jury.	Contested or Uncontested.	Time taken.	Observations.
1906.					
January 30 -	Ewell, Surrey - -	Without Jury	Uncontested	One day	
March 23 -	Herrison Asylum, Dorchester.	„	„	Three days	
„ 30 -	Poulton-le-Fylde, Blackpool.	„	„	„	
May 11 - -	Oxenhope - - -	„	„	„	
„ 31 - -	Great Western Hotel, Paddington - -	„	„	One day	
July 10 - -	Berwick-on-Tweed	With Jury	„	Three days	
„ 24 - -	Camberwell House, S.E.	„	„	Half-a-day	
„ 27 - -	Gloucester - - -	„	„	Three days	
November 12 -	Hove, Brighton - -	„	„	One day	

6.—RETURN OF VISITS UNDER RULE 5 OF RULES IN LUNACY, 1893.

(*Sent in by T. Southwell Keely, Esq. See Questions* 28179 *and* 29506.)

The Visitors of Lunatics paid 83 special visits in the cases of 62 patients between 1st October, 1905, and 30th September, 1906, upon the request of the Masters pursuant to Rule 5 of the Rules in Lunacy, 1893, as follows :—

——	Place of Residence of Patient.	Date of Visit.
Mr. Palmer :—		
1	Gray's Inn Road	23rd October, 1905, and 3rd May, 1906.
2	Alcester	28th November, 1905, and 28th July, 1906.
3	Broadway, Worcester (2 patients)	29th November, 1905, and 23rd January and 23rd May, 1906.
4	Ealing	4th December, 1905, and 11th May, 1906.
5	Birmingham	11th December, 1905.
6	Fisherton House, Salisbury	2nd January and 6th July, 1906.
7	Wonford House, Exeter	1st March and 26th June, 1906.
8	Yelverton, Devon	10th March and 8th May, 1906.
9	Perranporth, Cornwall	11th March, 1906.
10	Tintagel, Cornwall	25th June, 1906.
11	Great Malvern	28th July, 1906.
Sir James Crichton-Browne :—		
1	Ascot	3rd October, 1905.
2	Liverpool	11th October, 1905, and 23rd March, 1906.
3	Liverpool	12th October, 1905, and 26th April, 1906.
4	Lytham, Lancashire	16th October, 1905.
5	Grasmere, Westmorland	18th October, 1905, and 20th July, 1906.
6	Cheadle, Cheshire	27th October, 1905, and 23rd May, 1906.
7	Newton-le-Willows	10th November, 1905.
8	„ „	27th November, 1905.
9	Fulham	9th January and 30th July, 1906.
10	Temple, E.C.	10th February, 1906.
11	Felton, Northumberland	20th February, 18th June, and 28th August, 1906.
12	St. Luke's Hospital	23rd February, 1906.
13	Kesteven, Lincolnshire	3rd March, 1906.
14	Finsbury Park	7th March, 1906.
15	Southport	22nd March, 1906.
16	Ripon	27th March, 1906.
17	Chesterfield	3rd May, 1906.
18	Macclesfield	6th May, 1906.
19	Finsbury Park	18th May, 1906.
20	Crewe	19th July, 1906.

——	Place of Residence of Patient.	Date of Visit.
Dr. Nicolson, C.B.:—		
1	Stamford Hill, N.	9th October, 1905, and 11th June, 1906.
2	Queen's Gardens, S.W.	30th October, 1905.
3	Oxford	4th November, 1905.
4	Bournemouth	4th November, 1905, and 12th February, 1906.
5	Virginia Water	11th November, 1905.
6	Newmarket	14th November, 1905.
7	Wiltersfield, Suffolk	16th November, 1905.
8	Ipswich	22nd November, 1905.
9	Ramsgate	27th November, 1905, and 21st June, 1906.
10	Fulham	9th January, 1906.
11	Norwood	21st February, 1906.
12	Brook Street, W.	27th and 28th February, 1906.
13	Burgess Hill, Sussex	1st March and 9th September, 1906
14	Brighton	2nd March, 1906.
15	Chessington, Surrey	26th March and 6th April, 1906.
16	Ham, Surrey	29th March and 1st September, 1906.
17	Richmond, Surrey	29th March and 30th August, 1906.
18	Kew	30th April and 12th August, 1906.
19	Wandsworth	15th May, 1906.
20	Crowborough, Sussex	21st May, 1906.
21	„ „	8th June, 1906.
22	Thames Ditton	16th June, 1906.
23	Ewell, Surrey	June, 1906.
24	Clapton, N.E	27th June, 1906.
25	Stone Dartford, Kent	6th July, 1906.
26	Plympton, Devon	8th July, 1906.
27	Peckham	30th July, 1906.
28	Harrow	3rd August, 1906.
29	Herne Hill	August, 1906.
30	Swalecliffe, Kent	11th September, 1906.

The visitor in two instances failed to see the patient.

There is no record of the time occupied by each visit.

7.—RETURN OF VISITORS' REPORTS REFERRED TO UNDER RULE 103 OF RULES IN LUNACY, 1892.

(*Sent in by T. Southwell Keely, Esq. See Question* 28296.)

The *number* of *Reports* referred by the Board of Visitors to the Masters from 1st October, 1905, to 30th September, 1906, under Rule 103 of the Rules in Lunacy was 41.

8.—A RETURN OF THE CASES DEALT WITH UNDER SECTION 116 OF THE LUNACY ACT, 1890, FOR THE SIX YEARS 1901–1906.

(*Sent in by T. Southwell Keely, Esq. See Questions* 28370–2.)

Year.	Sub-sec. (1) (*a*) (Inquisition).	(*b*).	(*c*).	(*d*).	(*e*).	(*f*).	Totals.
1901	9	12	204	93	136	5	459
1902	15	6	259	81	154	3	518
1903	13	6	305	99	165	3	591
1904	16	5	265	107	167	4	564
1905	18	4	222	99	157	4	504
1906	18	2	310	113	162	3	608
Totals - -	89	35	1,565	592	941	22	3,244

21st December, 1906.

9.—RETURN OF EXISTING LUNACIES UNDER SECTION 116 (1), (E).

(*Sent in by T. Southwell Keely, Esq. See Questions* 27823–28372.)

The number of existing Lunacies under Section 116 (1), (E), of the Lunacy Act, 1890, on the 26th November, 1906, was 1,257.

10.—RETURN SHOWING THE NUMBER OF DAYS ENGAGED, THE NIGHTS FROM HOME, AND THE MILES TRAVELLED BY THE LORD CHANCELLOR'S VISITORS IN THE YEARS 1903, 1904, 1905 AND 1906.

(Referred to by Sir James Crichton-Browne, M.D., LL.D., F.R.S., in Question 29617.)

SIR JAMES CRICHTON-BROWNE.

Month.	Days Engaged.	Nights from Home.	Miles Travelled.
Year 1903.			
October - -	21	11	—
November -	15	4	—
December -	6	5	3,800
1904.			
January -	20	11	—
February -	15	9	—
March - -	15	9	3,878
April - -	16	10	—
May - -	24	12	—
June - -	17	10	4,107
July - -	17	9	—
August - -	14	7	—
September -	6	5	4,246
	186	92	16,031
1904.			
October -	17	13	—
November -	23	11	—
December -	14	4	4,301
1905.			
January -	No	account	—
February -	6	3	—
March - -	31	13	3,156

Month.	Days Engaged.	Nights from Home.	Miles Travelled.
Year 1905.			
April - -	20	11	—
May - -	25	11	—
June - -	23	11	4,380
July - -	19	5	—
August - -	16	5	—
September - -	10	6	3,750
	184	93	15,587
1905.			
October - -	25	20	—
November -	17	11	—
December -	18	12	4,110
1906.			
January -	21	14	—
February -	17	10	—
March - -	19	9	4,310
April - -	18	13	—
May - -	25	14	—
June - -	21	14	4,430
July - -	19	13	—
August - -	14	11	—
September -	6	4	4,110
	330	135	16,960

10.—Return showing the Number of Days Engaged, the Nights from Home, and the Miles Travelled by the Lord Chancellor's Visitors in the Years 1903, 1904, 1905 and 1906—*continued.*

David Nicolson, Esq., C.B., M.D.

Month.	Days Engaged.	Nights from Home.	Miles Travelled.
Year 1903.			
October - -	14	9	1,187
November -	21	16	1,878
December -	12	5	1,007
1904.			
January -	22	16	1,890
February -	14	8	1,490
March - -	20	14	2,440
April - -	18	12	2,184
May - -	19	14	1,804
June -	22	16	2,130
July - -	10	7	1,036
August - -	7	5	747
September -	25	21	2,661
	204	143	20,454
1904.			
October - -	9	6	925
November -	20	18	1,476
December -	16	9	1,090
1905.			
January -	10	6	723
February -	19	15	1,701
March - -	19	12	1,645
April - -	15	9	1,123
May - -	16	11	1,359
June - -	18	12	1,867
July - -	19	12	1,441
August - -	18	17	1,762
September -	24	16	2,704
	203	143	17,816
1905.			
October -	17	13	865
November -	24	18	1,566
December -	21	15	1,141
1906.			
January -	22	12	1,153
February -	17	12	1,013
March - -	26	13	1,309
April - -	22	10	1,578
May - -	22	13	1,103
June - -	23	11	1,375
July - -	20	12	1,268
August - -	27	21	2,518
September -	21	14	2,020
	262	164	16,909

R. C. Palmer, Esq.

Month.	Days Engaged.	Nights from Home.	Miles Travelled.
Year 1903.			
October - -	20	11	1,237
November -	26	14	1,502
December -	17	9	912
1904.			
January -	19	12	1,699
February -	11	4	656
March - -	18	5	1,517
April - -	23	8	1,234
May - -	19	3	979
June - -	21	7	1,716
July - -	14	3	1,144
August - -	26	21	1 570
September -	No	account	—
	214	97	14,166
1904.			
October - -	20	9	2,394
November -	11	6	1,021
December -	No	account	—
1905.			
January -	10	6	723
February -	17	13	2,145
March - -	13	10	1,770
April - -	17	11	1,161
May - -	23	16	2,401
June - -	1	—	10
July - -	10	7	1,058
August - -	24	21	2,633
September -	3	2	424
	149	101	15,740
1905.			
October -	17	11	1,572
November -	18	9	1,699
December -	6	1	416
1906.			
January -	16	12	1,730
February -	10	7	1,313
March - -	10	6	1,231
April - -	17	11	1,392
May - -	22	11	1,459
June - -	15	11	1,902
July - -	16	10	1,869
August - -	3	2	438
September -	No	account	—
	150	91	14,321

11.—STATEMENT GIVING PARTICULARS OF ESTATES IN LUNACY AND THE PERCENTAGES PAYABLE THEREON.

(*Sent in by T. Southwell Keely, Esq. See Questions* 30102–30116.)

A. Estates of which the income does not exceed £20 a year.

1. Lunatics so found						11
2. „	under Sec. 116 (1)			(*b*)		18
„	„	„	„	(*c*)		142
Persons	„	„	„	(*d*)		20
Lunatics	„	„	„	(*e*)		433
„	„	„	„	(*f*)		6
			Total			630

B. Estates of which the income is £20 a year and upwards but less than £100 a year - 1,379

1. The number of estates paying lunacy percentage on incomes of £100 a year and upwards is as follows :—

Inquisition cases	557
Non-inquisition cases	1,216
	1,773

	£
2. Lunacy percentage at 4 per cent. in inquisition cases produced during the current year	16,821
and at 2 per cent. in non-inquisition cases	10,157
	26,978

The number of estates now in the hands of the official solicitor as committee or receiver of less value than £500 is 42.

The Masters in Lunacy have no information as to the business of the official solicitor as judicial trustee.

As committee or receiver the official solicitor receives no remuneration by way of percentage or commission for management. He receives only either his taxed costs as a solicitor, or, in cases where maintenance is provided, by periodical sales out of a fund in Court, a fixed fee in lieu of costs of £1 1s. a year; though in one case he receives 10s. 6d., and in another case £3 3s. a year.

12.—A RETURN SHOWING THE CLASSIFICATION UNDER THE FOLLOWING HEADINGS OF ALL THE PAUPER PATIENTS NOW RESIDENT IN DENBIGH ASYLUM.

(*Sent in by P. P. Tennant, Esq. See Questions* 31858–31937.)

——	Males.	Females.	Total.	Proportion per cent. Males.	Proportion per cent. Females.	Total per cent. Males and Females.
No of Pauper Patients resident - -	431	378	809			
Special Classification, 1, 2, 3 :—						
1. The number of those patients, who, from being dangerous to themselves or others, or from the nature of their insanity otherwise, it is necessary should be kept under asylum treatment proper - -	268	189	457	62·18	50·00	56·49
2. The number of those who could be suitably treated and cared for at home or "boarded-out" with friends under suitable arrangements and ordinary care - -	15	34	49	3·48	9	6·06
3. The number of Imbeciles and Chronic Lunatics, who, being harmless, could suitably be treated in suitable workhouse wards, or in any similar institution, dividing them into two classes (A) (B), as below - - - - - - -	148	155	303	34·34	41	37·45
Totals - - - -	431	378	809	100	100	100
(A) Those capable of working -	117	67	211	79	58	69
(B) Those incapable of working -	31	94	98	21	47	31

Other Particulars.

Inebriates.—The number of Male Inebriates who could be treated elsewhere - - 7 Males.

Imbecile Children from 5 to 12 years of age :—

——	Males.	Females.	Total.
Imbecile - - - - -	4	1	5
„ Epileptic - - -	3	0	3
	7	1	8

14th December, 1906.

13.—COPIES OF LETTERS WRITTEN BY THE LOCAL GOVERNMENT BOARD TO THE LUNACY COMMISSIONERS AND THE HOME OFFICE WITH REFERENCE TO THE INCREASED EXPENDITURE BY LOCAL AUTHORITIES IN RECENT YEARS ON THE PROVISION AND EQUIPMENT OF LUNATIC ASYLUMS.

(*Handed in by Noel T. Kershaw, Esq., C.B. See Question* 32029.)

Local Government Board,
Whitehall, S.W.
11*th September*, 1903.

SIR,—I am directed by the Local Government Board to state that they have been giving their serious consideration to the causes of the increasing expenditure by local authorities, and in this connexion the great advance in recent years in the cost of providing and equipping lunatic asylums has been forced upon their notice.

This increase of cost has been brought prominently before the Board in some recent cases in which their approval has been required to the borrowing of money for the purchase of sites and the erection and equipment of the buildings. They have compared the estimates of the cost of the proposed new buildings with the cost of asylums for which loans were sanctioned some five to ten years ago, and find that there has been a large increase in the average cost per inmate, an increase which, so far as their information goes is not to be explained by the undoubted increase in the cost of labour and materials which has taken place during the decade referred to.

As an example of the high cost to which lunatic asylums have attained, the Board may refer to the new asylum about to be erected by the Worcestershire County Council near Bromsgrove, the estimated cost of which, including the site, amounts to over £400 per inmate, and by itself largely exceeds the total amount which the County Council are authorised to borrow under the Local Government Act, 1888, without the authority of a Provisional Order confirmed by Parliament.

Again, in the case of the new lunatic asylum now being erected by the Town Council of Cardiff at Whitchurch, the cost per inmate, on the estimate alone, also amounts to over £400; while, in the case of the Storthes Hall Asylum in the West Riding of Yorkshire, the estimated cost of the section of the building now in progress, exclusive of the cost of the site, amounts to as much as £481 per inmate, calculated on the number to be accommodated in that section.

The Board view with much concern this large and growing expenditure, and they saw with satisfaction that on pages 8 to 11 of their 55th Annual Report the Commissioners in Lunacy had directed attention to the desirability of providing cheaper asylum accommodation.

The Board are also aware that the Commissioners issued a circular dealing with this question but the cases above referred to seem to the Board to indicate that at least in some instances the local authorities have failed to respond to the suggestion of the Commissioners.

In ordinary, cases, where no sanction except that of the Board is necessary in respect of a particular work, they give full consideration to the question of possible economies in ornament and construction as well as to the question of the actual necessity of the works and their suitability for the purposes which they are designed to serve.

In the case of lunatic asylums, however, the proposals have received the approval of the Commissioners in Lunacy, and also of the Secretary of State before they are submitted to the Board, and the Board feel that in such cases their action is to some extent fettered by the fact that the plans of the buildings, etc., have been approved by the Commissioners and the Home Office with a full knowledge of the probable cost of the buildings, etc., before them.

As the Commissioners are no doubt aware, the burden of local rates is constantly tending to increase and the sum of local indebtedness in England and Wales has in fact risen from £92,820,100 in 1874–5 to £316,704,222 in 1900–1 or 241 per cent. the rateable value during the same period having risen from £115,646,631 to £180,406,420 or only 56 per cent. At the same time the objects upon which local rates must be or can be expended are constantly increasing and signs are not wanting that in certain quarters these factors are tending to affect the credit of local authorities as borrowers.

The Board trust that the Commissioners may see their way to put some effective check on the expenditure of local authorities for asylum purposes as the Board feel convinced that some steps in this direction are necessary at the present time and they are most anxious to avoid any seeming divergence between themselves and the Commissioners.—I am, Sir,

Your Obedient Servant,
(*Signed*) NOEL T. KERSHAW,
Assistant Secretary.

Local Government Board,
Whitehall, S.W.
12*th September* 1903.

SIR,—I am directed by the Local Government Board to forward to you for the information of the Secretary of State the enclosed copy of a letter which the Board have addressed to the Commissioners in Lunacy.—I am, Sir,

Your obedient Servant,
(*Signed*) JOHN LITHIBY,
Assistant Secretary.

The Under Secretary of State,
Home Office, Whitehall, S.W.

14.—STATEMENT SHOWING THE BORROWING POWERS AVAILABLE TO COUNTY COUNCILS UNDER THE LOCAL GOVERNMENT ACT, 1888, OR AS EXTENDED BY PROVISIONAL ORDER, THE AMOUNT OF LOANS SANCTIONED BY THE LOCAL GOVERNMENT BOARD FOR LUNATIC ASYLUM PURPOSES TO SUCH COUNCILS, THE TOTAL DEBT OF SUCH COUNCILS FOR PURPOSES OTHER THAN EDUCATION, AND THE RELATION THERETO OF LUNATIC ASYLUM DEBT.

(*Sent in by Noel T. Kershaw, Esq., C.B.* *See Question* 32060.)

County.	Total borrowing power (according to latest information in the possession of the Board).	Amount (if any) included in column 2 representing additional borrowing powers conferred by Provisional Order.	Total amount of loans sanctioned by the Board for Lunatic Asylum purposes.*	Outstanding debt at 31st March, 1905.		Percentage of Asylum debt to total debt (excluding Education debt).
				For all purposes (except Education).	In respect of Lunatic Asylums.	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	£	£	£	£	£	
Bedford	97,708	—	15,000	23,283	16,950	72·79
Hertford	242,592	100,000	212,598	236,586	188,689	79·75
Huntingdon	42,916	—	932	10,393	2,361	22·71
Berks	117,288	—	20,955	37,998	22,520	59·26
Buckingham	114,987	—	66,250	72,352	56,491	78·07
Cambridge	73,752	—	11,468	10,990	7,314	66·55
Isle of Ely	43,406	—	8,552	6,900	5,300	76·81
Chester	369,952	—	216,985	206,244	145,016	70·31
Cornwall	200,000	94,531	126,630	89,524	77,720	86·81
Cumberland	175,559	—	40,322	51,086	31,050	60·77
Westmorland	56,024	—	10,000	9,780	3,860	39·46
Derby	269,590	—	68,850	135,249	57,206	42·29
Devon	276,913	—	138,634	190,000	149,170	78·51
Dorset	155,000	44,909	133,660	133,233	110,265	82·76
Durham	356,289	—	18,890	16,707	8,696	52·05
Essex	439,279	—	88,123	155,867	104,667	67·15
Hereford	87,622	—	50,827	44,129	43,249	98·00
Kent	622,874	—	93,135	139,457	34,157	24·49
Lancashire Asylums Board	—	—	1,207,407‡	—	870,502	—
Leicester	300,000	162,282	212,706	84,797	69,800	82·31
Rutland	35,000	16,106	29,220	9,374	9,374	100·00
Lincoln—Holland	73,746	—	20,266	34,747	18,549	53·38
Lindsey	158,523	—	46,582	51,233	42,913	83·76
Kesteven	198,520	120,000†	147,644	134,581	134,581	100·00
Middlesex	1,292,911	750,000†	569,436	1,467,441	549,686	37·45
Monmouth	144,450	50,000	63,156	83,035	58,246	70·14
Norfolk	184,222	—	82,000	86,000	81,900	95·23
Northampton	139,047	—	Nil.	33,774	8,533	25·26
Northumberland	202,519	—	55,034	128,971	57,848	44·85
Nottingham	160,176	—	135,540	128,802	123,102	95·57
Oxford	110,500	29,955	82,181	77,312	66,276	85·72
Salop	170,279	—	Nil.	26,000	20,200	77·69
Montgomery	37,663	—	Nil.	22,206	7,140	32·15
Somerset	272,050	—	159,174	172,280	153,018	88·81

In addition to the amounts in column 4, the Board have, in a number of cases, sanctioned the application (with or without recoupment) of capital moneys received from adjustments, sale proceeds, etc., towards the cost of Lunatic Asylums.

† These amounts are in addition to one-tenth of the rateable value *for the time being*; in the other cases to which this column relates the Provisional Order extended the borrowing powers to a fixed sum.

‡ This amount includes loans sanctioned to the Lancashire County Council prior to the formation of the Lancashire Asylums Board.

Statement showing the Borrowing Powers available to County Councils, etc.—*continued*

County.	Total borrowing power (according to latest information in the possession of the Board).	Amount (if any) included in column 2 representing additional borrowing powers conferred by Provisional Order.	Total amount of loans sanctioned by the Board for lunatic asylum purposes.*	Outstanding debt at 31st March, 1905.		Percentage of asylum debt to total debt (excluding education debt).
				For all purposes (except education).	In respect of lunatic asylums.	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	£	£	£	£	£	
Southampton	205,515	—	86,811	149,558	87,099	58·31
Stafford	476,652	75,000	423,097	378,656	312,467	85·52
Suffolk, East	98,925	—	115,400‖	74,810	74,810	100·00
„ West	61,460	§		59,207	42,080	71·07
Surrey	820,000	400,110	440,254	417,386	192,607	46·14
Sussex, East	350,000	186,502	301,227	332,579	294,977	88·69
„ West	250,000	167,647	221,892	223,188	197,217	88·36
Warwick	212,876	—	90,787	88,513	47,541	53·71
Wight, Isle of	60,000	18,558	75,980	46,546	38,784	83·32
Wilts	154,109	—	85,963	106,476	58,380	54·82
Worcester	483,667	300,000	238,137	257,820	170,013	65·94
York, East Riding	129,246	—	35,364	33,149	28,464	85·86
North Riding	223,103	—	17,673	80,918	13,069	16·15
West Riding	1,330,849	600,000	1,034,505	679,727	535,616	78·79
Anglesey	35,362	15,000	19,831	17,632	9,737	55·22
Carnarvon	66,343	—	52,998	45,138	40,679	90·12
Denbigh	66,876	—	45,729	56,506	41,043	72·63
Flint	44,405	—	27,282	35,390	17,503	49·45
Merioneth	27,328	—	20,923	16,545	14,398	87·02
Brecon	87,714	60,000	77,204	75,740	74,640	98·54
Radnor	38,538	20,000†	34,111	32,270	32,270	100·00
Cardigan	31,450	—	Nil.	7,800	832	10·66
Carmarthen	63,871	—	Nil.	27,297	1,845	6·75
Glamorgan	294,103	—	88,445	228,320	200,740	87·92
TOTALS	12,863,749	3,210,600	7,665,770	7,581,302	5,863,160	77·34

* In addition to the amounts in column 4, the Board have, in a number of cases, sanctioned the application (with or without recoupment) of capital moneys received from adjustments, sale proceeds, etc., towards the cost of lunatic asylums.

† These amounts are in addition to one-tenth of the rateable value *for the time being;* in the other cases to which this column relates the Provisional Order extended the borrowing powers to a fixed sum.

§ The Board have decided to issue a Provisional Order extending the borrowing powers of this County Council by an amount which has not yet been definitely settled; it will not, however, exceed £9,000.

‖ This is the total amount sanctioned to the Suffolk Joint Committee, which was dissolved by the County of Suffolk Act, 1904, and the outstanding debt of which was apportioned between the County Councils of East and West Suffolk.

15.—STATEMENT GIVING PARTICULARS OF THE LAST FIFTY CASES IN WHICH, PRIOR TO 17TH DECEMBER, 1906, DECISIONS WERE GIVEN BY THE LOCAL GOVERNMENT BOARD UPON APPLICATIONS BY LOCAL AUTHORITIES (OTHER THAN POOR LAW AUTHORITIES) FOR SANCTION TO LOANS.

(*Sent in by Noel T. Kershaw, Esq., C.B. See Question* 32106).

Name of Authority.	Purpose and amount of loan.	Date of receipt of application.	Date when necessary information or particulars were received.	Date on which decision in regard to loan sanction was given.	Remarks.
(1) Southport Town Council.	£660 (Elementary school).	6th Oct., 1906.	26th Nov., 1906.	10th Dec., 1906.	—
(2) Wolstanton United Urban District Council.	£388 (Elementary school).	22nd Oct., 1906.	16th Nov., 1906.	10th Dec., 1906.	—
(3) Crickhowell Rural District Council (Llanelly).	£1,000 (Water supply).	9th Feb., 1906.	9th Mar. 1906.	10th Dec., 1906.	A local inquiry was promised on 9th April, 1906, and held on the 26th of that month. The Board learned from the report of their Inspector that the District Council had not entered into an agreement for a lease of the springs from which the supply of water was to be taken ; and a decision upon the application had consequently to be delayed until such an agreement was completed The Board were informed on 7th December that this had been done, and they sanctioned the loan three days later.
(4) Kingston - upon - Hull Town Council.	£14,277 (Elementary school).	19th Nov., 1906.	19th Nov., 1906.	10th Dec., 1906.	—
(5) Stoke-upon-Trent Town Council	£1,998 (Electric lighting).	4th Aug., 1906.	11th Sept., 1906.	10th Dec., 1906.	A local inquiry in the case was a statutory necessity, as the debt exceeded the assessable value of the district (Section 234 (3), Public Health Act, 1875) ; and this took place on 23rd October, 1906.
(6) King's Norton and Northfield Urban District Council.	£898 (Street improvement).	19th Sept., 1906.	15th Oct., 1906.	10th Dec., 1906.	A local inquiry was considered necessary. This was held on 16th November, and the Inspector's report was received on the 26th of that month.
(7) Felixstowe and Walton Urban District Council.	£1,400 (Refuse destructor).	3rd Oct., 1906.	3rd Oct. 1906.	10th Dec., 1906.	Local inquiry in this case was a statutory necessity, as the debt exceeded the assessable value of the district (Section 234 (3), Public Health Act, 1875). This was promised on 20th October, and held on 14th November.
(8) Northumberland County Council.	£2,000 (Water supply at asylum).	20th Nov., 1906.	20th Nov., 1906.	11th Dec., 1906.	—
(9) Hemsworth Rural District Council.	£156 (Water supply for township of Thorpe Audlin).	7th Nov., 1906.	7th Nov. 1906.	11th Dec., 1906.	—
(10) Northwich Urban District Council.	£4,380 (Private street improvement).	27th Aug., 1906.	4th Oct., 1906.	11th Dec., 1906.	A local inquiry was directed in this case. This was promised on 2nd October, and held on the 24th of that month. Some points arose out of the report of the Inspector which needed further investigation.
(11) Aldershot Urban District Council.	£1,000 (Private street improvement).	13th Aug., 1906.	26th Sept., 1906.	11th Dec., 1906.	In these cases an inquiry is necessary, as there may be an appeal later on from the owners responsible for the cost, and it is essential that the Board should satisfy themselves that the works are suited to the class of street in respect of which the loan is sanctioned. Inquiry was promised on 10th October, and held on the 29th of that month.

Name of Authority.	Purpose and amount of loan.	Date of receipt of application.	Date when necessary information or particulars were received.	Date on which decision in regard to loan sanction was given.	Remarks.
(12) Devonport Town Council.	£792 (Street paving).	14th July, 1906.	25th Aug., 1906.	11th Dec., 1906.	A local inquiry in this case was a statutory requirement. This was promised on 13th September, but no Inspector was available until 7th November.
(13) Pontypridd Urban District Council.	£555 (Elementary school).	23rd Oct., 1906.	19th Nov., 1906.	11th Dec., 1906.	—
(14) Leeds Town Council -	£44,150 (Cemetery).	4th May, 1905.	6th April, 1906.	11th Dec., 1906.	The particulars asked for on 25th May, 1905, were not supplied until 6th April, 1906. Local inquiry was promised on 5th May and held on 1st June. The cost of laying out the cemeteries appeared to the Board, after investigation, to be very high, and on 3rd August they asked for an explanation. The information necessary to satisfy them on this point was not furnished until 1st November, and the loan applied for was sanctioned, subject to a deduction of £2,608, on 11th December, 1906.
(15) Ashburton Urban District Council.	£2,000 (Sewerage).	16th Nov., 1905.	29th Dec., 1905.	11th Dec., 1906.	Inquiry was promised on 17th January, 1906, and held on 20th February. The Inspector's Report was received on 8th March, and on 10th April the Board wrote suggesting certain amendments of the scheme. Details of the amended scheme were not furnished until 16th November.
(16) Notts County Council-	£730 (Elementary school).	24th Nov., 1906.	24th Nov., 1906.	12th Dec., 1906.	—
(17) Great Crosby Urban District Council.	£1,600 (Land for street improvement).	6th Oct., 1906.	6th Oct., 1906.	12th Dec., 1906.	A local inquiry in this case was a statutory requirement in pursuance of Section 234 (3) of the Public Health Act, 1875. Inquiry was promised on 18th October and held on 7th November.
(18) Walsall Town Council	£2,650 (Street improvement).	27th July, 1906.	17th Sept., 1906.	12th Dec., 1906.	Local inquiry was a statutory requirement in this case also. Inquiry was promised on 8th September and held on 17th October.
(19) Durham County Council.	£750 (Elementary school).	29th Sept., 1906.	22nd Nov., 1906.	12th Dec., 1906.	Information was necessary as to the probability of the proposed site being affected by mining operations.
(20) Staffordshire County Council.	£410 (Elementary school).	22nd Nov., 1906.	22nd Nov., 1906.	12th Dec., 1906.	—
(21) Yorks (North Riding) County Council.	£230 (Elementary school).	1st Nov., 1906.	16th Nov., 1906.	12th Dec., 1906.	—
(22) Notts County Council	£65 (Elementary school).	21st Nov., 1906.	21st Nov., 1906.	12th Dec., 1906.	—
(23) Devon County Council	£4,000 (Police station).	25th May, 1906.	3rd Aug., 1906.	12th Dec., 1906.	There was local opposition in this case, and the Board decided to direct a local inquiry to be held. This was promised on 6th September and held on 31st October. The Inspector's Report disclosed a very unsatisfactory state of affairs in several respects, and the Board declined to sanction the loan.
(24) Yorks (North Riding) County Council.	£230 (Elementary school).	1st Nov., 1906.	16th Nov., 1906.	12th Dec., 1906.	—

Name of Authority.	Purpose and amount of loan.	Date of receipt of application.	Date when necessary information or particulars were received.	Date on which decision in regard to loan sanction was given.	Remarks.
(25) Pontypool Rural District Council (Ponthir).	£440 (Water supply).	3rd May, 1906.	10th May, 1906.	12th Dec., 1906.	Inquiry was promised on 30th May, 1906, and held on 11th July. The Inspector's report was received on 1st August, and on the 24th of that month the Board wrote suggesting certain amendments of the scheme, which were finally agreed to on 5th October. The Board expressed their approval of the amended scheme on 11th October, but at the suggestion of the Local Authority deferred sanction until tenders had been obtained.
(26) Nuneaton and Chilvers Coton Urban District Council.	£4,650 (Elementary school).	24th Nov., 1906.	24th Nov., 1906.	12th Dec., 1906.	—
(27) Ealing Town Council -	£480 (Slab-making plant).	23rd June, 1906.	27th Sep., 1906.	12th Dec., 1906.	Local inquiry was a statutory necessity (Sec. 234 (3) of the Public Health Act, 1875). This was promised on 15th October and held on 6th November.
(28) Kettering Urban District Council.	£480 (Private street works).	28th June, 1906.	11th Aug., 1906.	12th Dec., 1906.	Inquiry was a statutory necessity here also. It was promised on 31st August and held on 6th November.
(29) Leyton Urban District Council	£3,475 (Private street works under P.S.W. Act, 1892).	21st Nov., 1906.	21st Nov., 1906.	12th Dec., 1906.	—
(30) Bath Rural District Council.	£735 (Private street works under P.S.W. Act, 1892).	1st Sept., 1906.	31st Oct., 1906.	12th Dec., 1906.	This case required special consideration, and the Board made a deduction from the amount of the proposed loan, as certain of the works were beyond the powers of the District Council.
(31) Shrewsbury Town Council.	£5,000 (Protecting and improving water supply of Borough).	13th Nov., 1906.	—	12th Dec., 1906.	The Board had previously drawn attention to the danger of the existing dual supply at Shrewsbury and they refused to entertain the application except in conjunction with an improved supply of water from the Severn.
(32) Bromley Town Council	£285 (Private street improvement).	27th July, 1906.	12th Sept., 1906.	13th Dec., 1906.	In this case an inquiry was necessary for the reasons stated in the remarks to No. (11). An inquiry was promised on 5th October and held on 10th November.
(33) Hyde Town Council -	£1,000 (Paying off loan for education purposes)	12th Oct., 1906.	5th Nov., 1906.	13th Dec., 1906.	—
(34) Eastleigh and Bishopstoke Urban District Council.	£240 (Street improvement).	3rd Nov., 1906.	23rd Nov., 1906.	13th Dec., 1906.	—
(35) Norwich Town Council.	£2,850 (Public baths). £1,000 (Pleasure ground.)	2nd Aug., 1906.	5th Oct., 1906.	13th Dec., 1906.	The Board considered it desirable to direct a local inquiry to be held before arriving at a decision. The necessary particulars were not received until 5th October, and inquiry took place on the 30th of that month.
(36) Yorks (West Riding) County Council.	£2,450 (Secondary school).	16th Jan., 1906.	1st Dec., 1906.	13th Dec., 1906.	—
(37) Congleton Town Council.	£3,436 (Gas undertaking).	3rd Aug., 1906.	31st Aug., 1906.	13th Dec., 1906.	A local inquiry was promised on 27th September and held on 16th November.
(38) Sale Urban District Council.	£260 (New street).	3rd Dec., 1906.	3rd Dec., 1906.	13th Dec., 1906.	—

Name of Authority.	Purpose and amount of loan.	Date of receipt of application.	Date when necessary information or particulars were received.	Date on which decision in regard to loan sanction was given.	Remarks.
(39) Mansfield Town Council.	£480 (Street improvement).	25th July, 1906.	15th Aug., 1906.	13th Dec., 1906.	Local inquiry was a statutory necessity and was held on 1st November. A legal point arising out of the facts disclosed in the Inspector's report had to be determined, and this somewhat delayed the decision.
	£400 (Street improvement).	26th Oct., 1906.	6th Nov., 1906.		
(40) Crewe Town Council.	£1,221 (Private street improvement).	13th July, 1906.	4th Aug., 1906.	14th Dec., 1906.	A local inquiry in this case was a statutory requirement. Inquiry was promised on 28th August and arranged for 28th September. Owing to the illness of the Inspector, this fixture had to be cancelled, and another Inspector was not available until 2nd November.
(41) Ilfracombe Urban District Council.	£300 (Street improvement).	15th Aug., 1906.	8th Oct., 1906.	14th Dec., 1906.	As the outstanding debt in this case exceeded the assessable value of the district, a local inquiry was a statutory requirement. This was promised on 29th October, and held on 21st November.
(42) Somerset County Council.	£2,750 (Lunatic asylum).	12th July, 1906.	18th Aug., 1906.	14th Dec., 1906.	The Board directed a visit by one of their Inspectors in this case. This was arranged to take place on 9th October, but the Inspector subsequently found that he would be unable to visit the asylum on that date, and it had to be postponed to the 2nd November, the earliest date at which another Inspector was available.
(43) Acton Urban District Council.	£550 (Elementary school).	29th Sept., 1906.	29th Sept., 1906.	14th Dec., 1906.	—
(44) Oxfordshire County Council.	£200 (Elementary school).	22nd Oct., 1906.	19th Nov., 1906.	14th Dec., 1906.	—
(45) Hindley Urban District Council.	£11,700 (Sewerage and sewage disposal).	10th Sept., 1906.	14th Nov., 1906.	14th Dec., 1906.	—
(46) Axbridge Rural District.	£5,300 (Water supply for the parish of Blagdon).	4th Aug., 1906.	11th Sept., 1906.	14th Dec., 1906.	As the amount of the proposed loan exceeded the assessable value of the parish of Blagdon it was obligatory on the Board to direct a local inquiry to be held. The particulars were received on 11th September, and inquiry was held on 29th October. The report, when received, showed that the proposed source of supply was one which required to be proved by the construction of preliminary works, and a sanction for a small sum (£500) and a letter giving full instructions was sent to the District Council on 14th November.
(47) Staffordshire County Council.	£960 (Elementary school).	23rd Nov., 1906.	23rd Nov., 1906.	15th Dec., 1906.	—

Name of Authority.	Purpose and amount of loan.	Date of receipt. of application.	Date when necessary information or particulars were received.	Date on which decision in regard to loan sanction was given.	Remarks.
(48) Gainsborough Urban District Council.	£3,250 (Street improvement).	12th Dec., 1906.	19th Jan., 1904.	15th Dec., 1906.	This case was a very troublesome one and involved many points of difficulty. The particulars asked for on 5th January, 1905, as regards the first application, were not supplied until 19th January, 1906, and local inquiry into all the applications was a statutory necessity. This was promised on 17th March, and held on 6th April. As the result of this inquiry the Board wrote to the District Council on 4th June, requesting reconsideration of the entire scheme and drawing attention to a legal difficulty to be overcome before the proposals of the District Council could be carried out. These points were not met until the 5th December, and sanction to the loans was given ten days later.
	£6,717 (Market).	6th Jan., 1906.	6th Jan., 1906.		
	£343 (Street improvement).				
(49) Northwich Urban District Council.	£4,185 (Main road improvement).	4th Sept., 1906.	4th Oct., 1906.	15th Dec., 1906.	Inquiry was promised on 2nd October, and held on 24th of that month. After the receipt of the Inspector's report, it was necessary to write to the District Council suggesting that as a scheme of sewerage was imminent the work should be deferred. The District Council replied on 8th December that it was not intended to disturb the existing sewer in this road by the proposed scheme and a loan was thereupon sanctioned.
(50) Darfield Urban District Council.	£1,500 (Sewerage and sewage disposal).	15th May, 1906.	15th May, 1906.	15th Dec., 1906.	The Board directed a local inquiry to be held. This was promised on 11th June, and took place on 4th July. The Inspector reported the scheme to be unsatisfactory, and on 14th August the Board wrote requiring that it should be considerably amended. The amended scheme was not submitted to the Board until 21st November.

NOTE.—It is the practice of the Local Government Board to fix local Inquiries at least a fortnight in advance, and to give public notice of the Inquiry in the locality, in order that any persons interested may attend and be heard on the subject of the application.

16.—COPY CORRESPONDENCE BETWEEN THE LOCAL GOVERNMENT BOARD AND THE TOWN CLERK OF BIRMINGHAM, WITH REFERENCE TO THE ARRANGEMENTS PROPOSED BY THE TOWN COUNCIL OF BIRMINGHAM FOR THE TREATMENT AND DISPOSAL OF THE SEWAGE AT THE RUBERY HILL ASYLUM ANNEXE AT HOLLYMOOR.

(*Sent in by David Davis, Esq. See Question* 32460.)

Local Government Board, Whitehall, S.W.,
December 17*th*, 1903.

Sir,—I am directed by the Local Government Board to state that they have had under consideration a Report made by their inspector, Mr. Tulloch, with reference to the arrangements proposed by the Town Council of Birmingham for the treatment and disposal of the sewage of the new lunatic asylum at Hollymoor, near Northfield.

As there appears to be no land on the asylum estate suitable for the purification of the sewage, the Board will raise no objection to the proposal of the town council to deal with the sewage by means of a septic tank and artificial filters alone. The Board consider, however, that the filters should be of sufficient capacity to deal with a total volume equal to twice the daily dry weather flow of sewage, or 42,000 gallons, at a rate not exceeding 84 gallons per cubic yard of filtering material per diem.

The proposed filters as shown on the plans forwarded with your letter of August 20th last are not of sufficient size to comply with this requirement, and the plans are accordingly returned herewith for amendment.—I am, Sir,

Your obedient servant,
Noel T. Kershaw,
Assistant Secretary.

The Town Clerk,
Birmingham.

Town Clerk's Office,
Birmingham,
March 2*nd*, 1904.

Sir,—. . . . As regards the arrangements for the disposal of the sewage, I am to state that the architect has conferred with the Board's Deputy Chief Engineering Inspector, Colonel Marsh, on the subject, and the plans have been approved by him, subject to the capacity of the septic tanks and filtration beds being doubled, to allow of twice the estimated flow of sewage being dealt with. The new plans are now being prepared, and will be forwarded to the Board at an early date.

The original estimate of the cost of the sewage disposal works (£1,100) is comprised in the builder's contract, and the extra cost of the larger bacterial tanks is estimated at £500.—I am, Sir,

Your obedient servant,
E. O. Smith,
Town Clerk.

The Secretary,
Local Government Board.

Copy of Explanatory Letter Received from Mr. J. D. Watson who had Several Interviews with the Official of the Local Government Board on the same Subject.

Drainage Board,
Tyburn, near Birmingham,
January 3*rd*, 1907.

Dear Sir,—With reference to our conversation over the telephone this morning, please accept my apologies for having neglected to comply with your request of a fortnight ago regarding the difference of opinion which we had with the Local Government Board in February, 1904.

When the plans of the sewage works at Hollymoor were submitted for the approval of the Board they insisted on the septic tank being constructed of a capacity capable of containing a quantity of sewage equal to twenty-four hours storage of the dry weather flow. I pointed out to the engineering inspectors that it was not necessary to provide for so large a flow, as the prolonged rest in the tank would not materially contribute to the ultimate efficiency of the scheme, and that the cost would be increased out of all proportion to any benefit accruing from the larger tank. I may say that this view is now more common amongst sanitary experts than it was at that time and it will probably be found that when the Royal Commission on Sewage Disposal issue their final Report they will admit that twenty-four hours' fermentation is too much.

In my interview with the Board's engineers, I also tried to show the unwisdom of rigidly adhering to the cast-iron standard adopted by the Board to determine the size and capacity of a bacteria bed, pointing out that in the case of a sewage so highly concentrated as that which was likely to flow from the Hollymoor Asylum, it could not be efficiently treated unless the bacteria beds were in two units, primary and secondary, which would involve a greater expense in construction but need not contain so large an amount of medium. The engineers admitted that my plan would secure greater efficiency, but urged that they were helpless to give effect to my request for a reduction of the medium and could not recommend the approval of the plans unless the existing standard was complied with.

Although I am of opinion that every case must be judged on its own merits, I am bound to say in criticising the decision of the Local Government Board, that it is only fair to bear in mind that they have found it necessary to frame rules generally applicable to the whole country, and that the engineers who are responsible for advising the Board whether those rules have been complied with or not, are tied up to act in a way which an experienced sanitary engineer feels to be contrary to sound judgment and experience.—I am,

Yours faithfully,
John D. Watson,
Engineer to the Board.

William Hutton, Esq.
Clerk to the Asylums Committee.
The Council House, Birmingham.

17.—REPORT OF THE TAXATION OF COSTS COMMITTEE

(*Handed in by Master Baker, See Question* 33166, *p.* 314, *col.* 1.)

In this Report we have divided the subject thus :—

Transfer.
Staff.
Procedure.

The figures as to taxation are those for 1898, and are taken in round figures from the Judicial Statistics for 1900.

TRANSFER.

The transfer of the taxation of costs from the present scattered taxing departments to one central body, can we think, be effected without legislation.

The divisions or branches affected are the following :—

1898.

	Costs brought in.	Taxed off.
	£	£
Chancery	914,000	151,000
King's Bench Division	489,000	137,000
King's Remembrancer	2,000	125
Crown Office	15,000	6,000
Railway and Canal Commissioners and Election Petitions	1,000	350
Probate	32,000	6,000
Divorce	44,000	11,000
Admiralty	51,000	17,000
Companies' Winding Up	46,000	10,000
Lunacy	55,000	7,010
Bankruptcy	52,000	6,000
	£1,701,000	£351,475

The officers of all the departments are officers of the Supreme Court, but attached to different divisions of the High Court, and exercise the functions of taxing officers under various rules.

The King's Bench taxations are part of the work of the central office, as defined by Order 61, R. 1, and as such are under the control of the Masters of the Supreme Court.

The Judicature (Officers) Act, 1879, Section 5, under which the Central Office was created, provides that the Central Office shall consist of the offices thereby amalgamated and "such other offices of the Supreme Court as may from time to time be amalgamated with it by Rules of Court," and Section 6 provides that, in addition to the Masters and others thereby transferred to the Central Office, other officers and persons employed in the Supreme Court may from time to time be transferred to the Central Office by Rules of Court.

All that appears to be necessary, is to transfer by Rules the taxation of costs in all the divisions to the Central Office and to appoint the present Chancery taxing Masters and bankruptcy taxing Master to be "Masters of the Supreme Court." This would not involve any increase in pay or pension. Similarly the clerks would be made part of the staff of the Central Office. These Masters and clerks would then, as officers of the Central Office, be enabled to take taxations from any of the divisions and would form the nucleus of the new taxing office.

Clause 4 of the second column of the Schedule to Order 61, R. 1 and R. 114 of the Rules in Lunacy, 1892, and certain of the divorce rules, would require alteration. There would be some other consequential revisions of Rules, but these are rather matters of drafting than of substance, and we do not therefore now further refer to them.

The provision of the Lands Clauses Taxation of Costs Act, 1895, which requires those costs to be taxed by a Master of the Supreme Court, would be satisfied, as all the taxing Masters would be Masters of the Supreme Court, and so in the case of other costs which may be the subject of similar provisions and where, as in the case of taxation of costs of election petitions, particular Masters are designated, the exceptions, which are it is believed unimportant, can be removed by rule.

Staff.

In considering the staff required for the new office as compared with the existing staff engaged in the work of taxing costs, it is essential to bear in mind the very difficult character of the work in the different divisions and the material diversity which exists in the methods of taxation.

Speaking generally, and without noticing small exceptions not affecting the general proposition, the taxation in the King's Bench Division, with the Crown Office, etc., and those of the Probate, Divorce and Admiralty Divisions, are contested Party taxations. There is an opposition which protects the pocket of the man who has to pay. The taxations in these divisions amounted to £634,000.

The Chancery Division taxations amounted to £914,000, of which about 58 per cent., or £530,000, were solicitor and client taxations against an estate or a fund in court. Here, speaking generally, there is no opposition nor protection to the client except the vigilance of the Taxing Master and his staff.

The taxations in the Bankruptcy, Lunacy and Companies' Winding Up are of much the same character. They amount together to £153,000.

In Party and Party taxations there are as a rule much heavier items of counsel's fees and witnesses' expenses than in taxations against a fund or estate, and these are often largely reduced, but without affecting the solicitor's own remuneration.

Results of taxation in the different divisions cannot be fairly contrasted by mere comparison of totals of reductions. The percentage of reduction in Party and Party taxations in the Chancery division appears to be at least as great as in the other divisions. Reductions in the class of bills forming the bulk of the work of the Chancery division, *i.e.*, costs payable out of an estate or fund, consist much more of small detail involving more time in taxing and greater length of bills. This class of taxation—a large class as will have been observed—has hitherto been done in the Chancery Taxing Office, and what may be called the kindred departments of Companies' Winding Up, Bankruptcy and Lunacy upon a system which gives to each Master two clerks, and has, as an essential of taxation a close and rigorous checking of papers, lengths of documents, vouchers and the casting of bills. These methods apply also to the Party and Party taxations of the Chancery Division.

The King's Bench and Probate, Divorce and Admiralty divisions have no clerks who deal specially with taxations. Clerks look after the fees of taxation and may give appointments, but the Master himself alone undertakes the detailed work of taxation. It is a waste of power that all details should be done by the Masters without assistance, and interferes with their proper discharge of the more important—the judicial—part of their duties.

The conclusion we arrive at, therefore, is, that the practice of the Chancery Taxing Office should be followed and that each Master of the Supreme Court Taxing Office should have a Principal and a junior clerk.

This may involve some increase in the number of clerks, but we are satisfied that efficiency and proper protection of the public require it.

It is difficult to estimate what staff will be required. The Chancery Taxing Masters are fully occupied. They already take the heavier taxations of the Companies' Winding Up Department. These amount to about one-third of the taxations of that Department, which are returned in the judicial statistics at £68,000, but there

is included £22,000 taxed in the Chancery Division and included in the returns of that Division. For our estimate we therefore take the Companies' Winding Up taxations as amounting to £46,000. Probably not all of this would come to the new office, as the costs of small applications would continue to be taxed by the clerks in the Winding Up Department.

Taxations in Lunacy are nominally under the control of the Masters in Lunacy, but are in fact done by a first class clerk, formerly clerk to Master Bloxam of the Chancery Taxing Office, who at one time took all the Lunacy Taxations. This official is responsible for these taxations and signs the certificates of taxation. His time, with a junior clerk, is fully occupied.

The bankruptcy taxations were formerly done by two Taxing Masters, but there was a reduction in the volume of work and Master Tanner now does the work single handed with a staff of three clerks. There is probably only a very small, if any, margin of Masters' time available here for other work.

The Crown Office taxations, though not large in amount, require close attention, and to do them as effectively as at present will make a considerable inroad on the time of a Taxing Master. Master Mellor and Master Coleridge have taken the taxation between them.

The Probate and Divorce taxations are chiefly ordinary Party taxations, not presenting, as a rule, great features of difficulty. One registrar takes all the taxations for a term. His time is not quite fully occupied with that work but there is not much margin for other work.

The Admiralty taxations will probably take more time relatively. The claims for detention of witnesses are troublesome. Mr. Roscoe, the assistant registrar takes these taxations. They occupy about four days a week.

The King's Bench Division taxations, wherein are included the King's Remembrancer, Lands, Clauses and Parliamentary and Municipal Election Petitions taxations are of a mixed character. There are many small cases in which there is often much squabbling, and there are very heavy cases involving large amounts of costs. The work is divided amongst the Masters on an aphabetical rota, and is done in conjunction with their work in Chambers. At least one-third of the time of the Masters is occupied with taxations, in other words three Masters on a narrow computation are required for the work.

We have carefully considered the subject of the staff required, both from the point of view of the amount and also of the character of the taxations, and allowing for some "give and take" as between the different classes of work coming over to the new Taxing Office, we have grouped the work as shown in the following table with our estimate of its minimum requirements. We have also shown the present Taxing staff transferable to the new office.

STAFF REQUIRED.

	Masters.	Principal Clerks.	Junior Clerks.
Chancery	7	7	7
Companies' Winding Up Lunacy	1	1	1
Bankruptcy Crown Office	1	1	1
Probate Divorce Admiralty	1	1	1
King's Bench Division King's Remembrancer Railway and Canal Commissioners and Election Petitions	3	3	3
	13	13	13

PRESENT TAXING STAFF TRANSFERABEE.

	Masters.	Principal Clerks.	Junior Clerks.
Chancery	7	7	7
Companies' Winding Up and Lunacy	–	1	1
Bankruptcy and Crown Office	1	1	2
Probate, Divorce and Admiralty	1	1	1
King's Bench and King's Remembrancer	3	–	2
Railway and Canal Commissioners and Election Petitions	–	–	–
	12	10	13

There are thus required the following new officers :—

Masters.	Principal Clerks.	Junior Clerks.
1	3	–

It is possible that the new officers required may be provided in the future by re-arrangement, but that cannot be ascertained until vacancies occur.

If it is found impossible for the present to transfer to the Central Taxing Office the taxations of the Probate, Divorce and Admiralty Division, the proposed staff could be reduced by one Master, and one principal and one junior clerk, making the total staff—

Masters.	Principal Clerks.	Junior Clerks.
12	12	12

The present Chancery Taxing Masters must by Statute have been solicitors. The King's Bench Masters may have been either barrister or solicitors, though for a long time past only barristers have been appointed. If vacancies amongst the King's Bench Masters are filled up by the appointment of solicitors for the work of the Taxing Office, appointments which the Bar have come to regard as their exclusively will be taken away from them. We have assumed that there must be a reduction of three in the number of King's Bench Masters, and we venture to think that if a corresponding number of barristers of experience and ability were appointed to the Supreme Court Taxing Office, the Masters would work harmoniously, efficiency would not be sacrificed and the lay critic would be deprived of the unfounded suggestion that Solicitor Taxing Masters are likely to unduly favour solicitors. It would tend to public confidence in the new office, which would deal with a very large volume of costs.

Of course, if some of the present Masters of the Supreme Court became associated with the Supreme Court Taxing Office it would at once add strength to the department. There are four Registrars for Probate and Divorce and two for Admiralty work. If these departments could spare one, his assistance, especially in Admiralty work, would greatly help.

The Taxing Masters and Clerks should be located together.

PROCEDURE.

There are of necessity divergences of practice when so many authorities deal with taxation of costs, and there are various alterations in procedure which are desirable. Some of these, such as amending the Third Party Section (38) of the Solicitors Act, 1843, and the sections of the Solicitors Act, 1870, and the Solicitors' Remuneration

Act, 1881, relating to agreements as to costs, can only be effected by legislation.

Some alterations of the existing Rules are necessitated by the amalgamation, and there are some important matters of principle in respect of which we think the practice should at once be made uniform. Subject to these, we suggest that it is expedient in the first instance to initiate the new Taxing Office and let it work for a time under the present scales and practice as to costs, moulding the practice to the new work as far as may be without new Rules. When the new Taxing Authority has experience of its new work the Taxing Masters may usefully suggest in a more effective way than is possible now what alterations as to scales, and generally, are requisite.

Some alterations of Order 65 as to inspection of documents will be requisite now to get rid of Brown *v.* Sewell 16 C.D., 517, a decision really obsolete and in direct conflict to the King's Bench practice, but which the Chancery Taxing Masters have not felt themselves at liberty to disregard.

Similarly there must be a Rule to bring into harmony the divergent practice of the two Divisions as to apportionment of costs as illustrated by Sparrow *v.* Hill, 8 Q.B.D., 479l and Jenkins *v.* Jackson (1891) 1 Ch. 89. There are other minor points which we need not refer to in detail. It will, we think, suffice to have a Rule to the effect that the Taxing Masters shall have power to regulate nd assimilate the practice in the taxation of and the allowances in respect of costs coming from the various Divisions as they may think desirable, having regard to the nature of the cases.

We have considered the question whether there should be an alteration in the practice on review of taxation and it has occurred to some members of the Committee that at least as regards questions of amount, a more satisfactory tribunal for the purpose of review would be a Board of three Taxing Masters of whom one should be the Master to whom the taxation under review has been referred. It has however been suggested to us that such a change would be calculated to encourage unduly appeals and we recommend that the question of this alteration should be postponed, at any rate, until the new Taxing Office is in full working order.

We think that the Taxing Masters should have power to issue a Certificate on account. It often happens that objections to a few items only are brought in, and frequently solely for delay. If the Taxing Master had power to issue an immediate Certificate for the rest of the bill it would defeat these tactics.

It would be desirable to extend Order 65 R. 27 Regulation 38A to all cases, and not limit this salutary power to fix a sum in a bad case to taxations against a fund or estate.

Annexed will be found the alterations in and additions to the existing rules which should we think be made for the establishment of the Supreme Court Taxing Office, and for the assimilation of costs in the various Departments to be transferred to that office.

Dated 25th June, 1901.

ALVERSTONE, C.J
F. H. JEUNE, P.
J. C. MATHEW.
ARTHUR KEKEWICH.
K. MUIR MACKENZIE
JAMES R. MELLOR.
M. H. JOHNSON.
M. SPOFFORTH.
W. F. BAKER.
J. A. C. TANNER.

18.—TAXATION OF COSTS COMMITTEE—PROPOSED RULES.

(*Handed in by Master Baker. See Question* 33166, *p.* 314, *col.* 1).

For the amalgamation with the Central Office of the Supreme Court of the Taxing Departments referred to in the Report of the Committee (other than the Probate Divorce and Admiralty Division) and for the assimilation of the taxation of costs in the various departments.

SUPREME COURT, ENGLAND.

Amalgamation with Central Office.

General Rules made pursuant to The Supreme Court of Judicature (Officers) Act, 1879, and The Judicature Acts, 1873 to 1899.

1. There shall be amalgamated with the Central Office the following Offices, namely:—

The Chancery Taxing Office.

The Bankruptcy Taxing Office.

The Taxing Department of the Office of the Masters in Lunacy.

The Taxing Department of the Office of the Registrar in Companies Winding-up.

2. There shall be transferred to the Central Office—

(*a*) The existing Chancery Taxing Masters and the existing Bankruptcy Taxing Master with their respective clerks and messengers or the clerks and messengers employed in their respective offices.

(*b*) The existing Clerks in the Taxing Department of the Office of the Masters in Lunacy.

3. Clause 4 of the Scheme to Order 61, Rule 1, shall be read as if words "in the Queen's Bench Division except such costs as have heretofore been taxed in the Queen's Remembrancer's Office or the Crown Office," were omitted therefrom.

SUPREME COURT, ENGLAND.

Procedure.

4. Order V., Rule 6, shall be read as if the word "except" were inserted therein in lieu of the word "including."

5. Order 54, Rule 9A, shall be read as if the words "of the same Division of the High Court" were omitted therefrom.

6. The following paragraph shall be added at the end of Order 65, Rule 2.

And an order giving a party costs except so far as they have been occasioned or incurred by or relate to some particular issue or part of his proceedings shall be read and construed as excluding only the amount by which the costs have been increased by such issue or proceedings.

7. Order 65, Rule 18, is hereby annulled and the following Rule is substituted therefor:—

The Lord Chancellor may by order from time to time direct that the taxation of costs in any particular class of business to be specified in the Order shall be referred to one or more Taxing Masters or Taxing Officers to be named or described in such Order, but subject to any such direction the business of the Taxing Department of the Central Office of the Supreme Court shall be regulated and distributed by the Taxing Masters in such manner and order as the Taxing Masters may deem expedient. Provided that in any case where there shall have been any former taxation in the same cause or matter or in any summons under Order LV., Rules 3 or 4 relating to the same estate or trust, the taxation shall go to the Taxing Master before whom such former taxation took place.

8. Regulation 17 of Order 65, Rule 27, is hereby annulled and the following regulation is substituted therefor:—

The costs of inspection of documents shall be in the discretion of the Taxing Master, but no allowance is to be made for any inspection unless it is shown to the satisfaction of the Taxing Master that there were good and sufficient reasons for making such inspection.

9. Regulation 29 of Order LXV., Rule 27, is hereby annulled and the following Regulation is substituted therefor:—

On every taxation the Taxing Master shall allow all such costs, charges and expenses as shall appear to him to have been necessary or proper for the attainment of justice or for defending the rights of any party, but save as against the party who incurred the same no costs shall be allowed which appear to the Taxing Master to

have been incurred through over caution, negligence or mistake or by payment of special fees, charges or expenses to Counsel, witnesses, or other persons or by other unusual expenses, or by a preference for the services of particular persons in their profession or business.

10. The following paragraph shall be added at the end of Order 65, Rule 27, Regulation 37 :—

But the Taxing Masters shall have power to revise and regulate the practice in regard to taxation of costs, and the allowance of fees so as to assimilate the allowances for costs, and to secure uniformity upon all taxations so far as may be practicable and expedient."

11. Order LXV., Rule 27, Regulation 38A, is hereby annulled and the following Regulation is substituted therefor :—

If upon any taxation it shall appear that the costs have been increased by unnecessary delay or by improper, vexatious, prolix or unnecessary proceedings, or by other misconduct or negligence, or that from any other cause the amount of the costs is excessive having regard to the nature of the business transacted or the interests involved or the money or value of property to which the costs relate or to the other circumstances of the case the Taxing Master shall allow only such an amount of costs as may be reasonable and proper and may assess the same at a gross sum, and shall (if necessary) apportion the amount among the parties if more than one.

The provisions as to the review of taxations shall apply to allowances and certificates under this Rule.

12. Regulation 39 of Order 65, Rule 27, shall be read as if after the word "signed" the words "or such earlier time as may in any case be fixed by the Taxing Master" were inserted, and as if after the word "same" the following words were inserted, "The Taxing Master may if he shall think fit issue pending the consideration of such objections a certificate of taxation or allocution for or on account of the remainder of the bill of costs and such further certificate or allocatur as may be necessary shall be issued by the Taxing Master after his decision upon such objections."

13. Clause No. 184 of Appendix N of the Rules of the Supreme Court, 1883, is hereby annulled.

14. Order 71, Rule 1, shall be read as if the words from "Taxing Officer" to "respectively" inclusive were omitted therefrom, and the words "Taxing Master or Taxing Officer refers to and includes the Masters of the Supreme Court for the time being acting as Taxing Masters of the Taxing Department of the Central Office of the Supreme Court or other person whose duty it is to tax costs in any Division or Department of the Supreme Court" were inserted and as if after the words "Central Office of the Supreme Court of Judicature" the words "The Taxing Department of the Central Office shall be known as the Supreme Court Taxing Office" were added.

Company, England.

Companies (Winding-up).

General Rules dated made pursuant to the Companies (Winding-up) Act, 1890, and the Judicature Acts, 1873 to 1899.

1. Rule 30 of the Companies Winding-up Rules, 1890, shall be read as if the words "of the Chancery Division" were omitted therefrom.

2. Rule 28 of the Companies Winding-up Rules, 1892, shall be read as if the words "considered and allowed by the Registrar" were omitted therefrom, and the words "taxed or allowed by the Taxing Officer" were inserted.

3. Rule 2 of the Companies Winding-up Rules (August) 1892, shall be read as if the words "Chief Clerk or Taxing Master" were omitted therefrom, and the words "or Chancery Master and may if in any case he shall think it expedient, exercise the powers of a Taxing Officer" were inserted.

4. These Rules may be cited as The Companies Winding-up Rules, 1901, and shall come into operation on the day of 19

Dated the day of 190

Bankruptcy, England.

General Rules made pursuant to the Bankruptcy Act, 1883, and The Judicature Acts, 1873 to 1899.

1. Rules 104, 105, and 106 are hereby annulled and the following Rule is substituted therefor :—

The Masters of the Supreme Court for the time being acting as Taxing Masters of the Taxing Department of the Central Office of the Supreme Court shall be the Prescribed Officers for the taxation of all such Bills, Costs and charges, fees and disbursements in matters under the Act as heretofore have been taxed by the Bankruptcy Taxing Masters and all other taxable bills in other matters in which the High Court may exercise bankruptcy jurisdiction and such taxable bills as may be specially referred to them for taxation by any County Court and generally for the transaction of the business heretofore transacted by the Bankruptcy Taxing Masters, and the expression Bankruptcy Taxing Masters or Taxing Officer shall mean and include the said Masters of the Supreme Court.

2. This Rule shall come into operation on the day of 190 .

3. This Rule may be cited with the Bankruptcy Rules, 1886 to 1890, as Rule 104.

Dated the day of 190

Lunatic. England.

Rules in Lunacy.

General Rules made pursuant to the Lunacy Act, 1890, and the Judicature Acts, 1873 to 1899.

1. Rule 110 of the Rules in Lunacy, 1892, is hereby annulled and the following Rule is substituted therefor :—

The Rules of the Supreme Court as to costs and as to fees and percentages upon the taxation of costs for the time being in force shall apply to the costs of proceedings under the Lunacy Acts, 1890 and 1891.

2. Rules 111, 115, and 149 of the said Rules are hereby annulled.

3. Rule 114 of the said Rules is hereby annulled and the following Rule is substituted therefore :—

Costs of proceedings under the Lunacy Acts, 1890 and 1891, shall be taxed by the Masters of the Supreme Court for the time being acting as Taxing Masters of the Taxing Department of the Central Office of the Supreme Court or such Taxing Officer as the Lord Chancellor may from time to time appoint.

4. These Rules shall be read with the Rules in Lunacy, 1892, and shall come into force on the day of 190 .

Dated the day of 190 .

The Railway and Canal Commission Rules.

General Rules made pursuant to The Railway and Canal Traffic Act, 1888, and the Judicature Acts, 1873 to 1899.

1. Rule 51 is hereby annulled and the following Rule is substituted therefore :—

Costs shall in England be taxed by the Masters of the Supreme Court for the time being acting as Taxing Masters of the Taxing Department of the Central Office of the Supreme Court and elsewhere than in England by such person as the Commissioners may direct.

2. This Rule shall be read with the Railway and Canal Commission Rules, 1889, and may be cited as Rule 51.

3. This Rule shall come into force on the day of 190 .

Dated the day of 190 .

Alverstone, C. J.
F. H. Jeune, P.
J. C. Mathew.
Arthur Kekewich.
K. Muir Mackenzie.
James R. Mellor
M. H. Johnson.
M. Spofforth.
W. F. Baker.
J. A. C. Tanner.

19.—MEMORANDUM *RE* THE EVIDENCE OF J. S. DAVY, Esq., C.B., RELATING TO THE EAST SUSSEX ASYLUM AT HELLINGLY, BY H. HAYES NEWINGTON, Esq., F.R.C.P.(Edin.), CHAIRMAN OF THE SUB-COMMITTEE APPOINTED TO PROCURE PLANS FOR THE SAID ASYLUM.

(*Mr. Davy's Evidence on this point will be found in Questions 34050–55, p. 361, and Questions 34241–4, p. 367 ante.*)

The figures given by Mr. Davy to the Commission, on which he appears to have formed his opinion of the East Sussex Asylum, require considerable correction. So far from each bed having cost £500 the finished cost for land, buildings, equipment, and incidentals will work out at about £330 when the 160 beds, for which administrative provision has been made and paid for, have been added to the present accommodation.

The amount borrowed by the county was not £409,000, being about £100,000 less.

In considering the total cost of the asylum as a test of extravagance it has to be remembered that the county made an agreement with the County Borough of Hastings to receive all its insane patients for a long term of years. The expense to which the county has been put in finding accommodation for this purpose is at least well covered by the rate paid by the borough. The proportion of the Hastings patients is about one-sixth of the total of patients belonging to both authorities. Soon after the county had taken the final step towards leaving Haywards Heath Asylum the South African War broke out. The cost of building was enormously increased in consequence, and it can be confidently stated that had it not been for this untoward circumstance the cost per bed would have come well within £300. The county was also put to more than usual expense in consequence of having to be self-dependent for drainage and lighting. It also had to build more than the usual proportion of cottages for its staff, since the neighbourhood provided but little housing. In the latter and similar directions the county sank capital to bring in some appreciable return. The county further incurred expense in making the asylum to a large extent fireproof, especially those portions where the sick, the infirm, and the less responsible patients are grouped. The subsequent fatality at Colney Hatch will not have lessened the committee's satisfaction at having taken this precaution. Then, too, some extra expense was incurred in the provision of a hospital for the treatment of recent and curable cases apart from the general asylum population with a view to promote the frequency and rapidity of recovery. It also provides a separate and specially planned block for idiot children, who are apt to be both a trouble and source of danger in the adult wards. In both these departments success in attaining increased recovery in the one and improvement by training in the other is reported by Dr. Taylor, the Medical Superintendent, while in each the admission of private or out-county patients at remunerative rates helps to relieve excess in cost. In the last financial year the "excess over weekly charge" paid in respect of both classes amounted to over £5,000, and *pro tanto* exonerated the county.

The farm buildings, it was stated, were to have cost £13,000 in the first instance. The first estimate submitted to the county council was for £8,400, which was to provide an extensive range of buildings, granaries, stables, stores, dairy, boiler-house, as well as standing accommodation for a large number of cattle and pigs. Eventually the council, after rejecting many of the buildings, decided on grounds, not dependent entirely on expense, to do without cows, and allowed £2,600 for a well-appointed piggery, slaughter-house, etc. This was completed for £2,138.

It is not correct to say there are two mortuaries. There is one mortuary with two chambers for remains. These were provided instead of a single larger chamber to give facility in lessening the distress of relatives.

As to the more serious allegations of extragavance on the part of the committee, led by the architect, the best answer is the verdict of the officials, councillors, guardians, and others interested in the rates. Several of these, who have heard rumours of wastefulness, have taken pains, after visitation, to say that at no point have they found extravagance practiced. Before the question of who should be the architect arose, the committee had by the direction of the council, produced a report containing an explicit series of recommendations as to the extent and scheme of the proposed asylum. Eventually this report was handed to Mr. Hine with directions to spend no money unnecessarily on outside effects. His designs were entirely guided by that report, as well, of course, as by the rules of the Lunacy Commission. As to the method in which the views of the committee and council were translated by Mr. Hine, it is right to state that the designs and detailed plans were repeatedly criticised and altered by the committee. Further, there happened to be on the committee several who, whether by their occupations or by the experience gained in the erection of large works, institutions, and so forth, were almost as conversant with the suitability, prices, and quality of materials as Mr. Hine himself is. The closeness of original estimates and of supervision in application of funds will be shown by the fact that in regard to the completed works the total saving on votes was £9,142, while the expenditure in excess was but £248.

With regard to the suggestion, contained in the evidence of Mr. Davy, of transferring the control of pauper lunacy to the Local Government Board, I venture to offer the following remarks in opposition.

The reasons for such a change supplied by Mr. Davy are, as regards the nature of pauper lunacy, founded on a serious fallacy. Pauper lunacy does not spring from pauperism as suggested. The total number of persons relieved, whether in-door, out-door, or casual, in England on January 1st, 1906, was 926,741, of whom 108,629 were insane. That is one in every nine paupers was insane, as against a ratio for the total population of 1 in 281. The misleading nature of the term "pauper" in relation to rate-paid lunacy will appear when comparison is made between mental and zymotic diseases. For both classes of disorder it becomes necessary to segregate self-supporting individuals at the public expense when the persons affected cannot be appropriately taken care of at private charges. In both cases the public welfare enforces such segregation. But the Public Health (London) Act, 1891, and the Isolation Hospitals Act (1892) were careful to provide that rate-paid segregation should not inflict any disability on the subject. A study of the previous occupations of patients admitted into public asylums will at once demonstrate how far removed from ordinary pauperism are the great bulk of the sufferers, who are only pauperised *ad hoc* by the most expensive disease that can fall on a household. On these grounds it is submitted that, not only is the reason fallacious, but the facts, if they have any weight at all, would be against the control passing to an authority which has but little responsible knowledge of the class in whose management that control has to be exercised.

In the matter of the day-to-day cost of rate-paid patients no relief is to be looked for from any change in the paramount body. It does not matter whether the executive officers are to be called Lunacy Commissioners, Poor Law Inspectors, or by any other name. The standard of asylum treatment has been gradually set, and will be maintained by public opinion. The duty of calling up and administering public money required for the purpose is in the hands of those who are put in charge of it by public vote, who also have statutory and exclusive authority for expending that money in the way that seems best to them. Except in the case of obvious and reckless wastefulness, effective pressure, therefore, can never come from a central authority which has no power to enforce economy in details of expenditure. It can only come from below—from the rate-payers, who so far do not seem disposed to exert their power. Moreover, experience goes to show that the majority of visitors, who have the spending power, are satisfied by the present standard, and would not consent to any appreciable reduction in diet, care, or comfort. Any reduction in theatricals, recreation, ornaments, pictures, and similar amenities will, it is certain, not commend itself as a source of economy, either to those who now have, or to

those who, under changed circumstances, would have the final voice in their provision.

Finally, as to economy in capital expenditure, public accounts seem to suggest that the present control in asylum cost compares favourably with the control exercised under corresponding circumstances by the Local Government Board. For the Metropolitan area, a first class asylum, Claybury, built under the lunacy law, cost about £240 per bed. The Tooting Bec Asylum, built under the Poor Law, has cost about £360. In neither case is the cost of equipment considered. Three fever hospitals in the same area, viz., the Grove, Park, and Brook, have cost to build £520, £500, and £565 respectively. On the surface it would appear that an asylum for the insane, with all its need for many single rooms, for its dining or recreation hall, for its enclosed gardens, etc., would be as costly as an institution used by sane patients, many of whom require but little more than their bed and their bed-space.

January, 1907.

20.—COPY OF A REPORT OF A COMMITTEE APPOINTED BY THE LORD CHANCELLOR TO REPORT ON THE LUNACY DEPARTMENT, 1882.

(*See Question 34607.*)

LUNACY DEPARTMENTS.

2, Victoria Street, Westminster,
March 31st, 1882.

MY LORD—We have the honour to report to your Lordship the result of the inquiries which we have undertaken, at your Lordship's request, into certain questions relating to the staff and organisation of the Lunacy Departments.

The subjects of our inquiry may be considered under the two following heads :—

(*a*) The desirability of maintaining the present system of visiting the Chancery lunatics, or of transferring the duties now performed by the Lord Chancellor's Visitors to the Lunacy Commission ; and

(*b*) The desirability of making alterations in the offices, practice, or procedure of the Masters and Registrar in Lunacy so as to ensure greater efficiency and economy.

2. The change in the mode of visiting Chancery patients, to which we have above referred, has frequently been advocated on the ground that the maintenance of two distinct establishments of officers, performing to a considerable extent similar duties, under independent authorities, is undesirable both for administrative and economical reasons.

The question is one which must be considered as to the interest both of the lunatic and the public.

On the one hand it is clear that no extra charge should be imposed upon the public on account of Chancery lunatics as distinguished from lunatics confined under order and certificate only. On the other hand, the Chancery lunatics are entitled to receive the full value of the contribution which is levied on their property for defraying the expenses incurred in protecting their interests ; and the State ought not to derive any portion of its general revenue from this source.

3. We are of opinion that it would not be desirable in the interest of the Chancery lunatics to transfer the Lord Chancellor's Visitors to the Lunacy Commission. Subject to the modifications which we hereafter propose we think the present system of visiting the Chancery lunatics is efficient. Those who are in private houses receive an amount of individual care and attention which, in our opinion, would not be exceeded if they were under the inspection of the Lunacy Commission.

It should also be remembered that the whole expense of the Lord Chancellor's Visitors is now paid out of the percentage levied on the property of the Chancery lunatics ; and it would be difficult to justify the continuance of this charge if the visitors were transferred to the Lunacy Commission. Unless, therefore, the property of all lunatics was made to pay a contribution to the expenses of the Lunacy Commission, the transfer would cause a direct pecuniary loss to the State.

4. While there is very little to be said in favour of the change on the ground of economy, there is much to be said against it from an administrative point of view.

We are informed that to carry out the visitation of the Chancery lunatics efficiently the Lunacy Commission would require to be reinforced by the whole of the present Visitors and their staff ; if this is so the only item of expense on which any saving could be made would be that of travelling. From the special and occasionally urgent nature of Visitors' journeys we doubt if this saving would amount to much.

An addition of three or more members to the Board of the Lunacy Commissioners could scarcely fail to impair its efficiency as a deliberative body. Nor could such an addition (with its staff) be accommodated in the buildings now occupied by the Commission.

In the event of a transfer of the Lord Chancellor's Visitors to the Lunacy Commission, so as to make them additional Commissioners, no sufficient provision could be made, without fresh legislation, for the special inquiries into the condition of a patient or of an alleged lunatic, which are occasionally found necessary by the Judge, and which must always be caried out with the least possible delay. We are informed that these visits might not always be found compatible with the other duties of a Lunacy Commissioner.

5. On the other hand we are not satisfied that the duplication of inspection which takes place in asylums, hospitals, and licensed houses, under the present, system is entirely without good effect.

6. But there is another aspect of the question which came incidentally under our consideration in the course of our inquiry and which we desire to bring prominently before your Lordship.

The expenses incurred in the visitation of Chancery lunatics and the administration of their property are defrayed by a percentage levied on their net incomes.

The rate of the percentage was originally fixed on a sliding scale by the 26th Section of the Lunacy Regulation Act, 1853. This amount was, however, found to be insufficient to defray all the expenses, and it was altered by order August 3rd, 1876, under which a uniform rate of 4 per cent. is levied on all incomes above £100 per annum ; but the amount levied from any one estate is not to exceed £400 a year. Incomes below £100 per annum are exempt. The immediate result of this variation was a large increase in the receipts.

We append a table showing the amount of the percentage in the last five years and also the total expenditure of the three Lunacy Departments during the same period:—

Year.	1. Lunacy Percentage.	2. Expenditure of the Lunacy Departments.	3. Surplus.	4. Deficiency.
	£.	£.	£.	£.
1876–7	15,354	19,095	—	3,741
1877–8†	21,728	18,828	2,900	—
1878–9	21,140	18,925	2,215	—
1879–80	20,500	18,762	1,738	—
1880–81	27,060	19,483	7,577	—

† The year 1877–8 was the first year in which the percentage was levied on the new scale.

To the amount of the percentage should, however, be added the fees taken (by means of stamps) in lunacy proceedings, which average about £2,000 per annum.

The result of an examination of these figures shows a balance to the credit of the Exchequer of upwards of £5,000 per annum. We desire to record our opinion that some reduction should be made in the rate of percentage now levied.

It may also, we think, be fairly contended that, looking at the judicial character of a large part of the Master's duties, a certain proportion of the expenses of their office, perhaps one third, incurred in respect of their judicial duties, might reasonably be imposed on the public; the other two-thirds, incurred in respect of their administrative duties, being defrayed out of the lunatics property. The duty of inquiring into the sanity or insanity of any individual is one which is performed as much in the interests of the community as in those of the alleged lunatic; and under those circumstances the public might properly be called upon to provide the requisite judicial machinery. This, however, is not a point which we desire to press unduly.

7. In our opinion the number of visits now paid to Chancery patients in asylums, hospitals, and licensed houses might be advantageously increased from one to two in the year, and this without any increase of establishment.

We think a reduction might be made in the statutory number of four visits which must now be paid as the minimum number in the case of all other Chancery patients in private houses; and that a discretion should be given to the Lord Chancellor to reduce the number of visits in any case to not less than two.

8. Our recommendations under this head of the inquiry may, therefore, be summarised as follows:—

(1) The office of Lord Chancellor's Visitors should remain unchanged for the present, subject to a reconsideration of the question in the event of an increase being hereafter required in the number of either the Visitors or the Commissioners.

(2) The lunacy percentage should be reduced to a point at which, when added to the average receipts from fees in lunacy proceedings, it will not exceed the total expenditure of the Chancery Lunacy Departments.

(3) That Chancery lunatics residing in asylums, hospitals or licensed houses should receive at least two visits a year instead of one; and the tatutory number of four visits which must now be paid in other cases should be reduced, at the discretion of the Lord Chancellor, to not less than two.

9. Before we bring under your Lordship's notice the recommendations which we desire to make as to the position of the Registrar, it will be necessary to describe his duties in some detail:—

(*a*) It is through the Registrar that all proceedings in lunacy are initiated. He receives all petitions; puts on the fiat, when required; files them in his office; and places them before the Judge.

(*b*) He is the officer of the court when sitting in lunacy, and in this capacity makes a minute of the order pronounced by the Judge. He draws such orders, and all other orders not drawn by the Masters. He is also the only medium of communication between the Masters and the Judge.

(*c*) It is a part of the duties of the Registrar to make and deliver out copies of affidavits, orders, and other documents filed in his office.

(*d*) Such papers connected with lunacy proceedings as require to be filed are in his custody, but the greater part of the papers remain in the Master's office.

(*e*) The Lord Chancellor's correspondence with the Lunacy Departments is carried on through him.

10. We propose to transfer the whole of these duties to the Masters' office. We do not think that, when the amount of work now performed by the Registrar is taken into consideration, together with the changes in practice to which we shall refer presently, this transfer will make any appreciable addition to the amount of work now performed by the Masters and their staff.

The petitions for inquiry which are heard in chambers now number, on an average, about 120 per annum, and the duty of receiving them and forwarding them to the Judge would involve very little additional labour beyond seeing that the affidavits are in proper form.

The attendance in court only occupies from an hour to an hour and a half a week. This duty might, we think, be performed by the Masters themselves, or, in their absence, by their chief clerk. If the present Masters should object to undertake the duty, it might be performed, during their tenure of office, by the chief clerk, but it should be considered as part of the ordinary duty of all future Masters. The orders which require to be drawn on petitions heard in court are in almost all cases of a very simple character, and would occupy very little time. The analysis of the petitions which the Registrar has hitherto made for the use of the Judge is quite unnecessary, and should be dispensed with.

The Registrar's duties in connexion with orders under the Lunacy Regulation Act of 1862 should be similarly transferred to the Masters, to whom, we may add, they would naturally appear to belong. The average annual number of these petitions in the last three years has been between sixty and seventy.

As regards the custody of the papers, we think that great convenience and economy would result from all the papers and documents in pending lunacies being kept in the Masters' office. This arrangement will entirely obviate the necessity of making office copies, for the use of the Masters, of documents which are now filled in the Registrars' office.

The Lord Chancellor's correspondence on lunacy matters might, we think, be carried on by direct communications between the Principal Secretary and the Masters or Visitors without the intervention of the Registrar.

11. We, therefore, recommend that the office of Registrar be abolished and his present staff transferred to the Masters.

In the meantime, if the office is continued, we are satisfied that the Registrar's staff should not exceed one second-class clerk and one third-class clerk, and we recommend that no vacancies be filled up until this limit is reached.

12. As the result of our inquiries into the practice of the Masters' office, we desire to recommend certain changes which we think would promote increased economy and despatch.

The existing procedure is of a very antiquated character, and is in substance the same as that which was followed in the offices of the Masters in Chancery.

We recommend that it should be assimilated as far as possible to that which is now pursued in the chambers of the Judges of the Chancery Division.

The exact details of such alteration must of course be embodied in rules to be made under 153rd Section of the Act of 1853, and will require consideration; but we desire to indicate briefly the points on which we think a change is desirable.

In the first place the proceedings before the Masters should be by summons instead of by hour warrants, a change which will in all probability result in a considerable economy of time and money.

Instead of the reports on which the orders of the Judge are now based we would suggest that the Master should simply certify the facts which he finds in the same manner as is now done by the chief clerks in Chancery; and that he should draft the order to be made on such certificate for the consideration of the Judge. If it became necessary to raise any further question on the matter it could be settled by personal communication between the Judge and the Master much better than is now done through the intervention of the Registrar.

The desirability of enabling the Master and the Judge to have personal communication is a point on which we desire to lay great stress, and we found that the same opinion is held by all the witnesses whom we examined.

As was mentioned above, in dealing with the Registrar's office, all documents which require filing should for the future be filed in the Masters' office.

We also recommend that the petitions to be heard in court should no longer be sent to the Lord Chancellor to be signed, but that the fiat should be put on the petitions in the Masters' office, and signed by a Master.

13. If our recommendations as to practice were carried out we think that the present staff of the Masters' office, which consists of a chief clerk and thirteen clerks, might be reduced to a chief clerk and ten clerks, whom we should propose to classify as follows:—

Four first-class clerks at £500 per annum, rising by £20 to £600.

Three second-class clerks at £250 per annum, rising by £15 to £400.

Three third-class clerks at £100 per annum, rising by £10 to £200.

But if the additional duties now performed by the Registrar were transferred as above proposed, we think that the numbers of both the second and third classes should be raised to four, making twelve in all. If more than two clerks are transferred from the Registrar's staff no vacancies should be filled up until the number is reduced to that above stated.

We are also of opinion that, with the exception of the chief clerk, the special designations now attached to some of the clerks should be abolished, and that all the clerks should be called upon to perform any duties which might from time to time be assigned to them by the Masters.

14. We may here add two suggestions which have been made by witnesses before us, and to which we desire to to give our support :—

(1) The limit of £1,000 or £50 per annum prescribed by Section 12 of the Lunacy Regulation Act, 1862, might, we think, advantageously be raised. Under the Irish Lunacy Act the limits fixed are £2,000 and £100 respectively. We have no reason to suppose that these sums would be found too high.

(2) Inconvenience appears frequently to arise from the length of time which must often elapse after the finding of the inquisition before a Committee can be appointed; and it is suggested that the more frequent appointment of an Interim Committee might be found useful.

We have the honour to be
My Lord,
Your Lordship's Obedient Servants,
(*Signed*) G. Jessel, M.R.
R. R. W. Lingen.
(Except as to the visitation of Chancery lunatics.)
C. S. Bagot.
Kenneth Muir Mackenzie.
Henry Leigh Pemberton.

G. H. Murray, Secretary.
To the Lord Chancellor.

SEPARATE REPORT AS TO VISITATION OF CHANCERY LUNATICS, BY SIR R. LINGEN AND MR. MUIR MACKENZIE.

We are not prepared to agree unreservedly with Paragraphs 3 and 4, and we can only join in the recommendations provisionally, subject to this reservation.

We have expressed in the following Report the views to which on a suitable occasion we should desire effect to be given.

The term "Chancery Lunatics" embraces only a part of those lunatics of whose lunacy the Court of Chancery is officially cognisant. Many lunatics, whose property on the express ground that they are lunatics, is regulated by the Court of Chancery, are detained upon order and certificates only, and are not visited at all by the special Chancery Visitors, whose visits are confined to those lunatics who are found so by inquisition. It cannot be maintained, therefore, that the present practice rests upon any consistent interpretation of the Lord Chancellor's official care for the persons of all lunatics as such. From this point of view, he ought to take equal care of all of them, and this equal care is represented by the Lunacy Commission which was created in 1845 (Act 8 & 9 Vict., c. 100). The Lord Chancellor appoints the members of this Commission as well as the Chancery Visitors. The salaries and the qualifications are in both cases precisely the same (*ibid.*, Secs. 3 & 16 & 17 Vict., c. 70, Sec. 16). Each body of officers, therefore, must be qualified to perform the others' duties. Their field of inspection is the same, with the exception of about 400 Chancery lunatics detained in private houses, which are not required to be licensed under the Act 8 & 9 Vict., c. 100. The total number of Chancery lunatics is about 1,200; the remaining 800 are in institutions visited by the Lunacy Commissioners. The Chancery Visitors are required to visit the patients in private houses four times per annum, but they are required to visit only once per annum those Chancery lunatics who are in institutions under inspection by the Lunacy Commissioners, thus admitting that five-sixths at least of the work done by the Lunacy Commissioners does not need to be repeated on account of the Chancery lunatics. These latter institutions receive six official visits per annum, independently of any visit which may be made to them by the Chancery Visitors. If they are in the Metropolitan district, all the six visits must be made by the Lunacy Commissioners themselves, and so must at least two of the six visits elsewhere, the other four visits being made by the Justices' Visitors. To the benefit of this general provision for the visitation of all lunatics, the Chancery lunatics have the same title as other lunatics have. It is not necessary to contend that they can derive no benefit from a further visitation of a more minute and personal character. Chancery lunatics should not, however, obtain, without paying, any benefits beyond such as are assured to other lunatics. But admitting thus much, it does not follow that a separate visiting department ought to be maintained for them, nor that the object could not perfectly well be answered by special instructions from the Court of Chancery to the Lunacy Commissioners, for the execution of which special fees might be charged. If in 1845 the Chancery Visitors had not already been in existence, it can hardly be supposed that they would have been created side by side with the new Commission. That the Chancery Visitors were continued at that time is probably due to the fact that the establishments of the Court of Chancery were paid out of the Fee Fund, and did not appear in the votes before 1870-1. The existence of duplicate establishments for duties which a single establishment might perform is an evil *per se*, and the employment of the Lunacy Commission for Chancery Visitation would be a simplification of the present system which it would be desirable to introduce on the first convenient occasion.

(*Signed*) R. R. W. Lingen.
Kenneth Muir Mackenzie.

MEMORANDUM BY MR. BAGOT.

While agreeing in the conclusions of Paragraphs 3 and 4, I desire to express my individual opinion that were the visitation of Chancery lunatics transferred to the Lunacy Commission, and if, at the same time, the amount of visitation were altered, as recommended in Paragraph 8, then the addition of two members, a medical man and a barrister would enable the Commission, for a time at least, efficiently to discharge the additional duty cast upon it. But the ordinary work of the Commission increases yearly, and a smaller numerical addition would be useless.

C. S. Bagot.

21.—ADDITIONAL EVIDENCE OF SIR JAMES CRICHTON BROWNE, M.D., LL.D., F.R.S., BEARING ON THE WORKING OF THE LUNACY COMMISSION AS REGARDS THE PREPARATION OF STATISTICS.

(*See Question 29581.*)

STATISTICS.

It is essential that if the momentous questions as to the prevalence, distribution, causation and treatment of mental diseases are to be adequately dealt with, we should have a trustworthy statistical basis, and that we have not yet got. Statistical tables in the Report of the Commissioners in Lunacy have been vastly improved of late years, but they are still far short of supplying full information of the kind that is needed.

In the first place, I think, we are entitled to ask that the statistical material in the Reports of the Lunacy Departments of the three kingdoms shall be so prepared as to make comparison possible. At present that is not the case. Each kingdom is a law unto itself—indulges in its own statistical predilections and, except in some elementary details, the results stated are not comparable. The Scotch and Irish reports do not even condescend to afford the assistance supplied by an index. Some time ago I was desirous of comparing the causes of deaths amongst the insane in Scotland, England and Ireland—one would have thought in the present stage of vital statistics, one of the simplest and most definitive of statistical returns, where mainly great hospitals with skilled medical officers are engaged in making them—but I found it impossible to do so. The English Report, decidedly the clearest and best in this department, first gives the causes of death of patients dying in asylums, hospitals and licensed houses in eight groups and under 158 headings, in a table of the Commissioners' own devising and arrangement, and then enumerates the same causes in twelve groups and under 100 headings—the headings being such of those adopted in the Report of the Registrar-General as are applicable to the list of causes given in the previous table. The Scotch Report enumerates the causes of death in four groups and under fifteen headings and plunges into elaborate calculations as to the absolute annual average, and average percentage of each cause of death, a matter which the English Report does not touch. The Irish Report set forth the causes of death in six groups and under 103 headings. Surely, as to such a definite fact as the cause of death which has to be specifically stated in each case, we might have uniform and comparable statements from the three kingdoms; and surely, if we are to survey lunacy comprehensively and exhaustively from a pathological point of view, we should have information as to the causes of death of lunatics dying in workhouses and under private care.

Desiring to ascertain the emoluments of medical officers of asylums, I consulted all three reports not long ago, but in not one of them could I find any information. The Irish Report used to give a very clear and explicit statement on this subject some years ago, but for some not very intelligible reason it has been dropped. The Scotch Report, while giving detailed and minute information as to the price paid in each district asylum, for green vegetables and turnips, peas, rice and treacle, is entirely silent as to the expenditure on this much more considerable item—the salaries of the medical staff. The English report has nothing to say about it. It seems to me advisable that the ratepayers should know exactly the salaries, wages and allowances of all asylum officials and servants, and should be able to contrast the expenditure under this heading in different counties and countries. The wages of nurses and attendants have been raised, but in certain parts of the country they are still much below what they ought to be, considering the hazardous, trying and wearing nature of the work done. It will redound greatly to the advantage of the insane, as a whole, if asylum nurses and attendants can be assured of pensions after a reasonable length of service, as are policemen, prison officials and poor law officials, who are certainly not more deserving than they. It is unjust and very detrimental to the service that asylum nurses and attendants have been left out in the cold in this matter. It is also most desirable that in connection with all public asylums suitable dwellings should be provided for married attendants. It is in connection with the shifting element in an asylum staff that difficulties occur, and everything that is possible should be done to induce steady suitable men to settle down to the work.

The Medico-Psychological Association has just prepared a new series of statistical tables for use in asylums, very excellent and superior to anything before attempted but there is no power to enforce the adoption of these tables by any asylum, and even if universally adopted they would only be of local interest and significance in the reports of individual asylums. If they are to be of real value they must be collected and summarised. A general review of the lunacy of the country is only possible through the central lunacy authority, and I think the Commissioners in Lunacy for England and Scotland and the inspectors of Irish asylums should meet and agree on a set of statistical tables to be used by all of them. It would be of great interest and utility could the Colonies be induced to adopt the same system of lunacy statistics as are in use in this country.

There is, of course, a large amount of valuable statistical information given in the reports of the Commissioners at the present time, but some of the tables are practically useless and some are misleading to those who are not able to read between the lines. The table, for instance, showing the forms of insanity in the patients admitted into county and borough asylums, hospitals and licensed houses is, to my thinking, of no scientific value. One would expect it to be highly instructive and accurate, for asylum medic l officers are specially skilled in diagnosis, but the terms employed, such as mania, melancholia and delusional insanity, are vague and uncertain in their application, and as the table is constructed on the Statutory reports made by medical officers and medical attendants, as to the mental and bodily condition of patients at the expiration of seven days after admission, when perhaps a trustworthy diagnosis has not been and cannot be arrived at. One is obliged to infer that this is so by certain features in the table. For instance, it sets forth that 1,397 patients suffering from general paralysis were admitted into asylums last year (1905), but another table showing the causes of death sets forth that 1,644 patients suffering from general paralysis died in asylums last year. In the previous year there were 303 deaths of general paralytics in excess of the admission; in the year before that the same was the case, and every year the general paralytic deaths exceed the general paralytic admissions by 200 or 300. Now the table showing the causes of death is, I should say, absolutely reliable and indeed, from a medical point of view, it is one of the most valuable in the report. The causes of death are certified after prolonged observation by competent observers and after post mortem examination in 80 per cent. of the cases. But general paralysis is a disease of about two years' duration, after admission to an asylum, and it is certainly ot generated in an asylum *de novo*, and so it is clear that the difference between the number certified as dying from that disease and the number stated to be suffering from it when admitted, is due to imperfect diagnosis in the first instance. Some 200 to 300 cases of general paralysis are classified under other forms of mental disease until in the progress of the malady the characteristic symptoms become more pronounced and lead to its definite recognition. As in the body of their report, the Commissioners found their calculations on the number of admissions, it is obvious that they under-estimate its prevalence. But general paralysis is one of the forms of mental disease that is undoubtedly on the increase; it cuts down men and women in the prime of life, and it is still necessarily fatal, for we know of no remedy, and it is highly desirable that we should have accurate information about it. It is just one of the diseases in respect of which it seems that centralised and systematic general and experimental research is necessary if we are successfully to grapple with it and arrest its ravages. That is no reflection on asylums, where much laborious investigation into general paralysis has taken place, especially as to its morbid

anatomy and the brain changes accompanying it. Cancer has been for a century watched and studied and experimented on in every hospital in the country, but no great progress has been made, and it has been found advisable to establish research centres, which are collecting facts and material from every quarter of the globe and conducting experiments that are full of promise. That is what we must do with reference to general paralysis and other forms of mental disease that may assuredly be prevented and that may probably be made amenable to curative treatment.

The need of some such generalised organisation of research in connection with lunacy, as I suggest, has been recognised in Scotland and has led to the establishment of the Pathological Laboratory in Edinburgh, which is supported by contributions from most of the asylums in Scotland. The Commissioners in Scotland have no official connection with the laboratory, although they highly approve of it, but if, as I suppose, research were carried on at the public expense then a reconstituted Board of Commissioners would be the proper authority to initiate, direct and supervise it.

When the public come to understand what general paralysis means, what a horrible Nemesis it is, and what a burden it imposes, they will, I think, peremptorily demand that it shall be thoroughly investigated, root and branch. It means that, as the result of perhaps a single indiscretion in youth, a man may carry about with him for fifteen or twenty years, unsuspectingly, the seeds of a disease that will cut him down in the very flower of his age, when his obligations and responsibilities are heaviest, ruin him and his family, and after some years of progressive decay, end his days in a pitiable and loathsome death.

With general paralysis goes another more protracted, but equally distressing, form of nervous degeneration, locomotor ataxia, and whatever throws light on the one will help us to understand the other.

Were asylum medical officers required to send to the Commissioners a statement as to bodily and mental condition six months after admission or on death or discharge, when they have had time and opportunity to perfect their diagnosis, greater precision would be attained.

Two years ago the Commissioners gave in their report a map which has not been repeated, showing in shades the comparative distribution of the pauper insane in the counties of England and Wales; a map which was, I believe, widely misinterpreted, and led to very erroneous deductions in the daily press. Seeing the map, my friend, the Dean of Hereford, wrote to me in considerable alarm, as he found that his county, Hereford, was one of the four blackest in the country—indeed, the very blackest, and being a teetotaler, he was inclined to attribute its saturation with insanity to cider. I was able to reassure him. I pointed out to him that the Commissioners were correct in saying that, in their way of looking at the matter, there is no relationship between the density of population and the ratio of the insane in different counties, but that the calculations on which that statement was founded were not a trustworthy guide to the incidence or occurrence of insanity in different counties. Their maps show the proportion of lunatics to the number of persons living per acre at a particular date, but they do not show the proportion of cases of insanity occurring annually to its population in any county. A high ratio of the insane to persons living per acre in any county may merely mean an accumulation of chronic lunatics, and a low ratio is not incompatible with a high degree of prevalence of insanity. It is stagnation in the one case against movement in the other. In two rooms of equal area we may have, at any given moment, a larger proportion of persons per square yard in the one in which the inmates are stationary than in the one through which a stream of persons is passing, but in a period of time the number of persons passing through the latter may vastly exceed that of those wedged in, in the former. I took as an example the county of Hereford, a thinly populated county with less than 0·25 per acre, and as regards the number of its pauper insane the worst in England, with a ratio of the insane of 5·13 per 1,000 of population and I compared it with Derbyshire with a density of 75 persons per acre, and as regards the number of its pauper insane one of the best counties in England with a ratio of less than 2 per 1,000 of population. And yet there is evidence that there is much more insanity in proportion to population than there is in Herefordshire, for the admissions into the Hereford County Asylum were during 1904 at the rate of only 17 per cent. of the number of inmates of the asylum, whereas the admissions into the Derby County Asylum were at the rate of 28 per cent. of its number of inmates. The recoveries during 1904 in the Hereford County Asylum were at the rate of only 3·8 per cent. of the total number of patients under treatment, whereas in the Derby County Asylum they were at the rate of 7·6 per cent. The deaths during 1904 in the Hereford County Asylum were at the rate of 6·8 per cent. of the total number under treatment, whereas in the Derby County Asylum they were at the rate of 10·7. It is obvious that the Hereford County Asylum is congested with chronic lunatics, while a rapid current of acute cases is flowing through the Derby County Asylum. These chronic lunatics swell the ratio of the insane to the sparse population of the county at any particular date, but the ratio of attacks of insanity occurring throughout the year is far higher in Derbyshire than in Herefordshire. It is, I believe, well established by European and American statistics, that city life and density of population favour the increase of insanity, as they do that of crime, drunkenness, suicide and tuberculosis.

The Commissioners have no means of distinguishing between mental defects and mental diseases, and as these are not similar in their distribution that vitiates their statistics in this respect.

Alcoholic excesses are one amongst many causes of mental disease—a very formidable cause no doubt—but they are often set down as a cause when they are merely a symptom. A very large proportion of dipsomaniacs and habitual drunkards have feeble, unstable or damaged nerve centres to begin with. I do not know of any facts or returns justifying definite conclusions as to the relative part played by alcohol as a cause of insanity in different counties and districts, but I have no doubt that it is always most baneful where the population is densest. I am inclined to think that cider is as little injurious to the nervous system as any alcoholic beverage. It is mildly alcoholic, having only 3 to 8 per cent. of alcohol by volume, and it is rapidly eliminated.

If we are to deal with insanity effectively on the large scale, we must know its causes, predisposing and exciting, their nature, incidence and modes of operation, but here again the Commissioners' Reports do not assist us nor do those of asylums. In some 30 per cent. of the total admissions, the cause is set down as " unknown," and that fact is in itself sufficient to vitiate the table. I do not believe that there are 2 per cent. of cases of insanity in which by patient investigation a cause cannot be ascertained. The Commissioners' table is, I suppose, prepared from the statements made by the friends or relieving officer on the admission-schedule—statements in a large proportion of cases careless, fanciful or erroneous. I once made a special inquiry into etiology in 500 consecutive admisions to the West Riding Asylum, and I found that the admissions from statements were wrong in some 50 or 60 per cent. By diligent inquiry by examination and cross-examination of the patient and his or her relations and friends, I was able to trace the disease to its origin in almost every case.

22.—CORRESPONDENCE WITH REFERENCE TO EXPERIMENTS IN BOARDING-OUT IN THE COUNTY OF SUFFOLK.

(*Referred to by Mr. G. H. Urmson.* See *Question* 26740.)

5, Old Palace Yard,
Westminster, S.W.
September 14th, 1907.

DEAR SIR,—When Mr. G. H. Urmson of the Lunacy Commission gave evidence before this Commission on November 19th last he made the following statement —

"There is one county in England where they are trying the boarding-out system—Suffolk; but the mental superintendent has really taken it up on his own behalf; he is placing eight or ten patients out, and he finds great difficulty in doing it. He does not act on the Statute; when he finds a place he writes to the friends to ask if they are willing."

The Report of this Commission is now being drafted, and in connection with the above statement I shall be much obliged if you will inform me: (1) Who is the mental superintendent alluded to; and (2) how his experiment as to boarding-out has succeeded up to the present time.

If you can conveniently let me have an early reply I shall be glad

Yours faithfully,
(*Signed*) HARTLEY B. N. MOTHERSOLE.
Secretary.

A. Townshend Cobbold, Esq.,
Clerk to the East and West Suffolk County Councils,
County Hall, Ipswich.

County Hall, Ipswich.
September 24th, 1907.

DEAR SIR,—In reply to your letter of the 23rd instant I have to state I duly received your letter of the 14th instant and acknowledged receipt on the 17th and sent a copy to the Medical Superintendent of the Suffolk County Asylum for his observations. These I duly received, but before finally replying I laid them before my Committee, and I now have the pleasure to enclose you these observations, being a letter addressed to me and dated the 18th instant from Dr. James R. Whitwell, the Medical Superintendent of the Suffolk County Asylum, together with Chart and printed circular letter attached thereto I trust this will give you all the information you seek.

Yours faithfully,
(*Signed*) A. TOWNSHEND COBBOLD.

Hartley B. N. Mothersole, Esq.

County Asylum,
Melton, Suffolk.
September 18th, 1907.

A. Townshend Cobbold, Esq.
County Hall, Ipswich.

RE BOARDING-OUT, SECTION 57, LUNACY ACT, 1890.

DEAR SIR,—From observations of boarding-out as carried out in Scotland and from a recollection of how, in certain cases, patient's relatives dealt with the patients at home in the outlying moor-districts in Yorkshire, and from a knowledge of what was done abroad in the matter, I had, for some time, had the impression that a system of boarding-out could be made use of as a satisfactory and economical way of dealing with a fair number of the chronic and harmless insane which become such a burden in asylums. I, therefore (after consultation with the committee) wrote to each of our boards of guardians and invited their co-operation, which was given with a varying degree of readiness, however, since schemes like this involve a good deal of personal trouble, and the gain to the union does not appear to them (I am informed in one case at least) sufficient to pay for the work involved. This appears to be because they only see the small local side of the matter and do not realise the larger side; the comfort to the patient, and the economy to the county in asylum accommodation, etc.

In March, 1902, we made our first experiment in boarding-out in the case of a female patient, and this having proved successful, I made, in April of that year, the subjoined report to the Asylum Committee, viz.:—

EXTRACT FROM MEDICAL SUPERINTENDENT'S REPORT.

"During the past quarter we have succeeded in boarding-out one patient (belonging to Hoxne Union) with her own friends, under Section 57, Lunacy Act, 1890, acting in concurrence with the guardians of that union. This is such an important innovation from the economic point of view that I would ask the committee's further attention to the principle involved. It would appear from established figures that about 20 per cent.* of the patients now in the asylum could be provided for easily, comfortably, and safely, in properly organised family care. The provision of asylum accommodation for this number of patients, at the low computation of £200 per bed, would cost a capital sum of £24,000, which might, therefore, under the use of Section 57, represent the saving to the county at large, while the unions would save in addition about £1,000 in maintenance only, seeing that they could board out at 6s. or 7s. what now costs 11s., and at the same time they would still receive the 4s. grant for these patients as though they were in the asylum. The asylum accommodation required by the county would progress at a slower rate, and the beds thus set free might be occupied by private or out-county patients to considerable advantage. This system of boarding-out, initaited from the asylum and acting with the guardians of the unions, is widely in use in many places. In Scotland about 3,000 patients are boarded-out in this manner; in America, since 1885, several of the States have adopted this principle with success; in France, in 1892, the Council General of the Department of the Seine, being alarmed at the continual requirement of further asylum accommodation, adopted this method of providing for the harmless insane, and they now have 700 patients boarded-out; in Belgium, in the districts of Ghent and Lierneux, about 2,500 patients are boarded-out with families; and from the Berlin District Asylum at Dalldorf, since 1886, some 500 patients have been boarded-out. In all these cases the saving has proved to be remarkable in the direction of capital expenditure; in Scotland, France, Belgium, and Berlin in maintenance also; while in the States the maintenance saving is less marked ($3 as against $3.50 in the asylum). I would suggest, however, that this method of dealing with the chronic harmless insane poor is worthy of attention as in no way jeopardising the safety of the patient or the community, while it is at the same time easy of organisation and economical.—I have the honour to be,

Your obedient Servant,
(*Signed*) JAMES R. WHITWELL, M.B."

The committee were, therefore, satisfied to leave the matter in my hands to see how far such an experiment could be carried out.

* This figure is obtained from the analysis of our patients which seems to be a fairly constant one as shown in the accompanying chart marked "A."

Our method was to select a suitable case and then we sent the accompanying form of notice (marked "B.") to the clerk to the patient's own union (and in many cases the union authorities took considerable trouble to find a suitable home). This brought the matter before the guardians who, on the recommendation of their relieving officer, after consultation with ourselves, officially approved of the home selected. The person receiving the patient then made definite application to us and came and received the patient (the union usually buying suitable clothing from us at a fixed price).

Under this method we finally had boarded-out four men and thirteen women, a total of seventeen patients, and they were visited quarterly by the local medical officer of the union, who reported their suitability, or otherwise, to remain out, to us.

Of the men thus boarded out they all did well, became useful and remained out.

Of the women all remained out except four. One returned on account of being ill bodily and not able to be looked after. One for being somewhat restless at night sometimes. One broke down entirely and became too troublesome, and in the other case the woman in whose house she lodged became unable, on account of her age, or infirmity, to keep her.

We were entirely satisfied with our trial of the scheme (which had been in existence for two years) but it was entirely and hopelessly killed by Sub-section 3 of Section 57, Lunacy Act, 1890, since it was held by the Commissioners in Lunacy that this involved re-certification, from time to time, by the medical officer of the asylum like any other patient actually in the asylum (in terms of Section 38, Lunacy Act, 1890, and Section 7, Lunacy Act, 1891).

This I do not doubt for a moment is quite correct, but I admit I had not foreseen the difficulty and, since in my zeal to give the experiment the best chance of succeeding, I had always given preference in selecting the boarding-house, to those well away from congregations of people, the patients were, therefore, mostly away from railway lines and somewhat difficult of access for re-certifying.

We had, therefore, reluctantly to abandon the scheme, take some of the patients in, and allow the others to lapse as the continuation orders fell due, and this at a time when our local boards of guardians were beginning to show considerable sympathy with the system and people were beginning to apply to the guardians for patients, and, although we have had since frequent applications, we do not feel that we could burden ourselves with the responsiblity of travelling from Newmarket to Lowestoft and Thetford to Felixstowe to re-certify single patients.

We regretted that so promising an experiment should thus have to fall through but were convinced that unless the Report of the local medical officer could be accepted in place of a continuation order, boarding-out on lines like this must necessarily fail.—I am,

Yours faithfully,
JAMES R. WHITWELL.
Medical Superintendent.

"B"

SUFFOLK COUNTY ASYLUM.

LUNACY ACT, 1890, SECTION 57, *re* BOARDING-OUT PATIENTS.

To the Clerk to the Board of Guardians,

————————————Union.

DEAR SIR,—I should be glad if you would draw the attention of your board to the fact that at present a patient in this asylum is, in our opinion, a suitable case for boarding-out under the provisions of Section 57, Lunacy Act, 1890. Should your board be able to find a suitable home for this patient the visiting committee are of opinion and hereby recommend that a sum of per week would be a suitable remuneration.—I am,

Yours faithfully,
JAMES R. WHITWELL.
Medical Superintendent.

SUFFOLK COUNTY ASYLUM.

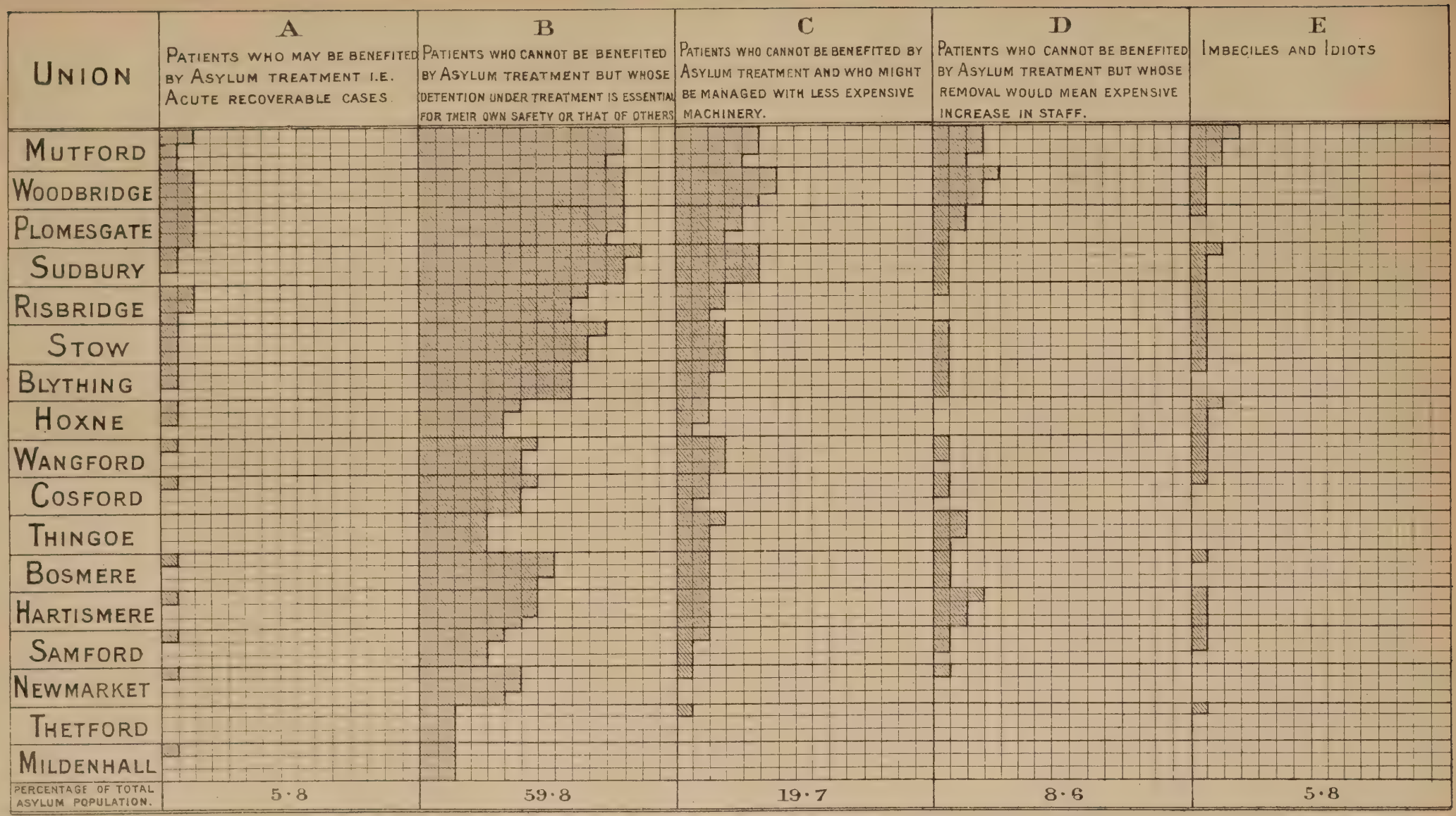
LUNACY ACT, 1890, SECTION 57, ET SEQ.

(1) Where application is made to the visiting committee of an asylum by any relative or friend of a pauper lunatic confined therein that he may be delivered over to the custody of such relative or friend, the committee may, upon being satisfied that the application has been approved by the guardians of the union to which the lunatic is chargeable or the local authority liable for his maintenance, and, in case the proposed residence is outside the limits of such union or the area subject to such local authority, then also by a justice having jurisdiction in the place where the relative or friend resides, and that the lunatic will be properly taken care of, order the lunatic to be delivered over accordingly.

(2) Where any such order is made, the authority liable for such maintenance of the lunatic shall pay to the person to whom the lunatic is delivered such allowance for the maintenance of the lunatic, not exceeding the expenses which would be incurred on his account if he were in the asylum, as such authority on the recommendation of the visiting committee of the asylum from which the lunatic was delivered over thinks proper.

(3) For the purposes of Section 24, Sub-section (2) (*f*), of the Local Government Act, 1888, a lunatic boarded-out by the authorities of an asylum shall be deemed to be a lunatic maintained in an asylum.

This section may be made use of for boarding-out chronic and harmless patients with friends or relatives, and this is systematically done in various places as an economical method of disposing of certain patients who do not need the detailed medical care of an asylum. In Scotland some 2,000 patients are thus boarded-out representing a saving of £600,000 in capital outlay, in addition to the saving of the maintenance, as a patient may be boarded-out for some 6s. or 7s. per week as against the asylum rate (at present) while the 4s. grant is still allowed in these cases. (Local Government Act, 1888, Section 24 (2) (*f*).)



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